

CINEMATOGRAPH ACT, 1918

2 of 1918

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STATEMENT OF OBJECTS AND REASONS "The Bill is designed to ensure proper control of cinematograph exhibitions with particular regard to the safety of those attending them; and to prevent the presentation to the public of improper or objectionable films. The existing law of the country contain certain scattered provisions, affecting such exhibitions and certain local enactments also bear on t h e subject; but the rapid growth in the popularity of cinematograph and increasing number of such exhibitions in India have rendered these provisions inadequate for the protection of the public from indecent or otherwise objectionable representations. Further, the special danger from fire which attends cinematograph exhibitions, as has been illustrated by terrible catastrophes due to this cause in other countries, rendered it important to secure, in the interest of safety of spectators, a proper regard to the structural conditions of the premises utilised. The Bill accordingly provides

that no exhibition shall be given except in accordance with the conditions of a license granted by the prescribed authority. The licence is intended to ensure that the intentions of the Act are complied with and that adequate precautions are taken for the safety of persons attending the exhibition which it covers. The Bill also provides for the constitution of an authority which will be required to pass all films intended for exhibition in this country and which will have power to refuse the necessary certificate in the case of any film, the production of which in public is open to objection for the reasons already given. The Bill includes the ordinary rule-making provision and enables the Local Governments to exempt any cinematograph exhibition or dais of cinematograph exhibitions from any provisions of law. Finally it makes provision for the punishment of offences against the Act or the rules made thereunder."-Gazette of India. 1917. Part V, page 74.

1. Short title, extent and commencement :-

(1) This Act may be called the Cinematograph Act, 1918.

¹[(2) It extends to all Part A States and Part C States, and also to every Part B State, other than ² [* *] Jammu and Kashmir, in so far as it relates to sanctioning of cinematograph films for exhibition.]

1. Substituted for former sub-sections (2) and (3) by the Cinematograph (Second Amendment) Act, 1949 (62 of 1949), S. 2, as adapted by A. L. O., 1950.

2. The words "Hyderabad and" were omitted by the Part B States (Laws) Act, 1951 (3 of 1951), S. 3 and Schedule.

2. Definitions :-

In this Act, unless there is anything repugnant in the subject or context,- ¹["adult" means a person who has completed his eighteenth year;] ²["Authority" means the Authority constituted by the Central Government under section 6 ;] "cinematograph" includes any apparatus for the representation of moving pictures or series of pictures; "place" includes also a house, building, ³ [tent or any description of transport, whether by sea, land or air;] and "prescribed" means prescribed by rules made under this Act.

1. Inserted by the Cinematograph (Second Amendment) Act (39 of 1949), S. 2 (1-4-1949).

2. Inserted by the Cinematograph (Second Amendment) Act (62 of 1948), S. 3 (15-1-1951).

3. Substituted for the Cinematograph (Second Amendment) "tent

or vessel", the Cinematograph (Second Amendment) Act (62 of 1948), S. 3 .

2A. Rule of construction in the application of Act to Part B States :-

In the application of this Act to any ¹[Part B State], unless there is anything repugnant in the subject or context,-

¹[(a) * * * * *]

(b) references to the District Magistrate shall be construed as references to the corresponding authority in the ¹[Part B State]; and

⁴ [(c) * * * * *].

1. clauses (a) and (c) omitted by A. L. O., 1950.

4. Inserted by the Cinematograph (Second Amendment) Act (62 of 1949), S. 4 (15-1-1951).

3. Cinematograph exhibitions to be licensed :-

Save as otherwise provided in this Act, no person shall give an exhibition by means of a cinematograph elsewhere than in a place licensed under this Act or otherwise than in compliance with any conditions and restrictions imposed by such licence.

4. Licensing authority :-

The authority having power to grant licences under this Act (hereinafter referred to as the "licensing authority") shall be the District Magistrate, or, in a presidency town the Commissioner of Police: Provided that the ¹[State Government] may, by notification in the ²[Official Gazette,], constitute for the whole or any part of a ³ [State] such other authority as it may specify in the notification to be the licensing authority, for the purposes of this Act.

1. Words "or in the town of Rangoon" repealed by A.O., 1937.

2. Substituted by A.L.O., 1950.

3. Substituted for the Words "Local Official Gazette" by A.L.O., 1937.

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 the Act have been substantially complied with; and

(b) adequate precautions have been taken in the place in respect of which the licence is to be given to provide for the safety of persons attending exhibitions therein.

¹[(2) The grant of every licence shall be subject to the conditions that the licensee will not exhibit or permit to be exhibited in such place-

(a) any film other than a film which has been certified by the Authority as suitable for unrestricted public exhibition or for public exhibition restricted to adults, and which, when exhibited, displays the prescribed mark of that Authority and has not been altered or tampered with in any way since such mark affixed thereto,

(b) any film which has been certified by the Authority as suitable for public exhibition restricted to adults to any person who is not an adult;

(c) any film contrary to any directions that may be issued from time to time in this behalf by the Central Government under sub-section (2A); and such conditions shall be deemed to be inserted in every licence.

(2A) 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 intended for educational purpose, films dealing with news and current events, documentary films or indigenous film secure an adequate opportunity of being exhibited.]

(3) Subject to the foregoing provisions of this section, and to the control of the ² [State Government], the licensing authority, may grant licences under this Act to such persons as it thinks fit, and on such terms and conditions and subject to such restrictions as it may determine.

1. Substituted by the cinematograph (second Amendment) Act (62 of 1949), S. 5 [15-1-1951].

2. Substituted by A.L.O., 1950.

6. Certification of films :-

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(1) The Central Government may, by notification in the official Gazette, constitute an Authority in the prescribed manner for the purpose of examining and certifying films as suitable for

unrestricted public exhibition or for public exhibition restricted to adults, and prescribe the manner in which the Authority shall exercise the powers conferred on it by this Act.

(2) If the Authority after examination considers that a film is suitable for unrestricted public exhibition or that, although not suitable for such exhibition it is suitable for public exhibition restricted to adults, it shall grant to the person applying for a certificate in respect of the film a "U" certificate in the former case and an "A" certificate in the latter case, and shall in, either case cause the film to be so marked in the prescribed manner, and any such certificate shall, save as hereinafter provided, be valid throughout the territories to which this Act extends.

(3) If the Authority is of opinion that a film is neither suitable for unrestricted public exhibition nor for public exhibition restricted to adults, it shall inform the person applying for the certificate of its decision.

(4) Any person applying for certificate, who is aggrieved by the decision of the Authority refusing to grant a certificate or to grant only an "A" certificate may, within thirty days from the date of such decision, appeal to the Central Government, and the Central Government may, after such inquiry as it, considers necessary, pass such orders thereon as it thinks fit.

(5) If the Central Government rejects an appeal on the ground that a film is neither suitable for unrestricted public exhibition nor for public exhibition restricted to adults, it shall, by notification in the official Gazette, direct that the film shall be deemed to be an uncertified film in the whole of the territories to which this Act extends.

(6) For the purpose of disposing of any. appeal under this section, the Central Government may demand the exhibition of any film before any athority specified in this behalf.

(7) Notwithstanding anything contained in this Act, the Central Government may, of its own motion, by notification in tfie official Gazette, direct that-

(a) a certified film shall be deemed to be an uncertified film in the whole or any part of the territories to which this Act extends, or

(b) a film in respect of which a "U" certificate has been granted

shall be deemed to be a film in respect of which an "A" certificate has been granted.

7. Power of b[State] Government or local authority to suspend exhibition of films in certain cases :-

(1) The ¹[State] Government, in respect of the whole ¹[State] or any part thereof and the District Magistrate or the Commissioner of Police, in respect of the District, or town within his jurisdiction, may, if it or 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 any film, and during such suspension the film shall be deemed to be an uncertified film in the ¹[State] or the district or town, as the case may be.

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

(3) No order made under this section shall remain in force for more than two months, but the ¹ [State] Government may, if it is of opinion that any such order should continue in force for a further period, refer the matter to the Central Government for decision.

(4) On receipt of any reference under sub-section (3), the Central Government may by notification in the official Gazette, direct that the period of suspension shall be extended by such further period as it thinks fit or that the film shall be deemed to be an uncertified film in the whole or any part of the territories to which this Act extends.]

1. Substituted by A.L.O.. 1950

8. Penalties :-

(1) 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 Act or the rules made thereunder, or of the conditions and restrictions upon, or subject to, which, any licence has been granted under this Act, 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, and his licence, if any, shall be liable to be revoked by the licensing authority.

(2) The exhibition of a film contrary to any order or direction under sub-section (5) or sub-section (7) of section 6 or section 7 shall, in the area to which such order or direction relates, be deemed to be a contravention of the conditions mentioned in sub-section (2), of section 5 and shall be punishable as provided in this section.

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

9. Power to make rules :-

(1) The Central Government may make rules¹ for the purpose of carrying into effect the provisions of this Act.

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

(a) the manner in which the Authority shall be constituted;

(b) the delegation of any of the powers of the Authority to such person or persons as the Authority may nominate in this behalf;

(c) the procedure of the Authority for examining and certifying films as suitable for public exhibition, and all matters ancillary thereto and the fees to be levied by such Authority;

(d) the appointment of officers subordinate to the Authority and the regulation of the powers and duties of such officers;

(e) the conditions subject to which any certificate may be granted under this Act or the circumstances in which any certificate shall be refused;

(f) the manner in which any appeal under this Act may be preferred;

(g) any other matter which by this Act is to be prescribed.

(3) The ²[State] Government may make rules to provide for the regulation of cinematograph exhibitions for securing the public safety.

(4) All rules made under this Act shall be published in the official Gazette, and on such publication shall have effect as if enacted in this Act,

(5) All rules made by the Central Government under this Act shall be laid before ³ [Parliament] soon as may be after they are made.]

1. For the Cinematograph (Censorship) Rules, 1951, see Gazette of India, 1951, Extra. Pt. II Sec. 3, p. 1.

2. Substituted by A.L.O. 1950.

3. Substituted for the words "the words "the Dominion Legislature" by A.L.O. 1950.

10. Power to give directions :-

The Central Government may give directions to any ¹[State] Government as to the carrying into execution in the ¹ [State] of any of the provisions contained in this Act or of any rules or orders made thereunder.]

1. Substituted by A.I.O., 1950.

11. Power to exempt :-

The Central Government may, by order in writing exempt, ¹ 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 Act or of any rule made thereunder.]

1. For general exemption, See Gazette of India, 1952. Pt. II, Sec. 3, pp. 1578, 1580.