



The Orissa Dramatic Performances Act, 1962

Act 14 of 1962

Keyword(s):
Objectionable Performance, Public Place

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ORISSA ACT 14 OF 1962

**THE ORISSA DRAMATIC PERFORMANCES
ACT, 1962**

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ORISSA ACT 14 OF 1962

[THE ORISSA DRAMATIC PERFORMANCES
ACT, 1962]

[Received the assent of the Governor on the
10th May 1962, first published in an
Extraordinary issue of the Orissa
Gazette, dated the 26th
May 1962]

AN ACT TO PROVIDE FOR THE BETTER CONTROL
OF PUBLIC DRAMATIC PERFORMANCES IN
THE STATE OF ORISSA

It is hereby enacted by the Legislature of the
State of Orissa in the Thirteenth year of the Re-
public of India as follows:—

1. (1) This Act may be called the Orissa Dramatic Short title
and extent.
Performances Act, 1962.

(2) It extends to the whole of the State of
Orissa.

2. In this Act, unless the context otherwise Definitions
requires—

(1) "objectionable performance" means any play,
pantomime or other drama which is likely to—

(i) incite any person to resort to violence or
sabotage for the purpose of overthrowing or
undermining the Government established
by law in India or in any State thereof or
its authority in any area ; or

(ii) incite any person to commit murder,
sabotage, arson or any offence involving
violence ; or

(iii) seduce any member of any of the armed
forces of the union or of the police forces
from his allegiance or his duty, or prejudice
the recruiting of persons to serve in any
such force or prejudice the discipline of
any such force ; or

(iv) incite any section of the citizens of India to
acts of violence against any other section
of the citizens of India;

1. For the Statement of Objects and Reasons see *Orissa Gazette*, Extraordi-
nary, dated the 5th April 1962 (No. 189).

(Sec. 3)

or which—

- (v) is deliberately intended to outrage the religious feelings of any class of the citizens of India by insulting or blaspheming or profaning the religion or the religious beliefs of that class; or
- (iv) is grossly indecent, or is scurrilous or obscene or intended for blackmail;

Explanation I—A performance shall not be deemed to be objectionable merely because in the course thereof words are uttered, or signs or visible representations are made, expressing disapprobation or criticism of any law or of any policy or administrative action of the Government with a view to obtain its alteration or redress by lawful means.

Explanation II—In judging whether any performance is an objectionable performance, the play, pantomime or other drama shall be considered as a whole.

(2) "public place" means any building or enclosure, or any place in the open air and any pandal where the sides are not enclosed to which the public are admitted to witness a performance.

Power to prohibit objectionable performances.

3. (1) Whenever the State Government are satisfied that any play, pantomime or other drama performed or about to be performed in a public place is an objectionable performance, they may, by order stating the grounds on which they consider the performance objectionable, prohibit such performance.

(2) No order under sub-section (1) shall be passed without giving a reasonable opportunity to the organiser or other principal persons responsible for the conduct of the performance or to the owner or occupier of the public place in which such performance is intended to take place to show cause why the performance should not be prohibited.

(3) Every order made under sub-section (1) shall be published in the Gazette.

(4) Any order made under sub-section (1) may also be notified by proclamation and a written or printed notice thereof may be affixed at any place or

(Secs. 4-5)

places adapted for giving information of the order to the persons intending to take part in the performance so prohibited.

4. (1) The District Collector may, if he is of opinion that any play, pantomime or other drama performed or about to be performed, being an objectionable performance, is likely to lead to a breach of the peace, by order stating the grounds for such opinion, prohibit its performance:

Power to prohibit objectionable performances temporarily.

Provided that the officer, who passed such order may review it on an application made by the person or party affected by such order.

¹(1-a) For the purpose of ascertaining the character of any play, pantomime or other drama, the District Collector or any other officer authorised by him in that behalf, either generally or specially, may enter any public place where such play, pantomime or other drama is being performed and witness the same.]

(2) Subject to any order made by the Court on appeal under section 10, an order under this section shall remain in force for two months from the making thereof :

Provided that the District Collector, may, if he is of opinion that the order should continue in force, by such further order or orders as he may deem fit, extend the period aforesaid by such further period or periods not exceeding two months at a time as may be specified in such order or orders.

5. A copy of the order made under sub-section (1) of section 3 or under sub-section (1) or (2) of section 4 may be served personally or in such other manner as may be prescribed by rules made under section 13, on the organisers or other principal persons responsible for the conduct of, or any person, about to take part in, the performance so prohibited or on the owner or occupier of the public place, in which such performance is intended to take place.

Service of order of prohibition.

1. Inserted by the Orissa Dramatic Performances (Amendment) Act, 1967 (Or. Act 14 of 1967), s. 2.

(Secs. 6-8)

Penalty for
disobeying
order.

6. Any person on whom a copy of the order referred to in section 3 or section 4 is served and who does, or willingly permits, any act in disobedience of such order, shall on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees, or with both.

Penalty for
disobeying
prohibition.

7. (1) Any person who, after the publication of an order under sub-section (3) of section 3 or during the period when an order made under sub-section (1) or sub-section (2) of section 4, is in force, organises or is responsible for the conduct of, or who, with the knowledge that such an order under section 3 or section 4 is in force, takes part in, the performance prohibited thereby or any performance substantially the same as the performance so prohibited, shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

(2) Any person who being the owner or occupier or having the use of any public place, opens, keeps or uses the same for any performance prohibited under section 3 or section 4 or permits the same to be opened, kept or used for any such performance, shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

Power to
call for in-
formation.

8. (1) For the purpose of ascertaining the character of any intended play, pantomime or other drama, the State Government, or such officer as they may empower in this behalf, may, by order, require the organisers or other principal persons responsible for the conduct of, or other persons about to take part in, such play, pantomime or other drama or the author, proprietor or printer of the play, pantomime or other drama about to be performed, or the owner or occupier of the place in which it is intended to be performed, to furnish such information as the State Government or such officer may think necessary.

(Secs. 9-10)

(2) Every person so required shall be bound to furnish the information to the best of his ability within the time specified in such order and in case of contravention shall be deemed to have committed an offence under section 176 of the Indian Penal Code.

45 of 1860

9. (1) If the State Government or the District Collector, have or has reason to believe that an objectionable dramatic performance is about to take place, they or he, as the case may be, may, by order, direct that no such dramatic performance shall take place in any public place within any area, unless a copy of the piece, if and so far as it is written, or some sufficient account of its purport, if and so far as it is in pantomime, has been furnished, not less than seven days before the performance to the State Government or the District Collector.

Power to call
for copy of
purport of
drama, etc.

(2) A copy of any order made under sub-section (1) may be served on the owner or occupier of the public place in which such performance is intended to take place, and if thereafter he does or willingly permits, any act in disobedience of such order, he shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

10. (1) Any person aggrieved by an order under sub-section (1) of section 3, or under sub-section (1) or sub-section (2) of section 4, may, within sixty days of the publication of such order under sub-section (3) of section 3, or as the case may be, within sixty days of the date on which an order under sub-section (1) or sub-section (2) of section 4, is made, prefer an appeal to the High Court; and upon such appeal, the High Court may pass such orders as it deems fit confirming, varying or reversing the order appealed from, and may pass such consequential or incidental orders as may be necessary.

Appeal to
High Court.

(2) Every such appeal shall be heard by a Bench of not less than two judges.

470) THE ORISSA DRAMATIC PERFORMANCES ACT, 1962 [Or. Act 14
of 1962]

(Secs. 11—14)

Saving of
prosecutions
under other
Laws.

11. Where no order under section 3 or section 4 has been made in respect of any performance, nothing in this Act shall bar a prosecution under the Indian Penal Code or under any other law.

45 of 1860

Protection
for acts done
in good faith.

12. No suit, prosecution or other legal proceeding shall be instituted against any authority or officer for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.

Power to
make rules.

13. (1) The State Government may, make rules* to carry out the purposes of this Act.

(2) All rules made under sub-section (1) shall, as soon as possible after they are made, be laid before the Orissa Legislative Assembly for a total period of fifteen days which may be comprised in one or more sessions and shall be subject to such modifications as the Assembly may make during the said period.

Repeal of
Central
Act 19 of
1876.

14. The Dramatic Performances Act, 1876 in so far as it applies to the State of Orissa, is hereby repealed. 19 of 1876

*For rules, see Notification No. 1111-Poll., dated the 12th January 1965 published in *Orissa Gazette* Extraordinary, dated the 15th January 1965 (No. 36).