

The Cinematograph Act, 1952
(37 of 1952)

015

[21st March, 1952]

An Act to make provision for the certification of cinematograph films for exhibition and for regulating exhibitions by means of cinematographs.

Be it enacted by Parliament as follows:

LEGISLATIVE HISTORY ▼

- Cinematograph (Amendment) Act, 1953 (19 of 1953)
- Repealing and Amending Act, 1957 (36 of 1957)
- Cinematograph (Amendment) Act, 1959 (3 of 1959)
- Repealing and Amending Act, 1960 (58 of 1960)
- Cinematograph (Amendment) Act, 1973 (25 of 1973)
- Cinematograph (Amendment) Act, 1981 (49 of 1981)
- Cinematograph (Amendment) Act, 1984 (56 of 1984)

FACT SHEET ▼

Enforced with effect from 28.7.1952, Information and Broadcasting Ministry's Noti, No. S.R.O. 1066. dated the 10.6.1952, Gazette of India, Pt.II, Section 3, p.945.

This Act has been extended to Dadra and Nagar Haveli by Regulation 6 of 1963, Section 2 and Sch; Goa, Daman and Diu by Regulation 11 of 1963, Section 3 and Sch. Goa is now a State, see Act 18 of 1987, Section 3 (w.e.f. 30.5.1987).Parts I and II of the Act shall come into force in the State of Jammu and Kashmir vide Noti.No.G.S.R. 183(E), dated 23.4.1974 (w.e.f 1.5.1974).Part III of the Act enforced in the Union territory of Arunachal Pradesh vide S.O.754(E),dated 29.9.1984 (w.e.f. 1.10.1984)

Part I

Preliminary

1. Short title, extent and commencement .(1) This Act may be called The Cinematograph Act , 1952.

(2) Parts I, II and IV extends to the whole of India [* * *] and Part III extends to [the Union territories] only.

(3) This Act shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint: -

[Provided that Parts I and II shall come into force in the State of Jammu and Kashmir only on such date after the commencement of the Cinematograph (Amendment) Act, 1973 (25 of 1973), as the Central Government may, by notification in the Official Gazette, appoint.]

Object & Reasons ▼

Statement of Objects and Reasons.-The Cinematograph Act, 1918 as it stands, is of mixed content, dealing with two separate matters, namely (a) examination and certification of films as suitable for public exhibition and (b) regulation of cinemas including their licensing. In the Seventh Schedule of the Constitution, "Sanctioning of cinematograph films for exhibition" has been included in Entry 60 of the Union List and "Cinemas, subject to the provisions of Entry 60 of List I" in Entry 33 of the State List. Some of the sections of the Cinematograph Act, therefore concern the Central Government some the State Governments and others both the Central and State Governments. Some sections of the Act were amended in 1949, but only for the introduction of "A" and "U" certificates and centralisation of censorship. In the absence of a clear demarcation of the respective provisions of the Act with which the Central and State Governments are concerned, various difficulties are arising in the administration of the Act. The purpose of the present Bill is to resolve the confusion by re-enacting the provisions of the Act of 1918, as amended in 1949, separating the provisions relating to the sanctioning of films for exhibition (a Union subject) from the provisions relating to licensing and regulation of cinemas (a State subject).

Amendment Act 19 of 1953-Statement of Objects and Reasons.-The Cinematograph Act, 1952, re-enacted the provisions of the 1918 Act separating matters relating to sanctioning of cinematograph films for exhibition, which is a Union subject, from matters relating to licensing and regulation of cinemas, which is a State subject. However, certain defects have been noticed in the course of actual administration, which it is necessary to rectify in the interests of effective enforcement of the provisions of the Act.

Under the proviso to section 6 of the Act notice has to be given to the person who has been granted a certificate to show cause as to why the film should not be uncertified before such an order is issued by the Central Government. This provision serves no useful purpose. On the other hand, the procedure for giving notice entails such a delay that the

very object of uncertification is defeated. It is therefore proposed to delete the proviso.

A number of cases in which films have been exhibited with portions not passed by the Central Board of Film Censors have been brought to the notice of Government; in certain cases, portions ordered to be removed have been reinserted. Such interpolations are all too easy in the case of films. It is therefore necessary to recast the penalty clause so as to cover tempering with certified films after certification and to ensure transmission of complete information relating to the certificate to the distributor and the exhibitor. It is also proposed to enhance the penalty, as, at present, it is inadequate as a deterrent.

Amendment Act 3 of 1959-Statement of Objects and Reasons.-As a result of the experience gained in the working of the Cinematograph Act, 1952, for the last six years, it is considered necessary to make certain changes in its provisions for clarification, without making any substantial change in the working of the present Act.

Section 3 of the Cinematograph Act, 1952, empowers the Central Government to constitute a Board of Film Censors consisting of such number of persons as may be prescribed for the purpose of examining and certifying films as suitable for public exhibition. The films are examined by the regional officers with the aid of the advisory panels consisting of non-officials. The composition of the Board, the constitution of the advisory panels and the procedure for examination of films by the regional officers with the aid of the advisory panels are at present laid down in the Rules. The Bill makes express provisions in this behalf in the principal Act. It also incorporates the principles for guidance in certifying films, based on the provisions of article 19(2) of the Constitution. In addition, the Bill makes provision for certain matters of a procedural and routine character.

Amendment Act 25 of 1973-Statement of Objects and Reasons.-The Cinematograph Act, 1952 (37 of 1952), in so far as it relates to certification of films for public exhibition falls under entry 60 of the Union List of the Seventh Schedule to the Constitution, namely, sanctioning of cinematograph films for exhibition. The Government of the State of Jammu and Kashmir have recently concurred in the application of this entry to that State for the purpose of extending thereto the aforesaid provisions of the Cinematograph Act, 1952. Accordingly, this entry was made

applicable to that State by the Constitution (Application to Jammu and Kashmir) Amendment Order, 1972. It is now proposed to extend the relevant provisions, namely, Parts I and II of the Act, to the State of Jammu and Kashmir so as to ensure uniformity in the matter of certification of films for public exhibition.

2. Opportunity is being taken to modify sub-section (3) of section 8 relating to laying of rules before each House of Parliament so as to bring it into conformity with the model provision that has been settled recently.

3. The Bill seeks to achieve the above objects.

Amendment Act 49 of 1981-Statement of Objects and

Reasons.-A Bill to amend the Cinematograph Act, 1952 with a view to streamline the machinery for examination of films and to transfer the appellate jurisdiction of the Central Government under the Act to an independent tribunal in pursuance of the recommendations of the Inquiry Committee on Film Censorship setup under the Chairmanship of Shri G. D. Khosla, formerly Chief Justice of Punjab and assurance given in Supreme Court was introduced in Parliament and passed by both the Houses of Parliament. It received the assent of the President on 23rd August, 1974, as the Cinematograph (Amendment) Act, 1974 (27 of 1974) and was to be enforced with effect from such date as the Central Government may, by notification in the Official Gazette, appoint. Meanwhile, it was considered that, in the changed circumstances, the approach incorporated in the Amendment Act of 1974 was wholly unsuitable and needed a thorough review. This review was undertaken in consultation with the various organisations concerned with the production, distribution and exhibition of films. The Working Group on National Film Policy submitted its report in May, 1980 and, inter alia, made recommendations regarding some aspects of certification of films. The report was laid on the Table of both the Houses of Parliament. Consequent upon the review undertaken, it was felt that the Amending Act of 1974, which was not brought into force but is still on the Statute Book, may be repealed.

2. However, having regard to all the aspects of the matter, it is considered necessary to amend the Cinematograph Act, 1952, inter alia, for streamlining the machinery for the examining of films and for including two new classifications for certification of films. Subject to the power of revision to be exercised by the Central Government, it is considered

necessary to transfer the appellate jurisdiction of the Central Government under the Act to an independent tribunal. It is also proposed to avail of this opportunity to amplify the principles for certification of films under the Act in the light of the amendment effected in clause (2) of article 19 of the Constitution by the Constitution (Sixteenth Amendment) Act, 1963 which added in the said clause one more restriction, namely, "in the interests of the sovereignty and integrity of India" on the freedom of speech and expression.

3. The Bill seeks to achieve the above objects.

4. Some of the important amendments proposed to be made in the Cinematograph Act, 1952, by the present Bill, are as follows:-

- (i) Under section 3, besides the whole-time Chairman, the Board of Film Censors is to consist of not more than nine members. It is now proposed to increase the membership of the Board from nine to not less than twelve and not more than twenty-five.
- (ii) Section 4 sets out a two-fold classification of films, namely, "U" (for unrestricted public exhibition), and "A" (for public exhibition restricted to adults only). It is now proposed to expand the classification by including therein two more categories, namely, "UA" (for unrestricted public exhibition subject to the film being endorsed with the caution to the parents/ guardians to satisfy themselves as to whether they would like their children, or wards below the age of 12 years to see the said film) and "S" (for public exhibition restricted to members of any profession or any class of persons having regard to the nature, content and theme of the film).
- (iii) Section 5-B, which incorporates the principles for guidance in certifying films, is sought to be amended so as to include therein, one more principle, namely, "in the interests of sovereignty and integrity of India."
- (iv) Section 5-C provides for appeals to the Central Government by a person aggrieved by any order of the Board of Film Censors. It is now proposed to set up an independent tribunal having jurisdiction to hear appeals from the decisions of the Board of Film Censors. The Bill also seeks to make provision for the composition of the said tribunal. It is also proposed to confer upon the Central Government revisional jurisdiction even in

respect of orders passed by the tribunal in appeals, such revisional jurisdiction being of a limited character.

- (v) Provision is being made to suspend or revoke the certificate granted by the Board of Film Censors in cases of public exhibition of any film in contravention of the provisions of Part II of the Act or the rules made thereunder. Power is also sought to be conferred on the Central Government to review such orders.
- (vi) The offences punishable under Part II of the Act relating to certification of films for public exhibition are sought to be made cognizable. Further, the punishment provided under section 7 of the Act is sought to be enhanced-the term of imprisonment being enhanced from the maximum of three months to two years and the maximum limit of fine of Rs. 1,000 being enhanced to Rs. 20,000. In addition, the present limit of the fine of Rs. 1,000 per day in case of a continuing offence, is sought to be raised to Rs. 5,000 per day.
- (vii) The existing provision regarding delegation of powers of the Board of Film Censors to the Chairman and/or other members of the Board is sought to be amended to restrict the same in relation to certification of films.
- (viii) Provision is sought to be made to ensure that the producer or the exhibitor of a film in respect of which a certificate was granted under the Act shall not be liable for prosecution under any law provided for punishment for obscenity in respect of any matter contained in the films as so certified.
- (ix) It is proposed to repeal the Cinematograph (Amendment) Act, 1974.

Amendment Act 56 of 1984-Statement of Objects and Reasons.-The penalty provided in section 7 of the Cinematograph Act, 1952, for contravention of the provisions of Part II of the Act and the rules framed thereunder is as follows:-

"imprisonment for a term which may extend to two years, or with fine which may extend to twenty thousand rupees, or with both and in the case of a continuing offence with a further fine which may extend to five thousand rupees for each day during which the offence continues."

2. There are various kinds of contraventions of Part II of the Act. These include exhibition of uncensored films or certified films with portions directed to be deleted by the Central Board of Film Certification or portions not shown to the Board (which are called "interpolations in films" in common parlance), showing adult films to non-adults, failure to comply with any order of the Central Government or the Board in exercise of the powers conferred on it by the Act or the rules made thereunder, etc.

3. Because of the video boom in the country, there are reports that uncertified video films are being exhibited on a large scale. A large number of video parlours have sprung up all over the country and they exhibit such films recorded on video tapes by charging admission fee from the clients. Among other things, this has also hit the Indian film industry very adversely. It is felt that there should be more stringent punishment provided in the Cinematograph Act 1952, to curb this practice of exhibiting uncertified Indian/foreign films by video parlours, etc.

4. It is, therefore, proposed (vide clause 3) to amend section 7 of the Act as follows:-

(i) to enhance the punishment for an offence under section 7 of the Act to imprisonment for a term which may extend to three years or with fine which may extend to one lakh rupees or both;

(ii) in the case of a continuing offence, to enhance the punishment to a further fine which may extend to twenty thousand rupees for each day during which the offence continues;

(iii) in the case of exhibition of video films in contravention of the provisions of sub-clause (i) of clause (a) of sub-section (1) of section 7 of the Act, to provide for the minimum punishment of imprisonment for a term of not less than three months and a fine of not less than twenty thousand rupees. The Court shall, however, have power to impose a punishment less than the minimum for adequate and special reasons to be mentioned in the judgment.

5. Under the Code of Criminal Procedure, 1973, the offences punishable with imprisonment for three years and upwards are cognizable offences. Since the quantum of imprisonment for the offences under Part II is proposed to be increased to three years, the offences under that Part shall be cognizable

offences even under the general law contained in the Code of Criminal Procedure. Section 6-B of the Act will, therefore, become redundant and is sought to be omitted by clause 2 of the Bill.

6. The Bill seeks to achieve the above objects.

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

(a) adult means a person who has completed his eighteenth year;

[(b) Board means the Board of Film Certification constituted by the Central Government under section 3;]

[(bb) certificate means the certificate granted by the Board under section 5-A:]

(c) cinematograph includes any apparatus for the representation of moving pictures or series of pictures;

(d) district magistrate, in relation to a presidency-town, means the Commissioner of police;

[dd) film means a cinematograph film;]

(e) place includes a house, building, tent and any description of transport, whether by sea, land or air;

(f) prescribed means prescribed by rules made under this Act;

[(g) regional officer means a regional officer appointed by the Central Government under section 5 and includes an additional regional officer and an assistant regional officer;

(h) Tribunal means the Appellate Tribunal constituted under section 5-D.]

[2-A. Construction of references to any law not in force or any functionary not in existence in the State of Jammu and Kashmir .Any reference in this Act to any law which is not in force, or any functionary not in existence, in the State of Jammu and Kashmir, shall, in relation to that State, be construed as a reference to the corresponding law in force, or to the corresponding functionary in existence, in that State.]

Part II

Certification Of Films For Public Exhibition

[3. [Board of Film Certification] .(1) For the purpose of sanctioning films for public exhibition, the Central Government may, by notification in the Official Gazette, constitute a Board to be called the [Board of Film Certification] which shall consist of a Chairman and [not less than twelve and not more than twenty-five] other members appointed by the Central Government.

(2) The Chairman of the Board shall receive such salary and allowances as may be determined by the Central Government, and the other members

shall receive such allowances or fees for attending the meetings of the Board as may be prescribed.

(3) The other terms and conditions of service of the members of the Board shall be such as may be prescribed.

[4. Examination of films .(1) Any person desiring to exhibit any film shall in the prescribed manner make an application to the Board for a certificate in respect thereof, and the Board may, after examining or having the film examined in the prescribed manner,

(i) sanction the film for unrestricted public exhibition: [*]

[Provided that, having regard to any material in the film, if the Board is of the opinion that it is necessary to caution that the question as to whether any child below the age of twelve years may be allowed to see such a film should be considered by the parents or guardian of such child, the Board may sanction the film for unrestricted public exhibition with an endorsement to that effect; or]

(ii) sanction the film for public exhibition restricted to adults; or

[(iia) sanction the film for public exhibition restricted to members of any profession or any class of persons, having regard to the nature, content and theme of the film; or]

[(iii) direct the applicant to carry out such excisions or modifications in the film as it thinks necessary before sanctioning the film for public exhibition under any of the foregoing clauses; or]

(iv) refuse to sanction the film for public exhibition.

(2) No action under [the proviso to clause (i), clause (ii), clause (ii-a), clause (iii) or clause (iv)] of sub-section (1) shall be taken by the Board except after giving an opportunity to the applicant for representing his views in the matter.

5. Advisory panels .(1) For the purpose of enabling the Board to efficiently discharge its functions under this Act, the Central Government may establish at such regional centres as it thinks fit, advisory panels each of which shall consist of such number of persons, being persons qualified in the opinion of the Central Government to judge the effect of films on the public, as the Central Government may think fit to appoint thereto.

(2) At each regional centre there shall be as many regional officers as the Central Government may think fit to appoint, and rules made in this behalf may provide for the association of regional officers in the examination of films.

(3) The Board may consult in such manner as may be prescribed, any advisory panel in respect of any film for which an application for a certificate has been made.

(4) It shall be the duty of every such advisory panel, whether acting as a body or in committees as may be provided in the rules made in this behalf,

to examine the film and to make such recommendations to the Board as it thinks fit.

(5) The members of the advisory panel shall not be entitled to any salary but shall receive such fees or allowances as may be prescribed.

5-A. Certification of films .[(1) If, after examining a film or having it examined in the prescribed manner, the Board considers that

(a) the film is suitable for unrestricted public exhibition, or as the case may be, for unrestricted public exhibition with an endorsement of the nature mentioned in the proviso to clause (i) of sub-section (1) of section 4, it shall grant to the person applying for a certificate in respect of the film a U certificate or, as the case may be, a UA certificate; or

(b) the film is not suitable for unrestricted public exhibition, but is suitable for public exhibition restricted to adults or, as the case may be, is suitable for public exhibition restricted to members of any profession or any class of persons, it shall grant to the person applying for a certificate in respect of the film an a certificate or, as the case may be, a S certificate,

and cause the film to be so marked in the prescribed manner:

Provided that the applicant for the certificate, any distributor or exhibitor or any other person to whom the rights in the film have passed shall not be liable for punishment under any law relating to obscenity in respect of any matter contained in the film for which certificate has been granted under clause (a) or clause (b).]

(2) A certificate granted or an order refusing to grant a certificate in respect of any film shall be published in the Gazette of India.

(3) Subject to the other provisions contained in this Act, a certificate granted by the Board under this section shall be valid throughout India for a period of ten years.

5-B. Principles for guidance in certifying films .(1) a film shall not be certified for public exhibition if, in the opinion of the authority competent to grant the certificate, the film or any part of it is against the interests of [the sovereignty and integrity of India,] the security of the State, friendly relations with foreign States, public order, decency or morality, or involves defamation or contempt of Court or is likely to incite the commission of any offence.

(2) Subject to the provisions contained in sub-section (1), the Central Government may issue such directions as it may think fit setting out the principles which shall guide the authority competent to grant certificates under this Act in sanctioning films for public exhibition.

[5-C. Appeals .(1) Any person applying for a certificate in respect of a film who is aggrieved by any order of the Board

(a) refusing to grant a certificate; or

- (b) granting only an a certificate; or
- (c) granting only a S certificate; or
- (d) granting only a Ua certificate; or
- (e) directing the applicant to carry out any excisions or modifications,

may, within thirty days from the date of such order, prefer an appeal to the Tribunal:

Provided that the Tribunal may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the aforesaid period of thirty days, allow such appeal to be admitted within a further period of thirty days.

(2) Every appeal under this section shall be made by a petition in writing and shall be accompanied by a brief statement of the reasons for the order appealed against where such statement has been furnished to the appellant and by such fees, not exceeding rupees one thousand, as may be prescribed.]

[5-D. Constitution of Appellate Tribunal .(1) For the purpose of hearing appeals against any order of the Board under section 5-C, the Central Government shall, by notification in the Official Gazette, constitute an Appellate Tribunal.

(2) The head office of the Tribunal shall be at New Delhi or at such other place as the Central Government may, by notification in the Official Gazette, specify.

(3) Such Tribunal shall consist of a Chairman and not more than four other members appointed by the Central Government.

(4) a person shall not be qualified for appointment as the Chairman of the Tribunal unless he is a retired Judge of a High Court, or is a person who is qualified to be a Judge of a High Court.

(5) The Central Government may appoint such persons who, in its opinion, are qualified to judge the effect of films on the public, to be members of the Tribunal.

(6) The Chairman of the Tribunal shall receive such salary and allowances as may be determined by the Central Government and the members shall receive such allowances or fees as may be prescribed.

(7) Subject to such rules as may be made in this behalf, the Central Government may appoint a Secretary and such other employees as it may think necessary for the efficient performance of the functions of the Tribunal under this Act.

(8) The Secretary to, and other employees of, the Tribunal shall exercise such powers and perform such duties as may be prescribed after consultation with the Chairman of the Tribunal.

(9) The other terms and conditions of service of the Chairman and members of, and the Secretary to, and other employees of, the Tribunal shall be such as may be prescribed.

(10) Subject to the provisions of this Act, the Tribunal may regulate its own procedure.

(11) The Tribunal may, after making such inquiry into the matter as it considers necessary, and after giving the appellant and the Board an opportunity of being heard in the matter, make such order in relation to a film as it thinks fit and the Board shall dispose of the matter in conformity with such order.

5-E. Suspension and revocation of certificate .(1) Notwithstanding anything contained in sub-section (2) of section 6, the Central Government may, by notification in the Official Gazette, suspend a certificate granted under this Part, for such period as it thinks fit or may revoke such certificate if it is satisfied that

(i) the film in respect of which the certificate was granted, was being exhibited in a form other than the one in which it was certified; or

(ii) the film or any part thereof is being exhibited in contravention of the provisions of this Part or the rules made thereunder.

(2) Where a notification under sub-section (1) has been published, the Central Government may require the applicant for certificate or any other person to whom the rights in the film have passed, or both, to deliver up to the certificate and all duplicate certificates, if any, granted in respect of the film to the Board or to any person or authority specified in the said notification.

(3) No action under this section shall be taken except after giving an opportunity to the person concerned for representing his views in the matter.

(4) During the period in which a certificate remains suspended under this section, the film shall be deemed to be an uncertified film.

5-F. Review of orders by Central Government .(1) Where an applicant for a certificate or any other person to whom the rights in the film have passed, is aggrieved by any order of the Central Government under section 5-E, he may, within sixty days of the date of publication of the notification in the Official Gazette, make an application to the Central Government for review of the order, setting out in such application the grounds on which he considers such review to be necessary:

Provided that the Central Government may, if it is satisfied that the applicant for a certificate or that other person was prevented by sufficient cause from filing an application for review within the aforesaid period of sixty days, allow such application to be filed within a further period of sixty days.

(2) On receipt of the application under sub-section (1), the Central Government may, after giving the aggrieved person a reasonable opportunity of being heard, and after making such further inquiry, as it may consider necessary, pass such order as it thinks fit, confirming, modifying or

reversing its decision and the Board shall dispose of the matter in conformity with such order.]

6. Revisional powers of the Central Government .(1) Notwithstanding anything contained in this Part, the Central Government [may, of its own motion, at any stage,] call for the record of any proceeding in relation to any film which is pending before, or has been decided by, the Board, [or, as the case may be, decided by the Tribunal (but not including any proceeding in respect of any matter which is pending before the Tribunal)] and after such inquiry into the matter as it considers necessary, make such order in relation thereto as it thinks fit, and the Board shall dispose of the matter in conformity with such order:

Provided that no such order shall be made prejudicially affecting any person applying for a certificate or to whom a certificate has been granted, as the case may be, except after giving him an opportunity for representing his views in the matter:

[Provided further that nothing in this sub-section shall require the Central Government to disclose any fact which it considers to be against public interest to disclose.]

(2) Without prejudice to the powers conferred on it under sub-section (1), the Central Government may, by notification in the Official Gazette, direct that

- (a) a film which has been granted a certificate shall be deemed to be an uncertified film in the whole or any part of India; or
- (b) a film which has been granted a U certificate [or a UA certificate or a S certificate] shall be deemed to be a film in respect of which an A certificate has been granted; or
- (c) the exhibition of any film be suspended for such period as may be specified in the direction:

Provided that no direction issued under clause (c) shall remain in force for more than two months from the date of the notification.

(3) No action shall be taken under clause (a) or clause (b) of sub-section (2) except after giving an opportunity to the person concerned for representing his views in the matter.

(4) During the period in which a film remains suspended under clause (c) of sub-section (2), the film shall be deemed to be an uncertified film.

[6-A. Information and documents to be given to distributors and exhibitors with respect to certified films .Any person who delivers any certified film to any distributor or exhibitor shall, in such manner as may be prescribed, notify to the distributor or exhibitor, as the case may be, the title, the length of the film, the number and the nature of the certificate granted in respect thereof and the conditions, if any, subject to which it has been so granted, and any other particulars respecting the film which may be prescribed.]

6-B. Offences to be cognizable .[Omitted by the Cinematograph (Amendment) Act, 1984 (56 of 1984), section 2 (w.e.f. 27-8-1984).]

7. Penalties for contraventions of this Part .(1) If any person

(a) exhibits or permits to be exhibited in any place

(i) any film other than a film which has been certified by the Board as suitable for unrestricted public exhibition or for public exhibition restricted to adults [or to members of any profession or any class of persons] and which, when exhibited, displays the prescribed mark of the Board and has not been altered or tampered with in any way since such mark was affixed thereto,

(ii) any film, which has been certified by the Board as suitable for public exhibition restricted to adults, to any person who is not an adult, [*]

[(ii-a) any film which has been certified by the Board as suitable for public exhibition restricted to any profession or class of persons, to a person who is not a member of such profession or who is not a member of such class, or]

(b) without lawful authority (the burden of proving which shall be on him), alters or tampers with in any way any film after it has been certified, or

(c) fails to comply with the provision contained in section 6-A or with any order made by the Central Government or by the Board in the exercise of any of the powers or functions conferred on it by this Act or the rules made thereunder, [[he shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to one lakh rupees, or with both, and in the case of a continuing offence with a further fine which may extend to twenty thousand rupees for each day during which the offence continues:

Provided that a person who exhibits or permits to be exhibited in any place a video film in contravention of the provisions of sub-clause (i) of clause (a) shall be punishable with imprisonment for a term which shall not be less than three months, but which may extend to three years and with fine which shall not be less than twenty thousand rupees, but which may extend to one lakh rupees, and in the case of a continuing offence with a further fine which may extend to twenty thousand rupees for each day during which the offence continues:

Provided further that a Court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than three months, or a fine of less than twenty thousand rupees]:

[Provided further that] notwithstanding anything contained in section 29 of the Code of Criminal Procedure, 1973 (2 of 1974), it shall be lawful for any Metropolitan Magistrate, or any Judicial Magistrate of the first class specially

empowered by the State Government in this behalf, to pass a sentence of fine exceeding five thousand rupees on any person convicted of any offence punishable under this Part:

[Provided also] that no distributor or exhibitor or owner or employee of a cinema house shall be liable to punishment for contravention of any condition of endorsement of caution on a film certified as UA under this Part.]

(2) If any person is convicted of an offence punishable under this section committed by him in respect of any film, the convicting Court may further direct that the film shall be forfeited to the Government.

(3) The exhibition of a film in respect of which an A certificate [or a s certificate or a UA certificate] has been granted, to children below the age of three years accompanying their parents or guardians shall not be deemed to be an offence within the meaning of this section.

[7-A. Power of seizure .(1) Where a film in respect of which no certificate has been granted under this Act is exhibited, or a film certified as suitable for public exhibition restricted to adults is exhibited to any person who is not an adult or a film is exhibited in contravention of any of the other provisions contained in this Act or of any order made by the Central Government, [the Tribunal] or the Board in the exercise of any of the powers conferred on it, any police officer may, [* * *] enter any place in which he has reason to believe that the film has been or is being or is likely to be exhibited, search it and seize the film.

(2) All searches under this Act shall be carried out in accordance with the provisions of the [Code of Criminal Procedure, 1973 (2 of 1974),] relating to searches.

7-B. Delegation of powers by Board .[(1)] The Central Government may, by general or special order, direct that any power, authority or jurisdiction exercisable by the Board under this Act shall, [in relation to the certification of the films under this Part] and subject to such conditions, if any, as may be specified in the order, be exercisable also by the Chairman or any other member of the Board, and anything done or action taken by the Chairman or other member specified in the order shall be deemed to be a thing done or action taken by the Board.

[(2) The Central Government may, by order and subject to such conditions and restrictions as may be prescribed, authorise the regional officers to issue provisional certificates.]

7-C. Power to direct exhibition of films for examination .For the purpose of exercising any of the powers conferred on it by this Act, the Central Government [, the Tribunal] or the Board may require any film to be exhibited before it or, before [any person or authority] specified by it in this behalf.

7-D. Vacancies, etc., not to invalidate proceeding .No act or proceeding of [the Tribunal], the Board or of any advisory panel shall be deemed to be

invalid by reason only of a vacancy in, or any defect in, the constitution of [the Tribunal,] the Board or panel, as the case may be.

7-E. Members of the Board and advisory panels, to be public servants .All members of [the Tribunal] the Board and of any advisory panel shall, when acting or purporting to act in pursuance of any of the provisions of this Act, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

7-F. Bar of legal proceedings .No suit or other legal proceeding shall lie against [the Central Government, the Tribunal, the Board], advisory panel or any officer or member of [the Central Government, the Tribunal, the Board or] advisory panel, as the case may be, in respect of anything which is in good faith done or intended to be done under this Act.]

8. Power to make rules .(1) The Central Government may, by notification in the Official Gazette, make rules for the purpose of carrying into effect the provisions of this Part.

[(2) In particular, and without prejudice to the generality of the foregoing power, rules made under this section may provide for

- (a) the allowances or fees payable to the members of the Board;
- (b) the terms and conditions of service of the members of the Board;
- (c) the manner of making an application to the Board for a certificate and the manner in which a film has to be examined by the Board and the fees to be levied therefor;
- (d) the association of regional officers in the examination of films, the conditions and restrictions subject to which regional officers may be authorised under section 7-B to issue provisional certificates and the period of validity of such certificates;
- (e) the manner in which the Board may consult any advisory panel in respect of any film;
- (f) the allowances or fees payable to the members of advisory panel;
- (g) the marking of the films;
- (h) the allowances or fees payable to the members of the Tribunal ;
- (i) the powers and duties of the Secretary to, and other employees of, the Tribunal;
- (j) the other terms and conditions of service of the Chairman and members of, and the Secretary to, and other employees of, the Tribunal;
- (k) the fees payable by the appellant to the Tribunal in respect of an appeal;
- (l) the conditions (including conditions relating to the length of films in general or any class of films, in particular) subject to which any

certificate may be granted, or the circumstances in which any certificate shall be refused;

(m) any other matter which is required to be or may be prescribed.]

[(3) Every rule made by the Central Government under this Part shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall, thereafter, have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

9. Power to exempt. The Central Government may, by order in writing [exempt], subject to such conditions and restrictions, if any, as it may impose, the exhibition of any film or class of films from any of the provisions of this Part or of any rules made thereunder.

Part III

Regulation Of Exhibitions By Means Of Cinematographs

10. Cinematograph exhibitions to be licensed. Save as otherwise provided in this Part, no person shall give an exhibition by means of a cinematograph elsewhere than in a place licensed under this Part or otherwise than in compliance with any conditions and restrictions imposed by such license.

11. Licensing authority. The authority having power to grant licenses under this Part (hereinafter referred to as the licensing authority) shall be the District Magistrate:

Provided that the State Government may, by notification in the Official Gazette, constitute, for the whole or any part of a [Union territory], such other authority as it may specify in the notification to be the licensing authority for the purposes of this Part.

12. Restrictions on powers of licensing authority. (1) The licensing authority shall not grant a license under this Part, unless it is satisfied that

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

(2) Subject to the foregoing provisions of this section and to the control of the State Government, the licensing authority may grant licenses under this

Part to such persons as that authority thinks fit and on such terms and conditions and subject to such restrictions as it may determine.

(3) Any person aggrieved by the decision of a licensing authority refusing to grant a license under this Part may, within such time as may be prescribed, appeal to the State Government or to such officer as the State Government may specify in this behalf and the State Government or the officer, as the case may be, may make such order in the case as it or he thinks fit.

(4) The Central Government may, from time to time, issue directions to licensees generally or to any licensee in particular for the purpose of regulating the exhibition of any film or class of films, so that scientific films, films intended for educational purposes, films dealing with news and current events, documentary films or indigenous films secure an adequate opportunity of being exhibited, and where any such directions have been issued those directions shall be deemed to be additional conditions and restrictions subject to which the license has been granted.

13. Power of Central Government or local authority to suspend exhibition of films in certain cases .

(1) The Lieutenant Governor or, as the case may be, the Chief Commissioner, in respect of the [whole or any Part of a Union territory] and the District Magistrate in respect of the district within his jurisdiction, may, if he is of opinion that any film which is being publicly exhibited is likely to cause a breach of the peace, by order, suspend the exhibition of the film and during such suspension the film shall be deemed to be an uncertified film in the State, part or district, as the case may be.

(2) Where an order under sub-section (1) has been issued by the Chief Commissioner or a District Magistrate, as the case may be, a copy thereof, together with a statement of reasons therefor, shall forthwith be forwarded by the person making the same to the Central Government, and the Central Government may either confirm or discharge the order.

(3) An order made under this section shall remain in force for a period of two months from the date thereof, but the Central Government may, if it is of opinion that the order should continue in force, direct that the period of suspension shall be extended by such further period as it thinks fit.

14. Penalties for contravention of this Part .If the owner or person in charge of a cinematograph uses the same or allows it to be used, or if the owner or occupier of any place permits that place to be used in contravention of the provisions of this Part or of the rules made thereunder, or of the conditions and restrictions upon or subject to which any license has been granted under this Part, he shall be punishable with fine which may extend to one thousand rupees and, in the case of a continuing offence, with a further fine which may extend to one hundred rupees for each day during which the offence continues.

15. Power to revoke license .Where the holder of a license has been convicted of an offence under section 7 or section 14, the license may be revoked by the licensing authority.

16. Power to make rules .[(1)] The Central Government may, by notification in the Official Gazette, make rules

- (a) prescribing the terms, conditions and restrictions, if any, subject to which licenses may be granted under this Part;
- (b) providing for the regulation of cinematograph exhibitions for securing the public safety;
- (c) prescribing the time within which and the conditions subject to which an appeal under sub-section (3) of section 12 may be preferred.

[(2) Every rule made by the Central Government under this Part shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

17. Power to exempt .The Central Government may, by order in writing [exempt], subject to such conditions and restrictions as it may impose, any cinematograph exhibition or class of cinematograph exhibitions from any of the provisions of this Part or of any rules made thereunder.

Part IV

Repeal

18. Repeal .The Cinematograph Act, 1918 (2 of 1918) is hereby repealed: Provided that in relation to Part A States and Part B States the repeal shall have effect only in so far as the said Act relates to the sanctioning of cinematograph films for exhibition.