

# THE CINEMATOGRAPH BILL 2013

## ARRANGEMENT OF CLAUSES

### CHAPTER I PRELIMINARY

#### CLAUSES

1. Scope and Operation.
2. Definitions.
3. Construction of references to any law not in force or any functionary not in existence in the State of Jammu and Kashmir.

### CHAPTER II PROHIBITION ON EXHIBITION OF FILMS

4. Prohibition on exhibition.

### CHAPTER III BOARD OF FILM CERTIFICATION

5. Board of Film Certification.
6. Term of office and other terms and conditions of the members of the Board.
7. Vacancy.
8. Resignation and removal of Chairperson or member.
9. Functions of the Board.
10. Meetings of the Board.
11. Vacancies, etc. not to invalidate proceeding.
12. Delegation of powers.
13. Chairperson's powers.
14. Establishment of regional offices, appointment of the Chief Executive officer and Regional officers
15. Constitution of screening panels.
16. Avoidance of conflict of interest in discharge of functions.
17. Powers of Central Government to supersede the Board.

### CHAPTER IV EXAMINATION AND CERTIFICATION OF FILMS AND PROCEDURE THEREFOR

18. Application for examination and certification prior to exhibition.
19. Functions of the Examining Committee.
20. Revising Committee.
21. Sanctioning and classification of films by the Board.
22. Certification of films.
23. Change in category of certificate.
24. Principles for guidance in certifying films.
25. Obligations of certain person.

26. Suspension and revocation of certificate
27. Review of orders by Central Government
28. Powers of Central Government to issue directions
29. Re- examination of a certified film
30. Films deemed to be uncertified film not to be exhibited

## CHAPTER V

### APPELLATE TRIBUNAL

31. Appeal.
32. Constitution of Appellate Tribunal.
33. Composition of the Appellate Tribunal.
34. Term of office and other terms and conditions of Chairperson and members of Appellate Tribunal.
35. Resignation and removal of Chairperson and members of Appellate Tribunal.
36. Vacancy.
37. Secretary and other employee.
38. Powers and procedure of the Appellate Tribunal.
39. Appeal to Supreme Court

## CHAPTER VI

### OFFENCES AND PENALTIES

40. Penalty for unauthorized duplication of a film.
41. Penalties relating to unauthorized exhibition, tampering etc.
42. Penalty for failure to deposit print of film and supplying required information to distributor or exhibitor
43. Penalty for failure to comply with Section 25.
44. Penalty for contravention by Companies.
45. Cognizance of offences.

## CHAPTER VII

### REGULATION OF EXHIBITION BY MEANS OF CINEMATOGRAPHS IN UNION TERRITORIES

46. Cinematograph exhibitions to be licensed.
47. Application for grant of license.
48. Grant of License and Restrictions on powers of licensing authority.
49. Power of Central Government or local authority to suspend exhibition of films in certain cases.
50. Penalties for contravention of this part.
51. Power to Revoke License.

## CHAPTER VIII

### MISCELLANEOUS

52. Power to direct exhibition of films.
53. Power of search and seizure.
54. Protection of Action taken in Good faith.
55. Members of Appellate Tribunal Board and Advisory Panels to be public servants.
56. No punishment in respect of certified film.
57. Evidence of Copyright.
58. Bar of jurisdiction.
59. Power to make rules.

60. Power to exempt.
61. Power to remove difficulties.
62. Repeal and savings.
63. Dissolution of existing Board and existing Tribunal.
64. Provisions in respect of officers and other employees of existing Board and the existing Tribunal.
65. Consequential provisions.
66. General effect of vesting of assets and properties.

## THE CINEMATOGRAPH BILL 2013

A

## BILL

*to provide for the certification of cinematograph films for exhibition and for regulating exhibition by means of cinematograph and for matters connected therewith or incidental thereto.*

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

## CHAPTER I

## PRELIMINARY

**1. Scope and Operation-**

- (1) This Act may be called the Cinematograph Act, 2013
- (2) It shall extend to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

**2 Definitions-**

- (1) In this Act, unless the context otherwise requires-
  - a) "adult" means a person who has completed his eighteenth year;
  - b) "advertising material" is any material in a cinematograph medium that is intended primarily to promote a film to the public and shall include trailers, exclusive content, clips and footage, pre-show advertising and audio-visual displays.
  - c) "applicant" means a person applying for certification of a film for exhibition under section 18;
  - d) "appointed day" means the date on which the Board is constituted under sub section (1) of section 5;
  - e) "authorized officer" means –
    - i) A District Magistrate, or
    - ii) A Sub Divisional Magistrate or
    - iii) Commissioner of Police,
 within his local limits of jurisdiction and includes any other officer notified by the Central Government or the State Government to be an authorized officer for such local limits of jurisdiction as may, by notification, be specified by that Government;
  - f) "Board" means the Central Board of Film Certification constituted by the Central Government under sub section (1) of Section 5;
  - g) "certificate" means the certificate granted by the Board under section 22;
  - h) "Chairperson" means the Chairperson of the Board;
  - i) "Chief Executive Officer" means the Chief Executive officer appointed under sub section (1) of section 14;
  - j) "cinematograph" means any medium, apparatus, product or device, analogue or digital or any other technology, used for representation of moving pictures or series of pictures;