

# THE CINEMATOGRAPH ACT, 1952<sup>1</sup>

(37 of 1952)

[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:—

## 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 <sup>2</sup>[\*\*\*] and Part III extends to <sup>3</sup>[the Union territories] only.

(3) This Act shall come into force on such date<sup>4</sup> as the Central Government may, by notification in the Official Gazette, appoint:

<sup>5</sup>[\*\*\*]

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

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

<sup>6</sup>[(b) “Board” means the Board of Film Certification constituted by the Central Government under section 3;]

<sup>7</sup>[(bb) “certificate” means the certificate granted by the Board under section 5A;]

(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;

<sup>8</sup>[(dd) “film” means a cinematograph film;]

<sup>9</sup>[(ddd) “infringing copy” shall have the same meaning as assigned to it in sub-clause (ii) of clause (m) of section 2 of the Copyright Act, 1957 (14 of 1957);]

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

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1. This Act has been extended to Dadra and Nagar Haveli by Reg. 6 of 1963, sec. 2 and Sch.; Goa, Daman and Diu by Reg. 11 of 1963, sec. 3 and Sch.

Parts I and II of the Act shall come into force in the State of Jammu and Kashmir (w.e.f. 1-5-1974), *vide* G.S.R. 183(E), dated 23rd April, 1974.

Part III of the Act enforced in the Union Territory of Arunachal Pradesh (w.e.f. 1-10-84), *vide* S.O. 754(E), dated 29th September, 1984.

2. The words “except the State of Jammu and Kashmir” omitted by Act 25 of 1973, sec. 2 (w.e.f. 28-5-1973).

3. Subs. by Act 3 of 1959, sec. 2, for “Part C States” (w.e.f. 12-3-1959).

4. Came into force on 28-7-1952, *vide* S.R.O. 1066, dated the 10th June, 1952, published in Gazette of India, 1952, Pt. II, Sec. 3, p. 945.

5. Proviso omitted by Act 12. of 2023, sec. 3 [w.e.f. 11-8-2023, *vide* S.O. 3587(E), dated 10th August, 2023]. Earlier it was added by Act 25 of 1973, sec. 2 (w.e.f. 28-5-1973). Proviso before omission, stood as under:

“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 (26 of 1973), as the Central Government may, by notification in the Official Gazette, appoint.”

6. Subs. by Act 49 of 1981, sec. 2, for clause (b) (w.e.f. 1-6-1983).

7. Ins. by Act 49 of 1981, sec. 2 (w.e.f. 1-6-1983).

8. Ins. by Act 3 of 1959, sec. 3 (w.e.f. 12-3-1959).

9. Ins. by Act 12 of 2023, sec. 4(i) [w.e.f. 11-8-2023, *vide* S.O. 3587(E), dated 10th August, 2023].

- (f) "prescribed" means prescribed by rules made under this Act;
- <sup>1</sup>[(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) <sup>2</sup>[\*\*\*]]
- <sup>3</sup>[(i) "UA marker" means an age-based indicator for a film which has received or is intended to receive a "UA" certificate under section 4 and such indicator may be "UA 7+" or "UA 13+" or "UA 16+":

Provided that where the Central Government is satisfied that it is necessary or expedient so to do in public interest, it may, by an order published in the Official Gazette and for the reasons to be recorded in writing, declare such other indicators.]

#### COMMENTS

(i) The definition of the expression "Cinematograph" includes VCR/VCP/TV Projector as the said equipments achieve/serve the same purpose as the traditional media for exhibition of moving pictures. It must be so interpreted to take into account new and subsequent scientific developments in the field as it cannot be confined to traditional interpretation of such apparatus or simply compartmentalised. Hence, licence is necessary to carry on business of running a video parlour; *Samrat Video Parlour v. State of Haryana*, AIR 1993 SC 2328.

(ii) Even if the screen is separate and not inbuilt in the television set, exhibition of films through VCR/VCP/TV Projector is permissible to only a 'licensee' carrying on the business of running such video parlour; *Regal Video v. State of Haryana*, AIR 1993 SC 2372.

(iii) It is settled view that video tapes come within the expression 'Cinematograph' in view of the extended definition in section 2(c) which includes apparatus for the re-presentation of moving pictures or series of pictures as copy of the video should be created in respect of a cinematograph under the Act; *State of Andhra Pradesh v. Nagoti Venkataramana*, 1996 PTR 179.

<sup>4</sup>[**2A. 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.]

#### STATE & UT AMENDMENT

<sup>\*</sup>**Union Territory of Jammu and Kashmir.**—Omit Section 2A.

[*Vide* the Jammu and Kashmir Reorganisation (Adaptation of Central Laws) Order, 2020 (w.e.f. 18-3-2020), S.O. 1123(E), dated 18th March, 2020, published in the Gazette of India, Extra., Pt. II, Sec. 3(ii), No. 1016, dated 18th March, 2020.]

#### PART II

#### CERTIFICATION OF FILMS FOR PUBLIC EXHIBITION

<sup>5</sup>[**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 <sup>6</sup>[Board of Film Certification] which shall consist of a Chairman and <sup>7</sup>[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.

1. Ins. by Act 49 of 1981, sec. 2 (w.e.f. 1-6-1983).

2. Clause (h) omitted by the Tribunals Reforms Act, 2021 (33 of 2021), sec. 9(a) (w.r.e.f. 4-4-2021). Earlier clause (h) was inserted by Act 49 of 1981, sec. 2 (w.e.f. 1-6-1983). Clause (h) before omission, stood as under: "(h) "Tribunal" means the Appellate Tribunal constituted under section 5D."

3. Ins. by Act 12 of 2023, sec. 4(ii) [w.e.f. 11-8-2023, *vide* S.O. 3587(E), dated 10th August, 2023].

4. Ins. by Act 25 of 1973, sec. 3 (w.e.f. 28-5-1973).

\*. *Refer*, Union Territory of Ladakh Reorganisation (Adaptation of Central Laws) Order, 2020 *vide* S.O. 3774(E), dated 23rd October, 2020 regarding Union territory of Ladakh.

5. Sections, 3, 4, 5, 5A, 5B, 5C and 6 substituted by Act 3 of 1959, sec. 4, for sections 3, 4, 5 and 6 (w.e.f. 12-3-1959).

6. Subs. by Act 49 of 1981, sec. 3, for "Board of Film Censors" (w.e.f. 1-6-1983).

7. Subs. by Act 49 of 1981, sec. 3, for "not more than nine" (w.e.f. 1-6-1983).

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

<sup>1</sup>[4. **Examination of films.**—(1) Any person desiring to exhibit any film shall make an application to the Board for a certificate in such form and manner as may be prescribed.

(2) The Board may, after examining the film in such manner as may be prescribed,—  
(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 viewing of such film by any child between seven to eighteen years of age is subject to guidance of parents or lawful guardian, then the Board may sanction the film for unrestricted public exhibition with an endorsement to that effect containing UA marker.

*Explanation.*—For the removal of doubts, it is hereby clarified that—

- (a) the expression “seven” denotes completion of seven years of age and the expression “eighteen” denotes before attaining the age of eighteen years;
- (b) an endorsement by the Board shall enable the parents and lawful guardian of the child to consider whether such child should view such a film, and shall not be enforced by any person other than the parents or lawful guardian of the child;
- (ii) sanction the film for public exhibition restricted to adults;
- (iii) 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;
- (iv) direct the applicant to carry out such excisions or modifications in the film as it may deem necessary before sanctioning the film for public exhibition under clauses (i), (ii) and (iii); or
- (v) refuse to sanction the film for public exhibition:

Provided that no action under this section shall be taken by the Board, unless the applicant has been given an opportunity of being heard in the matter.

(3) Any person desiring to exhibit on television or such other media as may be prescribed, any film which has been sanctioned by the Board under clause (ii) or clause (iii) of sub-section (2), may make an application to the Board in such form and manner as may be prescribed by and the Board may, for this purpose, sanction the film with a separate certificate, after directing the applicant to carry out such excisions or modifications in the film as it may think fit.]

<sup>2</sup>[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.

1. Subs. by Act 12 of 2023, sec. 5, for section 4 [w.e.f. 11-8-2023, vide S.O. 3587(E), dated 10th August, 2023]. Earlier section 4 was substituted by Act 3 of 1959, sec. 4 (w.e.f. 12-3-1959) and amended by Act 49 of 1981, sec. 4 (w.e.f. 1-6-1983). Section 4 before substitution by Act 12 of 2023, stood as under:

“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 (iia), 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.”

2. Sections, 3, 4, 5, 5A, 5B, 5C and 6 substituted by Act 3 of 1959, sec. 4, for sections 3, 4, 5 and 6 (w.e.f. 12-3-1959).

(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.]

<sup>1</sup>[5A. Certification of films.—<sup>2</sup>(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 <sup>3</sup>["UA" Certificate with any UA marker];
- (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 <sup>4</sup>[\*\*\*].]

#### COMMENTS

(i) Mere grant of certification to other films, which have more or similar obscene or pornographic scenes could not automatically entitle a producer of film to a certification under section 5A; *Ms. A. Arulmozhi v. Government of India*, AIR 2006 Mad 49.

(ii) The particular film must conform to the requirements of law so as to be entitled to a certification. It is irrelevant if other films granted certification have more or similar obscene or pornographic scenes or events. The producer of such film is not entitled to avail the protection under Article 14 of the Constitution of India; *B.K. Adarsh v. Union of India*, AIR 1990 AP 100.

(iii) Contemporary and moral standards as well as the effect on viewer, especially young and adolescent are the relevant factors, in determination of obscenity for the purposes of this Act; *B.K. Adarsh v. Union of India*, AIR 1990 AP 100.

(iv) A film has to cater to the tastes of different kinds of people and thus, different topics are covered, before the film ends. Therefore, the ultimate reaction when the film ends and whether it offends any strata of the society are the two crucial factors considered in determination of certification thereof; *P.Jagajeevan Ram v. Government of India*, AIR 1989 Mad 149.

1. Sections, 3, 4, 5, 5A, 5B, 5C and 6 substituted by Act 3 of 1959, sec. 4, for sections 3, 4, 5 and 6 (w.e.f. 12-3-1959).

2. Subs. by Act 49 of 1981, sec. 5, for sub-section (1) (w.e.f. 1-6-1983).

3. Subs. by Act 12 of 2023, sec. 2, for " "UA" certificate" [w.e.f. 11-8-2023, vide S.O. 3587(E), dated 10th August, 2023].

4. The words "for a period of ten years" omitted by Act 12 of 2023, sec.6 [w.e.f. 11-8-2023, vide S.O. 3587(E), dated 10th August, 2023].

(v) Where in a film, there were repeated assertions of the heroine whose father procured a false caste certificate for her to gain advantages of reservation and of her father to the effect that Constitution of India led both of them to cheat and impersonate and advocates framers of reservation policy should be punished, instead of punishing the father-daughter duo, the main thrust was to project to the public at large that the reservation policy itself was retrograde making it framers punishable. It certainly, amounted to contravention of the provisions of this Act as it was a grave provocation to gullible and rural masses to take law in their hands and punish the framers of the Constitution; *P. Jagajeevan Ram v. Government of India*, AIR 1989 Mad, 149.

<sup>1</sup>[5B. 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 <sup>2</sup>[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.]

#### COMMENTS

(i) The court exercising writ jurisdiction would not ordinarily substitute its view for the view of an expert. But where the decision of the Central Board of Film Certification entrenches upon the fundamental right to the freedom of speech and expression, it is not merely the function but the duty and responsibility of the court to intervene; *F.A. Picture International v. Central Board of Film Certification*, AIR 2005 Bom 145.

(ii) Videograph is controlled by the provisions of this Act. An interview and videograph of condemned prisoners is also subject to issuance of license under this section of the Act; *M.Hasan v. Government of Andhra Pradesh*; AIR 1998 AP 35.

(iii) The film "Bandit Queen" dealt with the life of a village female child transformed to a dreaded dacoit due to social evil and brutalities, to which was subjected. Scenes of nudity and rape therein and use of expletive were permitted being in aid of them. Held, scenes were intended not to arouse prurient or lascivious thoughts but a sense of revulsion against perpetrators and pity for victim. Hence, grant of 'A' certificate subject to certain conditions, was in compliance with the requisite guidelines; *Bobby Art International v. Om Pal Singh Hoon*, AIR 1996 SC 1846.

(iv) Where an application for grant of censorship certificate is made before an authority concerned, a duty is cast upon the latter to pass such orders as may be appropriate, and expeditiously. The court is not competent to state whether the film can be released for public exhibition or not in the absence of any order passed by such authority concerned, or otherwise interfere with or step into the shoes of such authority concerned. However, the court exercised its power to direct the authority concerned to pass orders within the time specified by the court; *R.K. Star Productions v. Union of India*, AIR 1995 Mad 4.

(v) If the authority concerned refuses to grant the censor certificate or impose restrictions, the onus lies heavily on it to justify the decision with reasons for such refusal or restrictions, if such decision adversely affects the fundamental right granted under Article 19(1)(a) of the Constitution; *Union of India v. Cinemart Foundation*, AIR 1993 SC 171.

1. Sections, 3, 4, 5, 5A, 5B, 5C and 6 substituted by Act 3 of 1959, sec. 4, for sections 3, 4, 5 and 6 (w.e.f. 12-3-1959).  
2. Ins. by Act 49 of 1981, sec. 6 (w.e.f. 1-6-1983).

(vi) A scene where the heroine justifies the crime of procurement of false caste certificate holds the reservation policy as retrograde and even suggests punishment of framers of Constitution instead of those committing such crime, it amounted to infringement of the guidelines framed for the purpose of this Act; *P. Jagajeevan Ram v. Government of India*, AIR 1989 Mad 149.

(vii) The bodily movement suggestive of the girl (heroine) being touched at various erotic points of her body in an unusual scene where the same heroine is being sexually assaulted by an unsatisfied invisible spirit/soul, amount to vulgar display of sheer eroticism thereby violating the prohibitions contained in the guidelines issued by the Central Government under sub-section (2) of section 5B; *Ramanlal Lalbhai Desai v. Central Board of Film Certification, Bombay*, AIR 1988 Bom 278.

(viii) Prolonged and unduly long exposure of the nude body of the heroine in three rape and one attempted rape scenes, and also during the intimate love-making scene with the hero, without any relevance to the elements of the film's story at various intervals, blatantly violates the guidelines issued by the Central Government under sub-section (2) of section 5B; *Ramanlal Lalbhai Desai v. Central Board of Film Certification, Bombay*, AIR 1988 Bom 278.

(ix) Mere display of pictures and sculptures (in the bedroom) which are not otherwise banned does not amount to obscenity or in any way, cater to the lascivious taste of prurient; *Ramanlal Lalbhai Desai v. Central Board of Film Certification, Bombay*, AIR 1988 Bom 278.

(x) Neither the immolation by *sati* is in any way the same thing as the glorification of *sati* nor are the supernatural/superstitious elements in the film unconventional, insensitive and irresponsible to the values and standards of the society to warrant refusal of certificate; *Ramanlal Lalbhai Desai v. Central Board of Film Certification, Bombay*, AIR 1988 Bom 278.

**1[2]5C. 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 <sup>3</sup>["UA" Certificate with any UA marker]; 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 <sup>4</sup>[High Court]:

Provided that the <sup>4</sup>[High Court] 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) <sup>5</sup>[\*\*\*]]

**6[5D. Constitution of Appellate Tribunal.—**Omitted by the Tribunals Reforms Act, 2021 (33 of 2021), sec. 9(c) (w.r.e.f. 4-4-2021).]

1. Sections, 3, 4, 5, 5A, 5B, 5C and 6 substituted by Act 3 of 1959, sec. 4, for sections 3, 4, 5 and 6 (w.e.f. 12-3-1959).
2. Subs. by Act 49 of 1981, sec. 7, for section 5C (w.e.f. 1-6-1983).
3. Subs. by Act 12 of 2023, sec. 2, for " "UA" certificate" [w.e.f. 11-8-2023, vide S.O. 3587(E), dated 10th August, 2023].
4. Subs. by the Tribunals Reforms Act, 2021 (33 of 2021), sec. 9(b)(i), for "Tribunal" (w.r.e.f. 4-4-2021).
5. Sub-section (2) omitted by the Tribunals Reforms Act, 2021 (33 of 2021), sec. 9(b)(ii) (w.r.e.f. 4-4-2021). Sub-section (2) before omission, stood as under:

"(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."

6. Earlier section 5D was inserted by Act 49 of 1981, sec. 8 (w.e.f. 1-6-1983). Section 5D before omission, stood as under:

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

<sup>1</sup>[5DD. **Qualifications, terms and conditions of service of Chairman and Members.**—Omitted by the Tribunals Reforms Act, 2021 (33 of 2021), sec. 9(c) (w.r.e.f. 4-4-2021).]

<sup>2</sup>5E. **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 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.

*Contd. from previous page*

(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."

1. Earlier section 5DD was inserted by the Finance Act, 2017 (7 of 2017), sec. 173 [w.e.f. 26-5-2017, *vide* S.O. 1696(E), dated 26th May, 2017]. Section 5DD before omission, stood as under:

"5DD. **Qualifications, terms and conditions of service of Chairman and Members.**—Notwithstanding anything contained in this Act, the qualifications appointment, term of office, salaries and allowances, resignation, removal and the other terms and conditions of service of the Chairman and other members of the Appellate Tribunal appointed after the commencement of Part XIV of Chapter VI of the Finance Act, 2017, shall be governed by the provisions of section 184 of that Act:

Provided that the Chairman and member appointed before the commencement of Part XIV of Chapter VI of the Finance Act, 2017, shall continue to be governed by the provisions of this Act and the rules made thereunder as if the provisions of section 184 of the Finance Act, 2017 had not come into force."

2. Ins. by Act 49 of 1981, sec. 8 (w.e.f. 1-6-1983).

(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.]

<sup>1</sup>**5F. 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 5E, 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.]

<sup>2</sup>**6. Revisonal powers of the Central Government.**—<sup>3</sup>[\*\*\*]

(2) <sup>4</sup>[Subject to the provisions of this Act], 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 <sup>5</sup>[or a <sup>6</sup>“UA” Certificate with any UA marker or a “S” certificate] shall be deemed to be a film in respect of which an “A” certificate has been granted; or

<sup>7</sup>[(c) the exhibition of any film be suspended for such period as may be specified in the direction:]

<sup>8</sup>[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.]

## COMMENTS

The Legislature may, in certain cases overrule or nullify the judicial or executive decision by enacting an appropriate legislation. The executive cannot sit in an appeal or review or revise a judicial order; *Union of India v. K.M. Shankarappa*, AIR 2000 SC 3678.

1. Ins. by Act 49 of 1981, sec. 8 (w.e.f. 1-6-1983).

2. Sections, 3, 4, 5, 5A, 5B, 5C and 6 substituted by Act 3 of 1959, sec. 4, for sections 3, 4, 5 and 6 (w.e.f. 12-3-1959). Earlier section 6 was amended by Act 36 of 1957, sec. 3 and Second Sch. (w.e.f. 17-9-1957).

3. Sub-section (1) omitted by Act 12 of 2023, sec. 7(a) [w.e.f. 11-8-2023, *vide* S.O. 3587(E), dated 10th August, 2023]. Earlier sub-section (1) was amended by Act 49 of 1981, sec. 9 (w.e.f. 1-6-1983) and by the Tribunals Reforms Act, 2021 (33 of 2021), sec. 9(d) (w.r.e.f. 4-4-2021). Sub-section (1) before omission, stood as under:

“(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, 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.”

4. Subs. by Act 12 of 2023, sec. 7(b), for “Without prejudice to the powers conferred on it under sub-section (1)” [w.e.f. 11-8-2023, *vide* S.O. 3587(E), dated 10th August, 2023].

5. Ins. by Act 49 of 1981, sec. 9 (w.e.f. 1-6-1983).

6. Subs. by Act 12 of 2023, sec. 2, for ““UA” certificate” [w.e.f. 11-8-2023, *vide* S.O. 3587(E), dated 10th August, 2023].

7. Ins. by Act 19 of 1953, sec. 2 (w.e.f. 16-5-1953).

8. Subs. by Act 19 of 1953, sec. 2, for proviso (w.e.f. 16-5-1953).



**<sup>1</sup>[6A. 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.

**<sup>2</sup>[6AA. Prohibition of unauthorised recording.]**—No person shall use any audio-visual recording device in a place licensed to exhibit films with the intention of making or transmitting or attempting to make or transmit or abetting the making or transmission of an infringing copy of such film or a part thereof.

*Explanation.*—For the purposes of this section, the expression “audio-visual recording device” means a digital or analogue photographic or video camera, or any other technology or device capable of enabling the recording or transmission of a copyrighted cinematographic film or any part thereof, regardless of whether audio-visual recording is the sole or primary purpose of the device.

**6AB. Prohibition of unauthorised exhibition of films.**—No person shall use or abet the use of an infringing copy of any film to exhibit to the public for profit—

- (a) at a place of exhibition which has not been licensed under this Act or the rules made thereunder; or
- (b) in a manner that amounts to the infringement of copyright under the provisions of the Copyright Act, 1957 or any other law for the time being in force.]

**<sup>3</sup>[6B. Offence to be cognizable.]**—[Rep. by the Cinematograph (Amendment) Act, 1984 (56 of 1984), sec. 2 (w.e.f. 27-8-1984).]

**7. Penalties for contraventions of this Part.**—<sup>4</sup>[(1) If any person—

- (a) without lawful authority (the burden of proving which shall be on such person) alters or tampers in any way any film after it has been certified, he shall be punishable with imprisonment for a term which may extend to three years or with fine which shall not be less than ten lakh rupees, or with both;

1. Ins. by Act 19 of 1953, sec. 3 (w.e.f. 16-5-1953).

2. Ins. by Act 12 of 2023, sec. 8 [w.e.f. 11-8-2023, vide S.O. 3587(E), dated 10th August, 2023].

3. Section 6B was earlier inserted by Act 49 of 1981, sec. 10 (w.e.f. 1-6-1983).

4. Subs. by the Jan Vishwas (Amendment of Provisions) Act, 2023 (18 of 2023), Sch., serial no. 11(A)(i), for sub-section (1) [w.e.f. 1-9-2023, vide S.O. 3858(E), dated 1st September, 2023]. Earlier sub-section (1) was substituted by Act 19 of 1953, sec. 4 (w.e.f. 16-5-1953), amended by Act 49 of 1981, sec. 11 (w.e.f. 1-6-1983) and by Act 56 of 1984, sec. 3 (w.e.f. 27-8-1984). Sub-section (1) before substitution, stood as under:

“(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.
- (iia) 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 6A 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.”

- (b) exhibits or permits to be exhibited in any place, any film—
- (i) which has not been certified by the Board;
  - (ii) which, when exhibited does not display the prescribed mark of the Board;
  - (iii) which, when exhibited displays a mark of the Board which has since been altered or tampered with, after the mark has been affixed,
- he shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to ten lakh rupees, or with both and in the case of a continuing offence with a further fine which may extend to one lakh rupees for each day during which the offence continues;
- (c) exhibits or permits to be exhibited in any place, a video film in contravention of the provisions of clause (a) or clause (b), he shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to ten lakh rupees, or with both, and in the case of a continuing offence with a further fine which may extend to one lakh rupees for each day during which the offence continues;
- (d) exhibits or permits to be exhibited any film, which has been certified by the Board as "A" within the meaning of this Act to any minor, such person shall be liable to penalty not exceeding ten thousand rupees per person for every such exhibition, levied by the authorised officer in such manner as may be prescribed;
- (e) exhibits or permits to be exhibited any film, which has been certified by the Board as "S" within the meaning of this Act, to a person who is not a member of such profession or class, shall be liable to a penalty not exceeding ten thousand rupees per person for every such exhibition, levied by the authorised officer in such manner as may be prescribed;
- (f) fails to comply with the provision contained in section 6A 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 liable to penalty not exceeding five lakh rupees, levied by the authorised officer and in such manner as may be prescribed:

Provided 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 under clauses (a) to (c):

Provided further 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 that has been certified as "UA" under this Part.]

<sup>1</sup>[(1A) Save as otherwise provided in section 52 of the Copyright Act, 1957, if any person contravenes the provisions of section 6AA or section 6AB, he shall be punishable with imprisonment for a term which shall not be less than three months, but may extend to three years and with a fine which shall not be less than three lakh rupees but may extend to five per cent. of the audited gross production cost.

(1B) Notwithstanding anything contained in this section—

- (i) a person aggrieved by a contravention under section 6AA or section 6AB shall not be prevented from taking suitable action for an infringement under section 51 of the Copyright Act, 1957 (14 of 1957) or from taking suitable action for computer related offences under section 66 of the Information Technology Act, 2000 (21 of 2000) or any other relevant laws for the time being in force;
- (ii) the appropriate Government or its agencies shall not be prevented from taking suitable action against an intermediary as defined under clause (w) of sub-section (1) of section 2 of the Information Technology Act, 2000, (21 of 2000) where such intermediary acts in the manner as set out under sub-section (3) of section 79 of the said Act or any other law for the time being in force.

*Explanation.*—For the purposes of this sub-section, the expression "appropriate Government" shall have the same meaning as assigned to it in clause (e) of sub-section (1) of section 2 of the Information Technology Act, 2000 (21 of 2000).]

1. Ins. by Act 12 of 2023, sec. 9 [w.e.f. 11-8-2023, vide S.O. 3587(E), dated 10th August, 2023].

(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 <sup>1</sup>[or a "S" certificate or a <sup>2</sup>"UA" Certificate with any UA marker] 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.

<sup>3</sup>(4) Whoever aggrieved by any penalty imposed under clauses (d) to (f) of sub-section (1) or section 14, may prefer an appeal to such appellate authority within such period and in such form and manner as may be prescribed.]

<sup>4</sup>**7A. 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 <sup>5</sup>[, the <sup>6</sup>[High Court]] or the Board in the exercise of any of the powers conferred on it, any police officer may, <sup>7</sup>[\*\*\*] 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 <sup>8</sup>[Code of Criminal Procedure, 1973 (2 of 1974)], relating to searches.]

<sup>9</sup>**7B. Delegation of powers by Board.**—<sup>10</sup>[(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, <sup>11</sup>[in relation to the certification of the films under this Part] and subject to such condition, 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.]

<sup>12</sup>[(2) The Central Government may, by order and subject to such conditions and restrictions as may be prescribed, authorise the regional officer to issue provisional certificates.]

<sup>9</sup>**7C. 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 <sup>13</sup>[, the <sup>6</sup>[High Court]] or the Board may require any film to be exhibited before it or, before <sup>14</sup>[any person or authority] specified by it in this behalf.]

<sup>9</sup>**7D. Vacancies, etc., not to invalidate proceeding.**—No act or proceeding of <sup>15</sup>[\*\*\*], 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 <sup>15</sup>[\*\*\*], the Board or panel, as the case may be.]

<sup>9</sup>**7E. Members of the Board and advisory panels, to be public servants.**—All members of <sup>16</sup>[\*\*\*], 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 1960).]

<sup>9</sup>**7F. Bar of legal proceedings.**—No suit or other legal proceeding shall lie against <sup>17</sup>[the Central Government, <sup>18</sup>[\*\*\*], the Board], advisory panel or any officer or member of <sup>19</sup>[the Central Government, <sup>18</sup>[\*\*\*], 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.]

1. Ins. by Act 49 of 1981, sec. 11 (w.e.f. 1-6-1983).

2. Subs. by Act 12 of 2023, sec. 2, for "'UA" certificate" [w.e.f. 11-8-2023, vide S.O. 3587(E), dated 10th August, 2023].

3. Ins. by the *Jan Vishwas* (Amendment of Provisions) Act, 2023 (12 of 2023), Sch., serial no. 11(A)(ii) [w.e.f. 1-9-2023, vide S.O. 3858(E), dated 1st September, 2023].

4. Ins. by Act 3 of 1959, sec. 5 (w.e.f. 12-3-1959).

5. Ins. by Act 49 of 1981, sec. 12 (w.e.f. 1-6-1983).

6. Subs. by the Tribunals Reforms Act, 2021 (33 of 2021), sec. 9(e), for "Tribunal" (w.e.f. 4-4-2021).

7. Certain word omitted by Act 49 of 1981, sec. 12 (w.e.f. 1-6-1983).

8. Subs. by Act 49 of 1981, sec. 12, for "Code of Criminal Procedure, 1898 (5 of 1898)" (w.e.f. 1-6-1983).

9. Ins. by Act 3 of 1959, sec. 5 (w.e.f. 12-3-1959).

10. Section 7B renumbered as sub-section (1) thereof by Act 49 of 1981, sec. 13 (w.e.f. 1-6-1983).

11. Subs. by Act 49 of 1981, sec. 13, for "in relation to such matters" (w.e.f. 1-6-1983).

12. Ins. by Act 49 of 1981, sec. 13 (w.e.f. 1-6-1983).

13. Ins. by Act 49 of 1981, sec. 14 (w.e.f. 1-6-1983).

14. Subs. by Act 49 of 1981, sec. 14, for "any person" (w.e.f. 1-6-1983).

15. The words "the Tribunal" omitted by the Tribunals Reforms Act, 2021 (33 of 2021), sec. 9(f) (w.e.f. 4-4-2021). Earlier it was inserted by Act 49 of 1981, sec. 15 (w.e.f. 1-6-1983).

16. The words "the Tribunal" omitted by the Tribunals Reforms Act, 2021 (33 of 2021), sec. 9(f) (w.e.f. 4-4-2021). Earlier it was inserted by Act 49 of 1981, sec. 16 (w.e.f. 1-6-1983).

17. Subs. by Act 49 of 1981, sec. 17, for "the Central Government, the Board" (w.e.f. 1-6-1983).

18. The words "the Tribunal" omitted by the Tribunals Reforms Act, 2021 (33 of 2021), sec. 9(f) (w.e.f. 4-4-2021).

19. Subs. by Act 49 of 1981, sec. 17, for "the Central Government, the Board or" (w.e.f. 1-6-1983).

**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.

<sup>1</sup>[(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;
- <sup>2</sup>[(c) the form and manner of making an application to the Board for a certificate under sub-section (1) of section 4;
- (ca) the manner of examination of film under sub-section (2) of section 4;
- (cb) the media for exhibition of film and the form and manner of making an application to the Board in this regard under sub-section (3) of section 4;]
- <sup>3</sup>[(cc) the authorised officer and the manner of levy of penalty by him in terms of clauses (d) to (f) of sub-section (1) of section 7;
- (cd) the period, form and manner of preferring appeal and appellate authority under sub-section (4) of section 7;]
- (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 7B 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) <sup>4</sup>[\*\*\*];
- (i) <sup>4</sup>[\*\*\*];
- (j) <sup>4</sup>[\*\*\*];
- (k) <sup>4</sup>[\*\*\*];
- (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.]

<sup>5</sup>[(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.]

1. Subs. by Act 49 of 1981, sec. 18, for sub-section (2) (w.e.f. 1-6-1983).

2. Subs. by Act 12 of 2023, sec. 10, for clause (c) [w.e.f. 11-8-2023, *vide* S.O. 3587(E), dated 10th August, 2023]. Clause (c) before substitution, stood as under:

“(c) the manner of making an application to the Board for a certificat and the manner in which a film has to be examined by the Board and the fees to be levied therefor;”

3. Ins. by the *Jan Vishwas* (Amendment of Provisions) Act, 2023 (12 of 2023), Sch., serial no. 11(B) [w.e.f. 1-9-2023, *vide* S.O. 3858(E), dated 1st September, 2023].

4. Clauses (h), (i), (j) and (k) omitted by the Tribunals Reforms Act, 2021 (33 of 2021), sec. 9(f) (w.r.e.f. 4-4-2021). Clauses (h), (i), (j) and (k) before omission, stood as under:

“(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;”

5. Subs. by Act 25 of 1973, sec. 4, for sub-section (3) (w.e.f. 28-5-1973).

**9. Power to exempt.**—The Central Government may, by order in writing exempt<sup>1</sup>, 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 licence.

**11. Licensing authority.**—The authority having power to grant licences 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 <sup>2</sup>[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 licence 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 licence 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 licences 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 licence 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 licence has been granted.

1. For such general exemption, see Gazette of India, 1952, Pt. II, Sec. 3, pp. 1578-1581.

2. Subs. by Act 58 of 1960, sec. 3 and Sch. II, for "Part C State" (w.e.f. 26-12-1960).

**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 <sup>1</sup>[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 rule made thereunder, or of the conditions and restrictions upon or subject to which any licence has been granted under this Part, he shall be <sup>2</sup>[liable to penalty of one lakh rupees and, in the case of a continuing contravention, with a further penalty which may extend to ten thousand rupees for each day during which the contravention continues].

#### STATE AMENDMENT

**Goa, Daman and Diu.**—After section 14 insert the following section, namely:—

*"14A. Penalty for resale of tickets and cognizance of offence.*—(1) Notwithstanding anything contained in section 56 of the Indian Easements Act, 1882 (Central Act 5 of 1882), a ticket for admission to a cinematograph exhibition shall not be resold for profit by the purchaser thereof.

(2) Whoever re-sells any ticket for admission to a cinematograph exhibition for profit shall be punishable with fine which shall not be less than two hundred rupees and may extend to five hundred rupees or in default to single imprisonment, which may extend to three months.

(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), an offence under this section shall be deemed to be cognizable within the meaning of that Code."

[Vide Goa Act 4 of 1986, sec. 3 (w.e.f. 18-9-1986).]

**<sup>3</sup>[15. Power to revoke or suspend licence.**—(1) Where the holder of a licence has been convicted of an offence under clauses (a) to (c) of sub-section (1) of section 7, the licence may be revoked by the licensing authority.

(2) Where the holder of a licence has been imposed penalty for contravention under clauses (d) to (f) of sub-section (1) of section 7 or section 14, the licence may be suspended by the licensing authority for a period not exceeding thirty days:

Provided that in cases of more than three contraventions over a period of three years, the licensing authority, may, for the reasons to be recorded in writing, by order, revoke the licence:

Provided further that no order under this section shall be made without giving the holder of the licence a reasonable opportunity of being heard.]

1. Subs. by Act 58 of 1960, sec. 3 and Sch. II, for "whole Part C State or any part thereof" (w.e.f. 26-12-1960).
2. Subs. by the *Jan Vishwas* (Amendment of Provisions) Act, 2023 (12 of 2023), Sch., serial no. 11(C), for "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" [w.e.f. 1-9-2023, vide S.O. 3858(E), dated 1st September, 2023]
3. Subs. by the *Jan Vishwas* (Amendment of Provisions) Act, 2023 (12 of 2023), Sch., serial no. 11(D), for section 15 [w.e.f. 1-9-2023, vide S.O. 3858(E), dated 1st September, 2023]. Section 15 before substitution, stood as under:

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

1. Section 16 renumbered as sub-section (1) thereof by Act 49 of 1981, sec. 19 (w.e.f. 1-6-1983).

**16. Power to make rules.**—<sup>1</sup>[(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 licences 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.

<sup>2</sup>[(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.]

#### STATE AMENDMENT

**Goa, Daman and Diu.**—After section 16, insert the following section, namely:—

*“16A. Power of State Government to make rules.*—The State Government may by notification in the Official Gazette, make rules for regulating or prohibiting the sale of any ticket or pass for admission by whatever name called, to a place licensed under this Act.”

[Vide Goa Act 4 of 1986, sec. 3 (w.e.f. 18-9-1986).]

**17. Power to exempt.**—The Central Government may, by order in writing exempt<sup>3</sup>, 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.

2. Ins. by Act 49 of 1981, sec. 19 (w.e.f. 1-6-1983).

3. For such general exemptions, see Gazette of India, 1954, Pt. II, Sec. 3, p. 240, Gazette of India, 1955, Pt. II, Sec. 3, p. 310.