

THE CINEMATOGRAPH ACT, 1952

[Act No. 37 of Year 1952, dated 21-3-1952]

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 extend to the whole of India 1[***] and Part III extends to the Union Territories only.

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

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 (25 of 1973), as the Central Government may, by notification in the Official Gazette, appoint.]

2. Definitions

In this Act, unless the context otherwise requires,-

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

(b) "Board" means the Board of Film Certification constituted by the Central Government under section 3;]

(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;

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

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

(f) "prescribed" means prescribed by rules made under this Act;

(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) "Tribunal" means the Appellate Tribunal constituted under section 5D.]

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.]

PART II : CERTIFICATION OF FILMS FOR PUBLIC EXHIBITION

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 2[Board of Film Certification] which shall consist of a Chairman and 8[not less than twelve and not more than twentyfive] 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.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 3[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.

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 centers 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.

(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.

5A. Certification of films

(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 "UA" certificate; or

(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, an "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).]