

(2001) 12 JH CK 0019
In the Jharkhand High Court
Case No : CWJC No. 1930 of 2001

Residents Katras and Another	Vs	APPELLANT
State of Jharkhand and Others		RESPONDENT

Date of Decision : 19-12-2001

Acts Referred:

Cinematograph Act, 1952 — Section 10, 12, 5E

Citation : (2001) 12 JH CK 0019

Hon'ble Judges : Vinod Kumar Gupta, C.J.; D.N. Prasad, J

Bench : Division Bench

Advocate : Amareshwar Sahay, for the Appellant; M.M. Banerjee, A.G. and Anil Kumar Sinha, Senior Advocate, for the Respondent

Judgement

The Court

1. We have the report of the Committee comprising of the Deputy Commissioner and Superintendent of Police, Dhanbad and Shri B.K. Prasad, Advocate, Dhanbad.
2. From the contents of the report, it does appear that respondent Nos. 5 and 6 might have committed some irregularities in the exhibition of films in their Cinema Hall. But, this report does not conclusively suggest that any uncensored films or any pornography films were exhibited in the said Cinema Hall at any point of time.
3. Be that as it may, because there are allegations in the report of some irregularities having been committed at some point of time, the District Administration has to be very careful in monitoring the exhibition of films in this Cinema Hall for future.
4. Based on the contents of the report and in the light of the aforesaid observations, we dispose of this petition by vacating the interim direction and permitting respondent Nos. 5 and 6 to carry on with the work of exhibiting the films in the Cinema Hall in question, but also by directing Deputy Commissioner and Superintendent of Police, Dhanbad to ensure that the exhibition of films by

respondent Nos. 5 and 6 or by anyone else in Amar Talkies, Katrashgarh, district Dhanbad is carried out strictly in accordance with the provisions of the Cinematography Act, the Rules framed thereunder and the terms of the licence granted for this purpose.

5. Mr. Sinha, learned senior counsel submits that because of stay granted by this Court, his client could not do business of exhibition of films in the Cinema Hall for about seven month. His client is at liberty to apply to the appropriate authority for either renewal of licence or extension of period, as is permissible under law.

6. Before parting, we wish to avail of this opportunity to make certain observations with regard to the exhibition of films elsewhere in Jharkhand State and to issue appropriate directions.

7. Cinematography Act Rules framed thereunder, and other laws in force provide that only such films are exhibited in Cinema Halls which have been approved for exhibition by the Censor Board. The Act, Rules and other laws also provide that only such Cinema Halls are permitted to exhibit films for viewing by the public as have been duly granted permission and licence for this purpose by the authorities empowered to do so under law. Exhibition of uncensored films by unauthorised Cinema Halls is not only is an offence but also tends to disturb public tranquility and goes a long way in vitiating the minds of young people. There have been cases galore where pornography films, vulgar films or such other films which are not censored are being exhibited in Cinema Halls in our State.

8. We therefore, issue a general direction by issuing a writ of mandamus to all Deputy Commissioners and Superintendents of Police of all the districts in Jharkhand State, in the light of the aforesaid observations to comply with the hereinabove mentioned directions and to ensure that Cinema Hall owners do not violate law in any manner whatsoever. It shall be the duty of the aforesaid District Officers to ensure that in their districts the above mentioned illegalities and irregularities are not committed. Periodical checks and surprise checks shall be carried out from time to time for ensuring the compliance of these directions.

9. The learned Advocate General is requested to ensue that this order is circulated to all Deputy Commissioners and Superintendents of Police in Jharkhand State for their information and strict compliance.