

Before S. S. Sandhawalia, C.J. and D. S. Tewatia, J.

STATE OF PUNJAB and another,—Appellants

versus

DEEPAK THEATRE, DHURI,—Respondent.

Letters Patent Appeal No. 913 of 1980.

April 3, 1981.

*Punjab Cinemas (Regulation) Act (XI of 1952)—Sections 5, 6, 7-A, 8 and 9—Punjab Cinemas (Regulation) Rules 1952—Rule 4 Form 'A' condition 4—Constitution of India 1950—Article 19(1) (g)—Different classes of Cinema Hall Seats—Licensing Authority—Whether authorised under the Act and the Rules to make such classification and prescribe rates therefor—Condition No. 4 in form A prescribed by Rule 4—Whether beyond the scope of the Act—Such classification and prescription of rates—Whether violative of Article 19(1) (g) of the Constitution.*

*Held*, that a broad conspectus of the various provisions of the Punjab Cinemas (Regulation) Act, 1952, would undoubtedly indicate that the statute spreads over the whole amplitude of cinematograph exhibitions and in particular, for the 'regulation' of this business and the licensing thereof including the conditions to be imposed thereunder. Indeed, the larger purpose of both 'regulation' and 'licensing' the business seems to be writ large over the whole of the statute itself. That being so, the power to regulate and license a trade, business or calling is invariably one of wide amplitude. Therefore, Rule 4 of the Punjab Cinemas (Regulation) Rules, 1952, prescribing form A for the grant of the licence under the Rules and condition No. 4 in the said form, do not travel beyond the scope and purposes of the parent statute. These provisions expressly and in terms authorise the making of the classification of cinema seats and the prescribing of rates therefor. This would clearly fall well within the power of 'regulation' and 'licensing' of the business of cinematograph exhibitions. It appears axiomatic that exhibition and licence of every business or calling would include within it the power to fix reasonable prices in accordance with the provisions thereof unless there are specific restrictive words to the contrary which are conspicuous by their absence in the present Act and the Rules framed thereunder. Consequently, condition No. 4 in Form A prescribed by Rule 4 does not suffer from any vice of excessive delegation or unconstitutionality.

(Paras 12, 13 and 14).

*Held*, that the power given to the licensing authority to fix cinema prices cannot be *ipso facto* violative of Article 19(1)(g) of the Constitution of India, 1950. The fixing of the prices of cinema tickets is integral and a necessary adjunct to the larger power to 'regulate' and 'licence' the cinematograph trade. At best, such a power is a reasonable restriction in the interest of the general public to carry on such a business. That being so, it cannot be said that merely because the Act and the Rules thereunder clothe the licensing authority with power to fix prices which had been exercised by imposing condition No. 4, the same would become necessarily unconstitutional. (Para 19).

*Letters Patent Appeal under Clause X of the Letters Patent against the judgment of Hon'ble Mr. Justice Rajendra Nath Mittal, dated 5th of August, 1980, delivered in C.W.P. No. 6300 of 1976.*

Mohinderjit Singh Sethi, Additional A.G. with H. S. Kathuria, Advocate, for the Appellants.

Ashok Bhan, Advocate, for the Respondent.

#### JUDGMENT

S. S. Sandhawalia, C.J.—

(1) Whether the Punjab Cinemas (Regulation) Act, 1952 and the rules framed thereunder authorise the Licensing Authority to make classes of Cinema Hall Seats and to prescribe the rates, therefore, is the meaningful and indeed solitary question which falls for determination in this set of fourteen connected appeals under clause 10 of the Letters Patent.

2. The learned Single Judge had disposed of all the fourteen writ petitions by a common judgment which is under appeal. Counsel are equally agreed that this judgment will govern all the Letters Patent Appeals.

3. Since the questions of law and fact are indeed closely similar, if not identical, a reference to the facts in L.P.A. No. 913 arising from C.W.P. No. 6300 of 1976 amply suffices. The respondent was carrying on the business of exhibition of cinema films in Deepak Theatre, Dhuri. It had been duly granted a licence by the District

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Magistrate, Sangrur, under section 5 of the Punjab Cinemas (Regulation) Act 1952 (hereinafter called the Act) and the rules framed thereunder. The Licensing Authority by its order dated the 26th of February, 1975, had made four classifications of seats, namely, Box; Ist Class; IInd Class/Ladies and III Class at the prescribed rate of Rs. 2.70 ; Rs. 1.75 ; Rs. 1.30 and Re. 0.80 p., respectively. That order was challenged on behalf of the respondent in C.W. No. 1752 of 1971 and this High Court after issuing notice to the respondent stayed the operation of this order. Apparently the proprietors of the Cinema Hall thereafter made their own classification of seats and fixed the rates therefor. However, subsequently the District Magistrate, Sangrur, who is the Licensing Authority passed a fresh order dated the 26th of August, 1976, abolishing the earlier classification and fixing three classes of Cinema Seats as under:—

Balcony	..	Rs. 3.50 P.
1st Class	..	Rs. 2.50 P.
2nd Class	..	Rs. 2.00 P.

The aforesaid rates were apparently lower than those fixed by the cinema owners themselves and a representation was made on their behalf to the Licensing Authority which, however, was rejected. The respondents then presented the writ petitions and by the judgment under appeal all the writ petitions preferred earlier in 1971 and in later in 1976 stand allowed.

4. The learned Single Judge noticed that there was no section in the Act specifically authorising the Licensing Authority to classify the seats in cinema hall and to prescribe rates therefor. Therefrom he deduced that the power to do so was beyond the scope of the Act and consequently condition No. 4 in the form 'A' prescribed by rule 4 which expressly authorised the classification of seats and the prescription of rates therefor was held *ultra vires* the Act.

5. It is the aforesaid view which has been assiduously assailed on behalf of the appellant-State. It was submitted that an overly constricted and narrow view has been taken of a beneficial piece of legislation enacted specifically in the interest of the general public. In particular it was pointed out that the larger purpose of the Act, namely, the regulation of all cinema Exhibitions has totally

missed consideration. It was contended that condition No. 4 in the form of the licence in accordance with rule 4 was well within the ambit of the regulation of a trade or business.

6. Now a close look at the judgment would indicate that the basic premises on which it proceeds is the assumption that the Act had only three objects and these were exhaustive. It has been observed as follows:—

“From a reading of the above sections, there appear to be three objects of the Act—firstly, to safeguard the public health and safety, secondly, to safeguard against undesirable, obscene or provocative films being shown to the public and thirdly to regulate exhibitions of films direct exhibition of documentary films and the films meant for educational purposes, etc., (see A.I.R. 1967 Punjab 219 and A.I.R. 1961 Allahabad 600). There is no section in the Act authorising the Licensing Authority to prescribe classes in the Cinema Halls or to fix rates of the classes.”

With the greatest respect to the learned Single Judge it appears to us that his basic assumption that the aforesaid three objects enumerated by him were the only objects of the Act and were exhaustive of all its purposes is not easily supportable by either principle or precedent. To arrive at the aforesaid conclusion the learned Single Judge seems to have primarily relied on sub-sections (1), (2) and (4) of section 5 and made a passing reference to sections 6 and 8 and the rule-making power under section 9 of the Act. Therefrom, it seems to be concluded more as a dictum rather than a reasoned conclusion that the only objects of the Act were the three enumerated by him.

7. The Act is comprised of eleven sections and has the virtue of relative brevity. What deserves highlighting is the fact that section 5 on which basic reliance seems to have been placed by the learned Single Judge for his conclusion primarily prescribes the restrictions on the power of the Licensing Authority for granting a licence. This provision could, therefore, hardly be either exhaustive or conclusive on the point of the larger purposes of the Act. Similarly section 6 clothes the Government or the local authority

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to suspend exhibition of films in certain cases whilst section 8 empowers the State Government or the Licensing Authority to suspend, cancel or revoke licences granted under section 5 on the basis of the seven grounds prescribed therein. As already noticed, section 9 gives the rule-making authority to the Government. These provisions, therefore, are not so directly relevant for eliciting the purposes of the Act and in any case cannot be conclusive on the point. Undoubtedly the three objects noticed by the learned Single Judge are amongst the patently plain purposes thereof but there appears to be no warrant for the assumption or the conclusion that these three and three alone were the objects of the Act and all rules framed thereunder would be void if they traversed beyond the same. It would appear that some support for the view taken by the learned Single Judge was first sought from the Single Bench judgment in *Rasdeep Touring Talkies v. Distt. Magistrate, Karnal* (1). A close perusal of this judgment would, however, disclose that the learned Judge who rendered the same nowhere attempted any exhaustive enumeration of the objects of the Act and in passing noticed only those which were relevant for the decision of the particular issue arising before him. Similarly, in *Govind Ram Sharma v. State of U.P. and another* (2), the learned Single Judge was indeed far from any precisely cataloguing all the purposes of the Act as is evident from the following observations:—

“The Act has thus at least two objects in view, one the licensing of the place where cinematograph exhibition can be held and, two, the education and health, etc., also of the community making use of them”.

It is plain from the use of the words ‘atleast’ in the quotation aforesaid that no exhaustive listing of objects was sought to be made and indeed the first object mentioned by him is an added one to the three enumerated in the present judgment under appeal.

8. Again in support of his view, the learned Single Judge placed basic reliance on certain observations in the Single Bench judgment reported as *Royal Arts Coimbatore v. State of Madras* (3).

(1) A.I.R. 1967 Pb. 219.

(2) A.I.R. 1961 Allahabad 600.

(3) A.I.R. 1969 Madras 211.

However, a close analysis of the said judgment would show that it is no warrant for the proposition that under the Madras Cinema (Regulation) Act, the classification of seats and the prescription of prices for the tickets thereof cannot be either fixed or regulated thereunder. An indepth examination of the short judgment would indicate that in the opening and in the substantial part of the relevant paragraph 2 of the Report, the learned Judge was only noticing the contentions raised on behalf of the petitioners and not giving his own findings thereon. An earlier unreported judgment of the Madras High Court in *Universal Theatre, Tiruppur v. Collector of Coimbatore* (4) was also relied upon on behalf of the petitioner, but it is plain that its ratio has little or no relevance for the point before us. It calls for pointed notice that what was specifically under challenge was a condition that the licensee of the cinema-hall would not collect a fee exceeding 5 naya paise for each cycle kept in the cycle-stand. Consequently, the decision turned entirely on the basic postulate that the levying of the fee has to be commensurate with the services rendered and therefore fixation of merely 5 naya paise as an over-all limit for the charge at the cycle stand was held to be arbitrary and unsupportable. It was expressly observed that the condition itself mentioned the amount as a fee and in that event the licensee was entitled to co-relate the quantum of the fee to the actual expenses incurred for providing the amenities for the cycle-stand which would depend on the salary he paid to the caretakers and other expenses like lighting, cost of up-keep of the stand, etc. It was in this context that the upper limits for the fee fixed, without relevance or relation to the services rendered was held to be *ultra vires*. Significantly the whole of the condition or rule were not struck and only that part of it which prescribed that the fee collected from the users of the cycle stand should not exceed 5 naya paise, was declared as *ultra vires*. It would thus be manifest that the *Royal Arts Coimbatore's case* (supra) is plainly distinguishable and indeed has no direct bearing to the issue before us.

9. To conclude on this limited aspect with the greatest deference to the learned Single Judge, neither the relevant statutory provisions nor principle or precedent appear to support his basic premise that the three objects of the Act noticed by him were exhaustive and conclusive. Even when pressed, Mr. Ashok Bhan,

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(4) W.P. 174 of 1960 (unreported).

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learned counsel for the respondents was unable to cite any other authority which has confined the objects of the present or similar or analogous statutes only to three objects, nor was he able to raise any logical argument necessarily pointing to such a conclusion.

10. Now apart from the above, what seems to have significantly missed notice is the larger purpose of the statute, namely, the regulation of the business of cinematograph exhibition in general within the State and its rigid licensing in particular. Inevitably, in this context what first catches the eye is the heading of the statute itself and the preamble that follows, which are in the following terms:—

*“The Punjab Cinemas (Regulation) Act, 1952”* “An Act to make provision for regulating exhibitions by means of cinematographs in the Punjab.”

Now it would be plain from the above that the very heading of the statute gives an inkling of its purpose to ‘regulate’ the cinema trade and if any doubt remains, the preamble is more specific that the object is the regulation of all exhibitions by means of cinematographs. In this context, reference to the following observations of their Lordships in *M/s. Jullundur Rubber Goods Manufacturers’ Association v. The Union of India and another* (5), is called for:—

“... Where legislative policy is enunciated with sufficient clearness or a standard is laid down the courts will not interfere. It will depend on consideration of the provisions of a particular Act including its preamble as to the guidance which has been given and the legislative policy which has been laid down in the matter. . . .”

11. Now proceeding further Section 3 of the Act lays down that barring statutory exceptions no cinematograph exhibition can be held, except in a place—licensed under the Act and in compliance with any restriction or conditions imposed by such a licence. This provision indeed highlights the regulatory and licensing intent of the statute. The same is further fortified by the following Sections 4 and 5 of the Act which respectively prescribe the licensing

authority and lay down statutory restrictions on its powers. Indeed the relevant part of Section 5 of the Act and the supplemental rule 4 of the Punjab Cinemas (Regulation) Rules 1952, (hereinafter called the Rules) and condition No. 4 in the prescribed Form-A of the licence at this stage call for notice in *extenso*:—

“5. *Restrictions on powers of licensing authority.*—(1) The licensing authority shall not grant a licence under this Act unless it is satisfied that—

- (a) the rules made under this Act have been complied with; and
- (b) adequate precautions have been taken in the place, in respect of which the licence is to be given to provide the safety of the persons attending exhibitions therein. ....

(2) Subject to the foregoing provisions of this section and to the control of the Government, the licensing authority may grant licenses under this Act to such persons as it thinks fit, *on such terms and conditions as it may determine.*

(3) \* \* \* \* \*

(4) \* \* \* \* \*

**Rule-4:**

“Licences, whether for a period of three years or temporary, shall be in form A annexed to these Rules and shall be subject to the conditions and restrictions set forth therein and to the provisions by these rules”.

**Condition-4:**

\* \* \* \* \*

The licensee shall observe the classification of seats and the prices thereof for different parts of the licensed building/place, approved by the licensing Authority as indicated below and shall not amend or alter the same in

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any way without the prior approval of the licensing Authority.

<i>Class of accommodation</i>	<i>Number of persons which may be admitted into class.</i>	<i>Rate of admission</i>
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“The Licensing Authority will here enter the Number of persons who may be admitted into the several parts of the auditorium having special regards to the provisions of Rule 24.”

The aforesaid provisions are plainly indicative of the legislative intent of closely regulating, licensing, and controlling the business of cinematograph exhibitions. Section 6 of the Act which empowers the government or the local authority to suspend exhibitions of Films and in particular Section 8 of the Act clothing the State Government and the licensing authority to suspend, cancel or revoke a licence granted under Section 5 of the Act on the numerous grounds provided therein are again a pointer to the regulating and the licensing power assumed thereby. Lastly, the relevant part of Section 9 of the Act which confers the rule-making power may be read as under:—

“Power to make rules.—The Government may by notification in the official gazette, make rules—

- (a) prescribing the terms, conditions and restriction, if any subject to which licences may be granted under this Act.

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The aforesaid provision gives the legislative sanction for the prescription of conditions, etc., in the licences to be granted under the Act. It deserves recalling that in *State of Uttar Pradesh and others v. Babu Ram Upadhyya* (6), their Lordships have authoritatively laid down, that any rules, if validly framed under the Act are, for all intents and purposes to be deemed part of the statute.”

(6) 1961 S.C. 751.

12. Now a broad conspectus of the aforesaid provisions would undoubtedly indicate that the statute spreads over the whole amplitude of cinematograph exhibitions and in particular, for the "regulation" of this business and the licensing thereof including the conditions to be imposed thereunder. Indeed, the larger purpose of both 'regulation' and 'licensing' the business, seems to be writ large over the whole of the statute itself. Once it is held that 'regulation' and 'licensing' of the trade is the basic postulate of the Act", then it is unnecessary to labour the point in any great detail. In the *Corpus Juris Secundum*—stated 76 C.J.S., Release—32, at page 610, it is stated as under :

*“Regulate.*—The word 'regulate' is derived from the Latin words 'rego' and 'regula'. It is a word of broad import, having a broad meaning, and is very comprehensive in scope.”

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*“The power to regulate carries with it full power over the thing subject to regulation, and in the absence of restrictive words the power must be regarded as plenary over the entire subject. It excludes, necessarily, the action of all other who would perform the same operation on the same thing, and implies the power to rule and direct and control, and involves the adoption of a rule or guiding principle to be followed or the making of a rule with respect to the subject to be regulated.”*

\* \* \* \* \*

*“The power to regulate includes the power to restrain, and indicates restriction in some respects, and the term 'regulate' embraces the idea of fixing limitations and restrictions, and contemplates the power of restriction or restraint—.”*

\* \* \* \* \*

*“The power to regulate may include the power to license or to refuse a license, or to require a bond from an applicant therefor, or to require the taking out of a license;*

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and it may include the power to tax or to exempt from taxation, but not the right to impose a tax for revenue.—”

\* \* \* \* \*

“The power to regulate a particular business or calling implies the right to prescribe and enforce all such proper and reasonable rules and regulations as may be deemed necessary and wholesome in conducting the business in a proper and orderly manner, and includes the authority to prescribe reasonable rules, regulations and conditions on which such a business may be conducted or permitted and ordinarily is confined to such reasonable restraints on the trade or business as may be demanded by the public interests.—”

It would thus appear that a power to regulate and license a trade, business or calling is invariably one of wide amplitude and this appears to be so well settled that it calls for no great elaboration. We are, therefore, of the view that rule-4 of the Rules, prescribing form-A for the grant of the licence under the Rules and condition No. 4 in the said form, do not travel beyond the scope and purposes of the parent statute. These provisions expressly and in terms authorise the making of the classification of cinema seats and the prescribing of rates therefor. We are clearly of the view that this would fall well within the power of ‘regulation’ and ‘licensing’ of the business of cinematograph exhibitions.”

13. The aforesaid view would receive massive support from the insertion of section 7-A in the Act on August 19, 1952 by the amending Punjab Act No. 11 of 1952. This provision calls for notice in *extenso* :—

“(1) No person other than a person who is an authorised booking clerk at the licensed place, or an agent of the licensee at any other place and whose name has been approved by the licensing authority shall sell tickets for any cinematograph exhibitions:

Provided that in the case of sale of tickets at a place other than the licensed place, the approval of the licensing

authority shall also be necessary in respect of the place where tickets are to be sold.

- (2) Whoever contravenes the provisions of sub-section (1) shall be punishable with imprisonment which may extend to one month or with fine which may extend to one thousand rupees or both.
- (3) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence under this section shall be cognizable:

Provided that no police officer shall be empowered to arrest without warrant unless he is of or above the rank of an Assistant Sub-Inspector."

It would be evident from the plain reading of the aforesaid provision that it intends to closely control the persons who would be authorised to sell the cinema tickets and even the place where they are to be sold and further that any violation of the same has been made a cognizable offence punishable with imprisonment upto one month. There can be little doubt that the whole purpose of this section is to make available to the public cinema tickets at reasonable rates and to prevent any inflated prices thereof and the black-marketing therein. If the statute could be so solicitious that a violation of these conditions resulting obviously in the sale of tickets at inordinately higher prices to the public should be made a cognizable offence, can it possibly be said that the fixation of the price of cinema tickets and their fair availability to the public in general is an object beyond the scope and ambit of the statute. It appears axiomatic to us that exhibition and licence of every business or calling would include within it the power to fix reasonable prices in accordance with the provisions thereof unless there are specific restrictive words to the contrary which are conspicuous by their absence in the present Act and the Rules framed thereunder.

14. We may expressly notice that Mr. Ashok Bhan, learned counsel for the respondents very candidly conceded that undoubtedly the prices of cinema tickets could be prescribed, if a specific section in the Act is so provided. Apart from the concession, it is otherwise evident that there is no constitutional or statutory bar to the fixation of reasonable prices for cinema tickets. If, as conceded by the learned counsel for the respondents, prices of tickets could be undoubtedly controlled under a specific provision of the Act, we are

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unable to see why it would be impermissible to do so by the statutory rules themselves where the parent Act envisages within it the larger power of the 'regulation' and 'licensing' of the trade. In the present case, it does not seem to be in dispute that rule-4 and Form-A prescribed thereby, as also condition No. 4 therein, are statutory in nature and therefore, would have the same force of law as the provisions of the Act itself, provided that they are within the four corners thereof. Consequently, if prices of cinema tickets could be prescribed by virtue of a Section in the Act itself, it could be so done by the statutory rules duly framed thereunder which in our view did not suffer from any vice of excessive delegation or unconstitutionality.

15. The conclusion which we have arrived at basically on the provisions of the statute and on principle would derive support from the observations in *Govind Ram Sharma v. State of Uttar Pradesh and others* (supra). Therein also a number of conditions imposed by the licensing authority under the Uttar Pradesh Cinema (Regulation) Act, 1955, were assailed. Whilst up-holding the imposition of the conditions, it was observed that so long as those conditions were reasonable and had reference to the objects of the Act and the regulations contemplated by it, they would be beyond the pale of challenge.

16. Lastly, in this context, it deserves recalling that the original order of the licensing authority in 1971 was expressly made in the interest of the weaker sections of the society for whom a slightly lower classification of seats was sought to be made at the rate of 80 paise. Similarly, the subsequent order of the licensing authority in 1976 was again directed towards the availability of cinema tickets at fair prices to cinema goers. It would thus be apparent that both the assailed orders were sought to be made in the interest of the public and in particular the relatively weaker section thereof. A provision of this nature has, therefore, to be construed in the light of the following observations of Chagla, C.J., speaking for the Division Bench in *The State of Bombay v. Heman Santlal Alreja* (7):—

"In considering the validity of the Requisition Act, we have to bear in mind that although the administration of the

Act may have resulted in some hardship, on the whole it is a beneficent measure intended to subserve a very pressing social need. It, therefore, calls at our hands a benevolent interpretation. The court must always lean in favour of holding the validity of an Act rather than against it. There may be cases where a law is alleged to contravene fundamental rights in such a case, undoubtedly, the Court must zealously "scrutinize the provisions of the impugned Act in order to see that fundamental rights are not violated. But where what is challenged is only the letter of the law and substance is in the interest of a larger body of citizens, then as far as possible the Court must try to uphold the substance and not permit the letter to defeat the object of the Legislature."

17. Repelled on his main stand that the prices of cinema tickets could not be fixed or controlled by the licensing authority under condition No. 4 of form-A therefor, Mr. Ashok Bhan then fell back on the larger and what appears to us as untenable argument, that the aforesaid condition No. 4 was directly or implacably hit by Article 19 (1) (g) of the Constitution of India.

18. In fairness to Mr. Ashok Bhan, it must be noticed that he had raised this contention before the learned Single Judge as well, but because he had already taken a view in favour of the petitioner on the main issue, he did not advert to the same. Consequently we allowed full latitude to the learned counsel for the respondents to sustain this ground before us.

19. Despite full rein having been given with regard to the aforesaid contention, the learned counsel could do no more than place some sketchy reliance on the observations made in *R. M. Seshadri v. District Magistrate, Tanjora and another* (8). Therein, it was held that a special condition in a license granted under the Cinematograph Act, 1898 which obliged the cinema owners to exhibit at the commencement of each performance not less than 2,000 feet of one or more approved films, was an arbitrary imposition which could not be sustained. We have closely examined this judgment but are wholly unable to see how the ratio thereof is applicable to the proposition that the power given to the licensing authority to fix cinema prices is *ipso facto* violative of Article 19(1) (g)

(8) A.I.R. 1954 S.C. 747.

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of the Constitution. In the earlier part of this judgment, we have taken the view that the fixation of the prices of cinema tickets is integral to and a necessary adjunct of the larger power to 'regulate' and 'licence' the cinematograph trade. At best, such a power is a reasonable restriction in the interest of the general public to carry on such a business. That being so, we are unable to appreciate the contention that merely because the Act and the Rules thereunder clothes the licensing authority with power to fix prices which had been exercised by imposing condition No. 4, then the same would become necessarily un-constitutional.

20. As an argument of desperation, Mr. Ashok Bhan had then contended that the addition of another classification of seats at the lower rate of 80 paise or a marginal reduction in the general rates fixed by the cinema-owners earlier, was not merely a reasonable restriction but in fact took away his very right in carry on the trade of cinema exhibition. However, there is not the least factual foundation for such a contention on the present record. There is no material or data furnished on behalf of the respondents which could even remotely show that a mere adding of a classification of seats at a lower rate or a reasonable reduction in the prices charged by exhibitors, was such a financial blow which would render the carrying on this trade not only onerous but totally impossible. Indeed, Mr. Ashok Bhan ultimately conceded that on this point no sufficient material or data had even been attempted to be placed on the record. We have, therefore, no option but to hold that there is no ground what-so-ever for jumping to the conclusion that the action of the licensing authority herein is violative of the fundamental right to carry on the trade and business of cinematograph exhibition.

21. In the light of the aforesaid discussion, we hold with respect that the view of the learned Single Judge that condition No. 4 in the form-A, prescribed by the Rules, is *ultra vires* of the Act, is not sustainable. We, therefore, allow these appeals, set aside the judgment and dismiss all the writ petitions with no order as to costs.

D. S. Tewatia, J.—I agree.

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