

## **West Bengal Cinema (Regulation) Act, 1954**

**39 of 1954**

**[20 August 1954]**

### CONTENTS

1. Short Title, Extent And Commencement
2. Definitions
3. Cinematograph Exhibition To Be Licensed
4. Licensing Authority
5. Restrictions On Powers Of Licensing Authority
6. Power Of State Government Or District Magistrate To Suspend Exhibition Of Films In Certain Cases
7. Penalties For Contravention Of The Act
8. Power To Revoke Licence
9. Power To Make Rules
10. Power To Exempt
11. Protection Of State Government And Of Officers Of Government For Acts Done In Good Faith
12. Validation Of Fees Already Realized (Ii Of 1918)
13. Repeal
14. Transitional Provisions
15. Transitional Provisions For Licenses Under Bihar Act

## **West Bengal Cinema (Regulation) Act, 1954**

**39 of 1954**

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An Act to provide for the regulation of cinemas in West Bengal. Whereas it is expedient to provide for the regulation of cinemas in West Bengal. It is hereby enacted in the Fifth Year of the Republic of India, by the Legislature of West Bengal as follows.

### **1. Short Title, Extent And Commencement :-**

(1) This Act may be called the West Bengal Cinemas (Regulation) Act, 1934. (2) It extends<sup>2</sup> to the whole of West Bengal. (3) It shall come: into force<sup>3</sup> on such date as the State Government may, be notification in the Official Gazette appoint.

### **2. Definitions :-**

In this Act, unless there is anything repugnant in the subject or

context-- 4[(al) "Bengali film" means a film certified to be in Bengali language for public exhibition under any law for the time being in force:] (a) "Calcutta" means the town of Calcutta as defined in the Calcutta Police Act, 1866, together with the suburbs of Calcutta as defined by notification under Section 1 of the Calcutta Suburban Police Act, 1866: (b) "Cinematograph" includes any apparatus for the representation of moving pictures or series of pictures; Footnotes: 1 For Statement of Objects and Reasons, see the Calcutta, Gazette, (Extraordinary), dated 20th August, 1954, Part IV-A at 1168. 2 The Act was extended to the transferred territories with effect from the 1st July, 1959, vide notification No. 5407-J, dated the 24th June, 1959, published in the Calcutta Gazette, Extraordinary, dated the 26th June, 1956, Part 1 at P. 1355. 3 Enforced on 1st February, 1955, vide notification No. 580. (P.), dated the 20th January, 1955, published in the Calcutta, (Extraordinary), dated the 20th January, 1955, Part I at 45. 4 Ins., by the W.B. Cinemas (Regulation) (Amendment) Act, 1989 (Act XVII of 1989) (c) "District Magistrate" includes a Deputy Commissioner and means in relation to Calcutta, the Commissioner of Police, Calcutta; 5[(cc) "film" means a cinematograph film;] (d) "place" includes a house, building, tent, enclosure, open space and any description of transport, whether by land, water or air;

### **3. Cinematograph Exhibition To Be Licensed :-**

(1) Save as otherwise provided in this Act, no person shall give a public exhibition by means of a cinematograph elsewhere than in a place in respect of which a license has been granted under this Act or otherwise than in compliance with any conditions or restrictions imposed by such licence. (2) The State Government may, if it considers it necessary to do so, make an order for regulating exhibitions other than public exhibitions and prescribe rules and conditions for the purpose.

### **4. Licensing Authority :-**

The authority having power to grant licenses (hereinafter referred to as the licensing authority) shall be the District Magistrate within whose jurisdiction the place where the exhibitions, by means of cinematograph are proposed to be given is situated. Provided that the State Government may, by notification in the Official Gazette, constitute for the whole of West Bengal or any part thereof such other authority as it may specify in the notification, to be the licensing authority for the purpose of this Act and on such a notification being issued the District Magistrate as the District

Magistrate having jurisdiction in the area or areas in respect of which the notification has been issued shall cease to be the licensing authority or authorities for such area or areas. 6[4-A. Any order of a licensing authority permitting or refusing to permit the construction of a permanent cinema a house shall be appealable.]

### **5. Restrictions On Powers Of Licensing Authority :-**

Appeal and revision. -- Footnotes: 5 Ins., by the W.B. Cinemas (Regulation) (Amendment) Act, 1989 (Act XVII of 1989). 6 Ins., by Notification So. 3896-P. dated 2nd July, 1965, published in Calcutta Gazette (Extraordinary), Part 1. dated July 2, 1965. (1) licensing authority shall not grant a licence under this Act unless it is satisfied that-- (a) the rules made under this Act have been substantially complied with, and (b) the prescribed 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. Provided that the licensing authority shall, before refusing to grant a licence under this Act, give the applicant an opportunity of showing cause. (2) Subject to the control of the State Government the licensing authority may grant licences, under the provisions of this Act and the rules made thereunder, to such persons as that authority thinks fit and on such terms and conditions and subject to such restrictions as it may determine and the terms and conditions laid down shall include the prescribing of such prices of admission as the licensing authority may determine. (3) The State Government may, from time to time, issue directions to licenses generally or if in the opinion of the State Government circumstances so justify, to any licenses in particular, for the purpose of regulating the exhibition of any film or class of films and in particular the exhibition of scientific films, films intended for educational purposes, films dealing with news and current events, documentary films or films produced in India, 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. 7[(3-A) The State Government may in the public interest, issue directions, from time to time to licensees generally or, if in the opinion of the State Government circumstances so justify, to any class of licensees to exhibit Bengal films for such period, not exceeding six months in a year, as that Government may determine, and where any such direction have been issued, those direction shall be deemed to be additional conditions and restrictions subject to which licence has been granted. Provided

that if the State Government is of opinion that it is necessary or expedient so to do in the public interest, it may, by order, exempt any place or area or part of any place or area from the operation of this sub-section for such period as may be specified in the order.

Footnote: 7 Ins., by the W.B. Cinemas (Regulation) (Amendment) Act, 1939 (Act XVII of 1989). (4) (a) Any person aggrieved by an order of a licensing authority granting or refusing to grant a licence or by any other order of a licensing authority which is declared by rules made, under this Act to be appealable or by the terms and conditions on which or the restrictions subject to which a licence is granted, may, within such time as may be prescribed, appeal-- (i) where the licensing authority is the District Magistrate of any district,-- to the Commissioner of the Division comprising such district (ii) where the licensing authority is the Commissioner of Police, Calcutta,-- to the Commissioner of the Presidency Division in West Bengal, and (iii) in any other case,-- to such authority as the State Government, may, by notification in the Official Gazette, specify in this behalf: (b) the State Government may, (i) 8[\* \* \*] (ii) to its own motion at any time revise,-- any order passed on appeal under clause (a), or any order of a licensing authority from which an appeal lies under clause (a), but from which no appeal has been preferred; (c) no order shall be made on such revision without giving the licensee an opportunity of being heard. (Amended by Act XLVI of 1976), (d) (i) an appellate authority while hearing appeal under clause (a), or the State Government while revising an order under clause (b), may, by order; prohibit any action being taken on the order, appeal or, as the case may be; under revision, or stay the consideration of any other application in connection with the grant of a licence under this Act or may pass such other interlocutory order as it may think just and convenient; (ii) no order under this clause shall be made without giving all persons likely to be affected by such order an opportunity of being heard. Provided that where the circumstances of a case are such that immediate action is necessary, an appellate authority or, as the case may be, the State Government may make any such order under this clause as it thinks fit, with notice to all persons affected to show cause against such order and may, after considering the cause, of any, shown by such persons, either confirm such order or vary or set it aside.

## **6. Power Of State Government Or District Magistrate To Suspend Exhibition Of Films In Certain Cases :-**

(1) The State Government in respect of the whole of West Bengal or Footnote: 8 Omitted, by Amendment Act XLVI of 1978. any part thereof, and a District Magistrate in respect of the area within his jurisdiction, may, if it or he is of opinion that any film which is being publicly exhibited or is about to be exhibited is likely to cause a breach of the peace, by order, suspend or prohibit the exhibition of the film and during such suspension or prohibition the film shall not be exhibited in the State, or in such part thereof or in such area as the case may be. (2) Where an order under sub-section (1) has been issued by a District Magistrate, a copy thereof, together with a statement of the reasons therefore, shall forthwith be forwarded by the District Magistrate to the Commissioner of the Division comprising the district under the jurisdiction of the District Magistrate and such Commissioner may either confirm or discharge the order. Provided that before confirming any such order, such Commissioner shall give, to persons prevented from exhibiting the film, an opportunity of showing cause against such order. (3) An order made under this section shall remain in force for a period of two months from the date thereof, but the State Government may, in the case of an order made by itself, and the Commissioner may, in the case of an order made by a District Magistrate and confirmed by him, if it or he is of opinion that the order should continue in force, direct that the period of suspension or prohibition shall be extended by such further period or periods as it or he thinks fit.

## **7. Penalties For Contravention Of The Act :-**

If the owner or person in charge of a cinematograph uses the same or allows it to be used for giving, an exhibition, or: the owner or occupier of any place permits that place to be used, in contravention of the provisions of this Act or of the rules made thereunder, or of the conditions and restriction upon or subject to which any licence, has been granted under this Act, he shall be 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.

## **8. Power To Revoke Licence :-**

Whether the holder of a licence under this Act has been convicted of an offence under Section 7 of the Cinematograph Act, 1952, or section 7 of this Act, the licence may be revoked by the licensing authority.

## **9. Power To Make Rules :-**

(1) The State Government may, by notification in the Official Gazette, make rules for the purpose of carrying into effect the provisions of this Act. (2) In particular and without prejudice to the generality of the foregoing power, rules made under this Act may provide for-- (a) the procedure in accordance with which a license may be obtained and the terms, conditions and restrictions, if any, subject to which a license may be granted under this Act; (b) the regulation of cinematograph exhibitions for securing public safety; (c) the time within which and the conditions subject to which, an appeal under clause (a) of sub-section (4) of Section 5 or an application to the State Government for revision under sub-clause (f) of clause (b) of that subsection (1) may be made; (d) the procedure for appeals and revisions under sub-section (4) of Section 5; (e) the payment of fees for a license under this Act or for a renewal of such licence or for an appeal under clause (a) of sub-section (4) of Section 5.

## **10. Power To Exempt :-**

The State Government may, by order in writing, exempt, 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 Act or of any rules made thereunder.

## **11. Protection Of State Government And Of Officers Of Government For Acts Done In Good Faith :-**

No suit or proceeding shall lie against the State Government and no suit, prosecution or proceeding shall lie against any officer of Government for anything in good faith done, or intended to be done, under this Act or any rules made thereunder.

## **12. Validation Of Fees Already Realized (Ii Of 1918) :-**

Any fees realized or purported to have been realized in respect of licences or renewals thereof granted under the Cinematograph Act, 1918, shall be deemed to have always been validly realised.

## **13. Repeal :-**

So much of the Cinematograph Act, 1918, as applies to West Bengal, is hereby repealed.

## **14. Transitional Provisions :-**

Notwithstanding anything contained in any other law or in this Act or in the rules made under this Act or in the licence.-- (a) a licence

which was granted, or purports to have been granted, under the Cinematograph Act, 1918, or (b) a licence which was granted under that Act and purports to have been renewed under this Act but in the form provided under that Act. or (c) a licence which purports to have been granted under this Act, but in the form provided under that Act, shall be deemed, for all purposes to have been granted under this Act and the conditions and restrictions prescribed by the rule under this Act shall, until a new licence is granted under this Act and the rules made thereunder, be deemed to have been incorporated in such licence. Provided that the licensing authority may grant time, or extend the time o granted, tor compliance with any such condition or restriction.

**15. Transitional Provisions For Licenses Under Bihar Act :-**

Notwithstanding anything contained in any other law or in this Act or in the rules made under this Act or in the licence, a licence granted or renewed under the Bihar Cinemas (Regulation) Act, 1954 shall be deemed for all purposes to have been granted or renewed under this Act and the conditions and restrictions prescribed by the rules under this Act shall, until a new licence is granted under this Act, be deemed to have been incorporated in such licence. Provided that the licensing authority may grant time, or extend the time so granted, lor compliance with any such condition or restriction.