

THE CINEMATOGRAPH (AMENDMENT) ACT, 1959

No. 3 OF 1959

[12th March, 1959]

An Act further to amend the Cinematograph Act, 1952.

BE it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Cinematograph (Amendment) Act, 1959.

Amendment of section 1. 2. In section 1 of the Cinematograph Act, 1952 (hereinafter referred to as the principal Act), in sub-section (2), for the words and letter "Part C States", the words "the Union territories" shall be substituted.

Amendment of section 2. 3. In section 2 of the principal Act, after clause (d), the following clause shall be inserted, namely:—

'(dd) "film" means a cinematograph film;'

Substitution of new sections for sections 3, 4, 5 and 6. 4. For sections 3, 4, 5 and 6 of the principal Act, the following sections shall be substituted, namely:—

Board of Film Censors. "3. (1) For the purpose of sanctioning films for public exhibition, the Central Government may, by notification in the Official Gazette, constitute a Board to be called the Board of Film Censors which shall consist of a Chairman and not more than nine other members appointed by the Central Government.

(2) The Chairman of the Board shall receive such salary and allowances as may be determined by the Central Government, and the other members shall receive such allowances or fees for attending the meetings of the Board as may be prescribed.

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

4. (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,--- Examination of films.

(i) sanction the film for unrestricted public exhibition; or

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

(iii) direct the applicant to carry out such excisions or modifications in the film as it thinks necessary before sanctioning the film for unrestricted public exhibition or for public exhibition restricted to adults, as the case may be; or

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

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

5. (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. Advisory panels.

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

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

(4) It shall be the duty of every such advisory panel whether acting as a body or in committees as may be provided in the rules made in this behalf to examine the film and to make such recommendations to the Board as it thinks fit.

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

Certification
of films.

5A. (1) If, after examining a film or having it examined in the manner provided in this Act, the Board considers that the film is suitable for unrestricted public exhibition or that, although not suitable for such exhibition, it is suitable for public exhibition restricted to adults, it shall grant to the person applying for a certificate in respect of a film a "U" certificate in the former case and an "A" certificate in the latter case, and shall in either case cause the film to be so marked in the prescribed manner.

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

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

Principles
for guidance
in certifying
films.

5B. (1) A film shall not be certified for public exhibition if, in the opinion of the authority competent to grant the certificate, the film or any part of it is against the interests of the 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.

Appeals.

5C. 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) directing the applicant to carry out any excisions or modifications;

may, within thirty days from the date of such order, appeal to the Central Government, and the Central Government may, after such inquiry into the matter as it considers necessary and after giving the appellant an opportunity for representing his views in the matter, make such order in relation thereto as it thinks fit.

Revisional
powers
of
the Central
Government.

6. (1) Notwithstanding anything contained in this Part, the Central Government may 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.

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

(a) a film which has been granted a certificate shall be deemed to be an uncertified in the whole or any part of india; or

(b) a film which has been granted a "U" certificate shall be deemed to be a film in respect of which an "A" certificate has been granted; or

(c) the exhibition of any film be suspended for such period as may be specified in the direction:

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

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

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

5. After section 7 of the principal Act, the following sections shall be inserted, namely:—

"7A. (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 or the Board in the exercise of any of the powers conferred on it, any police officer may, in pursuance of an order made in this behalf by the district magistrate or by any magistrate of the first class empowered in this behalf by the district magistrate, 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.

Insertion of
new sections
7A, 7B, etc.

Power of
seizure.

(2) All searches under this Act shall be carried out in accordance with the provisions of the Code of Criminal Procedure, 1898, 5 of 1898, relating to searches.

Delegation
of powers
by Board.

7B. 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 such matters and subject to such conditions, if any, as may be specified in the order, be exercisable also by the Chairman or any other member of the Board, and anything done or action taken by the Chairman or other member specified in the order shall be deemed to be a thing done or action taken by the Board.

Power to
direct ex-
hibition of
films for
examination.

7C. For the purpose of exercising any of the powers conferred on it by this Act, the Central Government or the Board may require any film to be exhibited before it or before any person specified by it in this behalf.

Vacancies,
etc., not to
invalidate
proceeding.

7D. No act or proceeding of 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 Board or panel, as the case may be.

Members of
the Board
and advisory
panels to be
public ser-
vants.

7E. All members of the Board and of any advisory panel shall, when acting or purporting to act in pursuance of any of the provisions of this Act, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Bar of legal
proceedings.

7F. No suit or other legal proceeding shall lie against the Central Government, the Board, advisory panel or any officer or member of the Central Government, 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."

Amendment
of section 8.

6. For sub-section (3) of section 8 of the principal Act, the following sub-section shall be substituted, namely:—

"(3) All rules made by the Central Government under this Part shall be laid for not less than thirty days before each House of Parliament as soon as may be after they are made, and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following."