

Draft Cinematograph Bill, 2010

The Cinematograph Act, 1952, which is almost six decades old, needs to be made contemporary in order to make the process of certification of films for exhibition in tune with the changed times and also make it an effective tool to combat piracy. It is, therefore, proposed to introduce Cinematograph Bill, 2010 by repealing the Cinematograph Act, 1952. A draft of the said Cinematograph Bill, 2010 is placed below. Comments/suggestions from the general public/stakeholders on the draft Bill are invited which may be addressed to :-

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THE CINEMATOGRAPH BILL, 2010

A BILL

to make provision for the sanctioning of cinematograph films for exhibition and for regulating exhibitions by means of cinematographs and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:-

**PART – I
PRELIMINARY**

	<p>1. Short Title, extent and commencement.-</p> <p>(1) This Act may be called the Cinematograph Act, 2010</p> <p>(2) It extends to the whole of India:</p> <p>Provided that Part IV of the Act extends to the Union territories only.</p> <p>(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.</p>	<p>Short title, extent and commencement.</p>
10 of 1897.	<p>2. Definitions.- In this Act, unless the context otherwise requires –</p> <p>(a) “adult” means a person who has completed his eighteenth year;</p> <p>(b) “applicant” means a person applying for certification of a film for exhibition under Section 6;</p> <p>(c) “authorized officer” means, within his local limits of jurisdiction, -</p> <p>(i) a District Magistrate; or</p> <p>(ii) a Sub-divisional Magistrate; or</p> <p>(iii) a Commissioner of Police,</p> <p>and includes any other officer notified in the Official Gazette, by the Central Government or the State Government, to be an authorized officer for such local limits of jurisdiction as may be determined by that Government;</p> <p>(d) “Board” means the Central Board of Film Certification constituted by the Central Government under section 4;</p> <p>(e) “Certificate” means the certificate granted by the Board under section 8;</p> <p>(f) “Cinematograph” means any apparatus, product or device, analogue or digital or any other technology, used for representation of moving pictures or series of pictures:</p>	<p>Definition.</p>

	<p>Provided that the Central Government may, by notification in the Official Gazette, either include or exclude any such apparatus or device from the purview of this definition;</p> <p>(g) "Exhibition" means display of a cinematograph film or making available a cinematograph film to persons not directly connected with the production, distribution, promotion or certification of that film;</p> <p>(h) "film" means a cinematograph film;</p> <p>(i) "person" includes any company or association or body of persons whether incorporated or not;</p> <p>(j) "place" includes a house, building, tent and any description of transport, whether by sea, land or air;</p> <p>(k) "prescribed" means prescribed by Rules made under the Act;</p> <p>(l) "regional officer" means a regional officer appointed by the Central Government under section 7 and includes an additional regional officer and an assistant regional officer;</p> <p>(m) "Tribunal" means the Film Certification Appellate Tribunal constituted under section 11.</p>	
	<p>3. 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.</p>	<p>Construction of references to any law not in force or any functionary not in existence in the State of Jammu and Kashmir</p>
	<p>PART II</p> <p>CERTIFICATION OF FILMS FOR PUBLIC EXHIBITION</p>	
	<p>4. Central Board of Film Certification.-</p> <p>(1) For the purpose of sanctioning films for exhibition, the Central Government may, by notification in the Official Gazette, constitute a Board to be called the Central Board of Film Certification, which shall consist of a Chairperson and not less than twelve and not more than twenty-five other members to be appointed by the Central Government.</p> <p>Provided that at least one-third of the members of the Board shall be women;</p>	<p>Central Board of Film Certification.</p>

	<p>(2) The Chairperson of the Board shall be a person of eminence in public life and, in the opinion of the Central Government, qualified to judge the effect of films on the public;</p> <p>(3) The other members of the Board shall be persons who, by reasons of their experience, qualification or profession in the field of art, cinema, drama, law, literature, social sciences, media, education or performing arts or by reason of eminence in public life and are, in the opinion of the Central Government, qualified to judge the effect of films on the public;</p> <p>(4) The Chairperson 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.</p> <p>(5) The other terms and conditions of service of the members of the Board shall be such as may be prescribed.</p>	
	<p>5. Procedure to be followed by the Board.-</p> <p>The Board shall be guided by the principles of natural justice for sanctioning of films for exhibition.</p>	<p>Procedure and powers of the Board.</p>
	<p>6. Examination of films –</p> <p>(1) Any person desiring to exhibit any film shall in the prescribed manner make an application, accompanied by prescribed fee, to the Board for a certificate in respect thereof, and the Board may, after examining or having the film examined in the prescribed manner, -</p> <p>(i) sanction the film for unrestricted exhibition; or</p> <p>(ii) having regard to any material in the film, if the Board is of the opinion that the film is suitable for viewing by persons who have completed twelve years of age, the Board may sanction the film for such exhibition; or</p> <p>(iii) having regard to any material in the film, if the Board is of the opinion that the film is suitable for viewing by persons who have completed fifteen years of age, the Board may sanction the film for such exhibition; or</p> <p>(iv) sanction the film for exhibition restricted to adults; or</p> <p>(v) sanction the film for exhibition restricted to members of any profession or any class of persons, having regard to the nature, content and theme of the film; or</p>	<p>Examination of Films</p>

	<p>(vi) direct the applicant to carry out such excisions or modifications in the film as it thinks necessary before sanctioning the film for exhibition under any of the foregoing clauses; or</p> <p>(vii) refuse to sanction the film for exhibition.</p> <p>(2) No action under clause (i) to clause (vii) of sub-section (1) shall be taken by the Board without giving an opportunity of being heard to the person concerned.</p>	
	<p>7. Advisory panels. –</p> <p>(1) For the purpose of enabling the Board to efficiently discharge its functions under this Act, the Central Government may establish at such regional centre 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.</p> <p>Provided that the Central Government may prescribe additional qualifications for appointment as a Member of any Advisory Panel.</p> <p>Provided further that at least one-third members on an advisory panel shall be women.</p> <p>(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 shall provide for the association of regional officers in the examination of films.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p>	<p>Advisory Panels</p>
	<p>8. Certification of films. –</p>	<p>Certification of</p>

	<p>(1) If, after examining a film or having it examined in the prescribed manner, the Board considers that-</p> <p>(a) the film is suitable for unrestricted exhibition, it shall grant to the person applying for certificate in respect of the film a "U" certificate and cause the film to be so marked in the prescribed manner; or</p> <p>(b) the film is suitable for viewing by persons who have completed twelve years of age, it shall grant to the person applying for certificate in respect of the film a '12+' certificate and cause the film to be so marked in the prescribed manner; or</p> <p>(c) having regard to any material in the film, if the Board is of the opinion that the film is suitable for viewing by persons who have completed fifteen years of age, it shall grant to the person applying for certificate in respect of the film a "15+" certificate and cause the film to be so marked in the prescribed manner; or</p> <p>(d) the film is suitable for exhibition restricted to adults, it shall grant to the person applying for certificate in respect of the film an "A" certificate and cause the film to be so marked in the prescribed manner; or</p> <p>(e) the film is suitable for exhibition restricted to members of any profession or any class of person, it shall grant to the person applying for a certificate in respect of the film a "S" certificate and cause the film to be so marked in the prescribed manner:</p> <p>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) or clause (c) or clause (d) or clause (e):</p> <p>Provided further that if the applicant for the certificate in Section 6 is the producer, as defined in Section 2 (uu) of the Copyright Act, 1957, then the certificate granted to him under this section shall be deemed to be the evidence of copyright owned by him in respect of the cinematograph film.</p> <p>Provided further that the certificates of the films</p>	<p>Films.</p>
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	<p>certified by the Board before the date of coming into force of this Act shall remain valid.</p> <p>(2) Where the Board passes an order –</p> <p>(a) refusing to grant a certificate; or (b) granting only a "12+" certificate; or (c) granting only a "15+" certificate; or (d) granting an "A" certificate; or (e) granting a "S" certificate; or (f) directing the applicant to carry out any excision or modifications;</p> <p>it shall record in the order, the reasons for doing so.</p> <p>(3) A certificate granted or an order refusing to grant a certificate in respect of any film shall be published by the Board in the Official Gazette of India;</p> <p>(4) Subject to the other provisions contained in this Act, a certificate granted for a film by the Board under this section shall be valid throughout India for all formats or gauges of that film except that a certificate issued for release of a film on video format shall be valid for its theatrical release only with an endorsement to that effect:</p> <p>Provided that a fresh application shall be made by an applicant for change in the category of certificate already granted and on receipt of such an application the Board shall process and decide such application treating it as a fresh application.</p>	
	<p>9. Principles for guidance in certifying films. –</p> <p>(1) A film shall not be sanctioned for exhibition if, in the opinion of the authority competent to grant the certificate, the film or any part of it is against the interest 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</p> <p>(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.</p>	<p>Principles for guidance in certifying films.</p>
	<p>10. Appeals. –</p>	<p>Appeals.</p>

	<p>(1) Where the applicant for a certificate in respect of a film is aggrieved by any order of the Board-</p> <p>(a) refusing to grant a certificate; or (b) granting only a "S" certificate; or (c) granting only an "A" certificate; or (d) granting only a "15+" certificate; or (e) granting only a "12+" certificate; or (f) directing the applicant to carry out any excisions or modifications,</p> <p>may, within a period of thirty days from the date of such order, prefer an appeal to the Tribunal:</p> <p>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 by passing a reasoned order.</p> <p>(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, as may be prescribed.</p>	
	<p>11. Constitution of Tribunal. –</p> <p>(1) For the purpose of hearing appeals against any order of the Board under section 10, the Central Government shall, by notification in the Official Gazette, constitute a Tribunal.</p> <p>(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.</p> <p>(3) The Tribunal shall consist of a Chairperson and not more than four other members to be appointed by the Central Government.</p> <p>(4) A person shall not be qualified for appointment as the Chairperson 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.</p> <p>(5) The Central Government may appoint such persons who, by reasons of having achieved eminence in the field of arts, cinema, drama, law, literature, media or social sciences, and in its opinion, are qualified to</p>	<p>Constitution of Tribunal</p>

	<p>judge the effect of films on the public, to be members of the Tribunal.</p> <p>(6) The term of office, terms and conditions of service, financial and other administrative powers of the Chairperson and members shall be such as may be prescribed.</p> <p>(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.</p> <p>(8) The Chairperson of the Tribunal, in consultation with the Government, may assign such duties and powers to the Secretary to the Tribunal or to such other officers of the Tribunal, as deemed fit.</p> <p>(9) The other terms and conditions of service of the Secretary and other employees of the Tribunal shall be such as may be prescribed.</p>	
	<p>12. Procedure and powers of Tribunal. –</p> <p>(1) The Tribunal shall, subject to any Rules that may be made in this behalf, have power to regulate its own procedure and may act notwithstanding the temporary absence of any member or the existence of a vacancy amongst its members.</p> <p>(2) 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 an appeal as it thinks fit and the Board shall dispose of the matter in conformity with such order.</p> <p>(3) No order passed or action taken by the Tribunal shall be called in question by the appellant in any Court except in a High Court of appropriate jurisdiction.</p> <p>(4) Save as otherwise provided in this Act, no civil court shall entertain any suit or proceeding in any matter to which this Act applies.</p> <p>13. Suspension and revocation of certificate.-</p> <p>(1) Notwithstanding anything contained in section 15, 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-</p>	<p>Procedure and powers of Tribunal</p> <p>Suspension and revocation of certificate</p>

5 of 1908.	<p>(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</p> <p>(ii) the film or any part thereof is being exhibited in contravention of the provisions of this Part or the rules made thereunder; or</p> <p>(iii) the certificate has been obtained by fraud or misrepresentation as to an essential fact.</p> <p>(2) Where a notification under sub-section (1) has been published, the Central Government may require the applicant to whom the certificate was issued or any other person to whom the rights in the film have passed, or both, to deposit 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.</p> <p>(3) No action under this section shall be taken without giving an opportunity of being heard to the person concerned.</p> <p>(4) During the period in which a certificate remains suspended under this section, the film shall be deemed to be an uncertified film.</p> <p>14. Review of orders by Central Government.-</p> <p>(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 13, 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:</p> <p>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.</p> <p>(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</p>	<p>Review of orders by Central Government</p> <p>Powers of the Central Government to issue directions</p> <p>Delegation of powers by Board</p>
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	<p>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.</p> <p>15. Powers of the Central Government to issue directions. –</p> <p>If in the opinion of the Central Government the provisions of Section 9(1) have not been complied with while sanctioning of a film for exhibition by the Board, the Central Government may direct the Board to review its decisions regarding grant of certificate to that film under section 8 and upon such direction being passed by the Central Government, the Board shall review its decision.</p> <p>16. Delegation of powers by Board. –</p> <p>(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 Chairperson or any other member of the Board, and anything done or action taken by the Chairperson or other member specified in the order shall be deemed to be a thing done or action taken by the Board.</p> <p>(2) The Central Government may, by order and subject to such conditions and restrictions as may be prescribed, authorize the regional officers to issue provisional certificates.</p> <p>17. Power to direct exhibition of films.-</p> <p>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.</p>	<p>Power to direct exhibition of films for examination</p>
2 of 1974.	<p>18. Power of search and seizure.-</p> <p>(1) Where a film is exhibited in contravention of the provisions contained in this Act or rules 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 not below the rank of Sub-Inspector or an authorized officer may enter any place in which he has reason to believe that such a film has been or is being or is likely to be exhibited, search it and seize the film.</p>	<p>Power of search and seizure.</p>

	<p>(2) All searches and seizures under this Act shall be carried out in accordance with the provisions of the Code of Criminal Procedure, 1973, relating to searches and seizures.</p>	
	<p>PART III OFFENCES AND PENALTIES.</p>	
	<p>19. Penalty for unauthorized issue of negative or copy of the film or making duplicate prints/copies.-</p> <p>(1) No person who undertakes the processing of a film, analogue or digital or in any other form using any technology, shall, -</p> <p>(i) issue any negative or copy of the film to any person except one copy of the first married print of the film to the person applying for a certificate under sub-section (1) of section 6 until a certificate is granted; or</p> <p>(ii) make a duplicate print or a copy of the film in any form using any technology,</p> <p>(2) No person shall make or cause to be made unauthorized duplicate print or copy of the film in any form using any technology;</p> <p>(3) Any person, who fails to comply with the provisions contained in sub-section (1) or sub-section (2), shall be punishable with a fine of not less than five lakh rupees which may extend to twenty-five lakh rupees or imprisonment of not less than one year which may extend to three years or both;</p>	<p>Penalty for unauthorized issue of negative or copy of the film or making duplicate prints/copies.</p>
	<p>20. Penalty for not supplying required information and documents.-</p> <p>(1) Before the issue of a certificate granted under section 8, the applicant for the certificate, or his authorized representative shall deposit, at his own cost, a print of the film, in the same format in which it has been certified and a copy of the film in the prescribed format with the prescribed agency or agencies for archival purpose and record.</p> <p>(2) 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</p>	<p>Penalty for not supplying required information and documents</p>

	<p>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;</p> <p>(3) Notwithstanding anything contained in any other Act or law in force, any person, who fails to comply with the provisions contained in sub-section (1) or sub-section (2), shall be punishable with a fine of not less than one lakh rupees which may extend to three lakh rupees and in the case of a continuing offence with a further fine of not less than five thousand rupees which may extend to twenty thousand rupees for each day during which the offence continues and if the same is not paid the same shall be recoverable as arrears of land revenue;</p> <p>21. Penalties for contraventions of certain provisions of this Act.-</p> <p>(1) If any person –</p> <p>(a) exhibits or permits to be exhibited in any place, -</p> <p>(i) any film other than a film which has been certified by the Board as suitable for unrestricted exhibition or for exhibition restricted to Children of more than twelve years or for exhibition to Children who have completed fifteen years or for 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;</p> <p>(ii) any film, which has been certified by the Board as suitable for exhibition restricted to adults, to any person who is not an adult;</p>	<p>Penalties for contraventions of certain provisions of this Act</p>
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	<p>(iii) any film, which has been certified by the Board as suitable for exhibition restricted to the persons who have completed fifteen years of age or above to any person who has not completed fifteen years of age;</p> <p>(iv) any film, which has been certified by the Board as suitable for exhibition restricted to persons who have completed twelve years of age or above to any person who has not completed twelve years of age;</p> <p>(v) any film which has been certified by the Board as suitable for 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</p> <p>(b) without lawful authority (the burden of proving which shall be on him), alters or tampers or interpolates or interferes with in any way any film after it has been certified; or</p> <p>(c) fails to comply 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,</p> <p>he shall be punishable with imprisonment for a term of not less than one year which may extend to three years, or with a fine of not less than one lakh rupees which may extend to three lakh rupees, or with both, and in the case of a continuing offence with a further fine of not less than five thousand rupees which may extend to twenty thousand rupees for each day during which the offence continues.</p> <p>Provided that notwithstanding anything contained in section 29 of the Code of Criminal Procedure, 1973, 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 Act.</p> <p>(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 print of the film shall be forfeited to the Central Government.</p> <p>(3) The exhibition of a film, in respect of which a "S"</p>	<p>Penalty for not displaying the certificate</p>
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	<p>certificate or an "A" certificate or a "15+" certificate or a "12+" 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.</p> <p>22. Penalty for not displaying the Certificate.-</p> <p>(1) The applicant for the certificate, any distributor or exhibitor or any other person to whom the rights in the film have passed, shall ensure-</p> <p>(a) that the prescribed Part of the certificate along with the prescribed marks of the Board shall always be exhibited with the film for the duration as prescribed;</p> <p>(b) that any person connected with the exhibition of a promotional film or an advertisement film granted 'U' or "12+" or "15+" or "A" or "S" certificate shall mention with such promotional or advertisement film that the film has been certified for such exhibition, prominently indicating the categorization of the film.</p> <p>(2) If any person described in sub section (1) fails to comply with the provisions of this section, shall be punishable with a fine of not less than five thousand rupees which may extend to twenty thousand rupees per day for each violation.</p>	
	<p>23. Cognizance of Offences.-</p> <p>No Court shall take Cognizance of any offence punishable under this Act except upon a complaint in writing made by any authorized officer.</p>	<p>Cognizance of Offences.</p>
	<p>PART IV REGULATION OF EXHIBITION BY MEANS OF CINEMATOGRAPHS</p>	
	<p>24. 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.</p>	<p>Cinematograph exhibitions to be licensed.</p>
	<p>25. Licensing authority.- The authority having power to grant license under this Part (hereinafter referred to as</p>	<p>Licensing authority.</p>

	<p>the licensing authority) shall be the district magistrate:</p> <p>Provided that the Union territory Government may, by notification in the Official Gazette, constitute, for the whole or any part of the Union territory, such other authority as it may specify in the notification to be the licensing authority for the purposes of this Part.</p>	
	<p>26. Restrictions on powers of licensing authority. –</p> <p>(1) The licensing authority shall not grant a licence under this Part, unless it is satisfied that, –</p> <p>(a) the provision of this Act and Rules made thereunder have been substantially complied with, and</p> <p>(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.</p> <p>(2) Subject to the foregoing provisions of this section and to the control of the Union territory 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.</p> <p>(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 Union territory Government or to such officer as the Union territory Government may specify in this behalf and the Union territory Government or the officer, as the case may be, may make such order in the case as it or he thinks fit.</p> <p>(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.</p>	<p>Restrictions on powers of licensing authority.</p>

	<p>27. Power of Central Government or local authority to suspend exhibition of films in certain cases. –</p> <p>(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 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.</p> <p>(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.</p> <p>(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.</p>	<p>Power of Central Government or local authority to suspend exhibition of films in certain cases.</p>
	<p>28. 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 licence has been granted under this Part, he shall be punishable with fine of not less one lakh rupees which may extend to three lakh rupees and in the case of a continuing offence, with a further fine of not less than five thousand rupees which may extend to twenty thousand rupees for each day during which the offence continues.</p>	<p>Penalties for contravention of this Part.</p>
	<p>29. Power to revoke licence. - Where the holder of a licence has been convicted of an offence under any of the sections of this Act, the licensing authority may revoke the licence under that rule;</p>	<p>Power to revoke license.</p>
	<p>30. Power to make rules. –</p>	<p>Power to make</p>

	<p>(1) The Central Government may, by notification in the Official Gazette, make rules-</p> <p>(a) prescribing the terms, conditions and restrictions, if any, subject to which licence may be granted under this Part;</p> <p>(b) providing for the regulation of cinematograph exhibitions for securing the public safety under the provisions of sub-section (1) of section 26;</p> <p>(c) prescribing the time within which and the conditions subject to which an appeal under sub-section (3) of section 26 may be preferred.</p> <p>(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.</p>	rules.
	PART - V MISCELLANEOUS	
	<p>31. Bar of legal proceedings. –</p> <p>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 or 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.</p>	Protection of action taken in good faith.
45 of 1860	<p>32. Members of the Board and advisory panels to be public servants. –</p> <p>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</p>	Members of the Tribunal, the Board, and Advisory Panels to be public servants.

	deemed to be public servants within the meaning of section 21 of the Indian Penal Code.	
	33. 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.	Vacancies, etc., not to invalidate proceeding
	<p>34. Power to make rules.-</p> <p>(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.</p> <p>(2) In particular, and without prejudice to the generality of the foregoing power, rules made under this section may provide for all or any of the following matters, namely:-</p> <p>(a) the allowances or fees payable to the members of the Board under sub-section 4 of section 4;</p> <p>(b) the terms and conditions of service of the members of the Board under sub-section 5 of section 4;</p> <p>(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 under sub-section 1 of section 6;</p> <p>(d) the manner in which the Board may consult any advisory panel in respect of any film under sub-section 3 of section 7;</p> <p>(e) the allowances or fees payable to the members of the advisory panel under sub-section 5 of section 7;</p> <p>(f) the marking of the films under section 8;</p> <p>(g) the fee payable by the appellant to the Tribunal in respect of matters relating to appeal under sub-section 2 of section 10;</p> <p>(h) the term of office, terms and conditions of service, financial and administrative powers of the Chairperson and the members of the Tribunal under sub-section 6 of Section 11.</p> <p>(i) the other terms and conditions of service of the Secretary to, and other employees of, the Tribunal under sub-section 9 of Section</p>	

	<p>11;</p> <p>(j) the association of regional officers in the examination of films, the conditions and restrictions subject to which regional officers may be authorized under sub-section 2 of section 16 to issue provisional certificates;</p> <p>(k) the manner in which certified film may be delivered to the distributor or exhibitor and the conditions subject to which any certificate be granted under sub-section (2) of section 20 of the Act;</p> <p>(l) the duration of the exhibition of prescribed marks of the Board under clause (a) of sub-section (1) of section 22;</p> <p>(m) any other matter which is required to be, or may be, prescribed.</p> <p>(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.</p>	
	<p>35. Power to exempt. –</p> <p>(1) The Central Government may, by order in writing exempt, subject to such conditions and restrictions, as it may impose, any film or class of films from any of the provisions of this Act or of any rules made thereunder.</p>	<p>Power to exempt.</p>
	<p>36. Power to remove difficulties.-</p> <p>(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty:</p> <p>Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.</p>	<p>Power to remove difficulties.</p>

	(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.	
37 of 1952 10 of 1897	<p>37. Repeal and Savings.-</p> <p>(1) The Cinematograph Act, 1952 is hereby repealed.</p> <p>(2) Notwithstanding such repeal and without prejudice to the provisions contained in the General Clause Act, 1897 with respect to repeals-</p> <p>(a) anything done or action taken under any provision of the Cinematograph Act, 1952 by the Central Government shall continue to be in force; or</p> <p>(b) the previous operation of the provisions so repealed or anything duly done or suffered thereunder; or</p> <p>(c) any right, privilege, obligation or liability acquired, accrued or incurred under the provisions so repealed; or</p> <p>(d) any penalty, forfeiture or punishment incurred in respect of any offence committed against the provisions so repealed; or</p> <p>(e) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and</p> <p>(f) any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if the said provisions had not been repealed:</p> <p>Provided that anything done or any action taken (including any appointment made, notification issued or rule made) under the provisions so repealed shall be deemed to have been done or taken under any provision of the Cinematograph Act by the Central Government shall continue to be in force and have effect as if this Act has not been passed.</p>	Repeal and Savings.

