

## **BOMBAY CINEMAS (REGULATION) ACT, 1953**

**11 of 1953**

**[April 7, 1953]**

### CONTENTS

1. Short title, extent and commencement
2. Definitions
3. Cinematograph exhibitions to be licenced
4. Licensing authority
5. Restrictions on powers of licensing authority
6. Power of State Government or licensing authority to suspend exhibition of films in certain cases
7. Penalties for contravention of Act
8. Power to revoke or suspend licence
- 8A. Appeal
- 8B. Revision
- 8C. Review
9. Power to make rules
10. Power to exempt
- 10A. Delegation of power under section 10
11. Repeal of Act II of 1918
12. Further repeal and savings

## **BOMBAY CINEMAS (REGULATION) ACT, 1953**

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Whereas it is expedient to provide for regulating exhibitions by means of cinematographs and the licensing of places in which cinematograph films are exhibited in the State of Bombay; It is hereby enacted as follows:-

### **1. Short title, extent and commencement :-**

(1) This Act may be called the Bombay Cinemas(Regulation) Act, 1953

.

<sup>1</sup>[(2) It extends to the whole of the State of Gujarat. ]

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

**2** (Provided that in the areas to which this Act is extended by the Bombay Cinemas (Regulation) (Gujarat Extension and Amendment) Act, 1961 (Guj. XL of 1961). this Act shall come into force on the date of the commencement of that Act. ]

1. Sub-section (1) was substituted for the original by Gujarat 40 of 1961, Section 2(1).

2. This proviso was inserted by Gujarat 40 of 1861.

## **2. Definitions :-**

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

(a) "cinematograph" includes any apparatus for the representation moving pictures or series of pictures;

(b) "licensing authority" means the authority empowered to grant licences under Section 4 ;

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

(d) "prescribed" means prescribed by rules made under this Act.

## **3. Cinematograph exhibitions to be licenced :-**

Save as otherwise provided in this Act. no person shall give an exhibition by means of a Cinematograph elsewhere than in a place licensed under this Act or otherwise than in compliance with any conditions and restrictions imposed by such licence.

## **4. Licensing authority :-**

The authority having power to grant licences under this Act, shall be

(i) <sup>1</sup>[x x x]

(ii) in <sup>2</sup>[x x x] areas for which a Commissioner of Police is appointed under Section 7 of the Bombay Police Act, 1951 (Bom. XXII of 1951). such Commissioner; and

(iii) elsewhere, the District Magistrate:

Provided that the State Government may, by notification in the Official Gazette constitute for the whole or any part of the <sup>3</sup><sup>4</sup> [x x x] State of Gujarat] such other authority as it may specify in the

notification to be the licensing authority for the purposes of this Act.

1. Clause (1) was deleted by the Guj. Adaptation of Laws (State and Concurrent Subjects) Order, 1960.
2. The word "other" was deleted by Gujarat 40 of 1961, Section 3(1).
3. The words "Bombay area of the State of Gujarat" were substituted for the words "pre-Reorganisation State of Bombay excluding transferred territories" by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1960.
4. The words "Bombay area of the" were deleted by Gujarat 40 of 1961, Section 3 (11).

## **5. Restrictions on powers of licensing authority :-**

(1) The 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) adequate precautions have been taken in the place in respect of which the licence is to be given, to provide for the

(2) Subject to the provisions of sub-section (1), <sup>1</sup>(and to the control of the State Government the licensing authority may] grant licences under this Act to such persons as that authority thinks fit and <sup>2</sup> [on payment of such fees and on such terms] and conditions and subject to such restrictions as may be prescribed.

(3) The State Government may, from time to time, issue direction to licensee 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, 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 restriction subject to which the licence has been granted.

1. These words were substituted for the words "the licensing authority may, with the previous sanction of the State Government" by Gujarat 40 of 1961. Section 4(1).
2. These words were substituted for the words "on such terms" by Gujarat 40 of 1961, s. 4(2).

## **6. Power of State Government or licensing authority to**

## **suspend exhibition of films in certain cases :-**

(1) The State Government in respect of the whole <sup>1</sup>of the <sup>2</sup><sup>3</sup>[x x x] State of Gujarat] or any part thereof or the licensing authority in respect of the area within its jurisdiction, may, if it is of opinion that any film which is being publicly exhibited is likely to cause a breach of the public order, by order, suspend the exhibition of the film and during such suspension such film shall be deemed to be an uncertified film <sup>4</sup> [in the area specified in the order).

(2) When an order under sub-section (1) has been issued by the licensing authority a copy thereof together with a statement of reasons therefor shall forthwith be forwarded by the licensing authority to the State Government and the State Government may either confirm or annul the order.

(3) An order made under sub-section (1) shall, unless it is annulled by the State Government under sub-section (2). remain in force for a period of two months from the date thereof but the State Government may. if it is of opinion that the order should continue in force, extended

1. These words were substituted for the words "of the State" by the Bombay Adaptation of Laws(State and Concurrent Subjects) Order, 1956.

2. The words were substituted for the words' "pre-Reorganisation State of Bombay excluding the transferred territories" by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order, 1860.

3. The words "Bombay area of the" were deleted by Gujarat 40 of 1961, Section 5.

4. These words were substituted for the words "in the State, part or area, as the ease may be" by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order. 1956.

## **7. Penalties for contravention of Act :-**

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 Act or of the rules made there under, or of the conditions and restrictions upon or subject to which any licence has been granted under this Act <sup>1</sup> or if the owner or person in charge of a cinematograph contravenes any of the conditions or restrictions imposed by an order of exemption made under Section 10 ], he shall on conviction, be punished 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 after conviction for first such offence.

1. These words and figures were inserted by Bombay 38 of 1955, Section 2.

### **8. Power to revoke or suspend licence :-**

In the event of any contravention by the holder of a licence of any of the provisions of this Act or the rules made there under or of any of the conditions or restrictions upon or subject to which the licence has been granted to him under this Act<sup>1</sup>(or of any of the conditions or restrictions imposed by an order of exemption made under Section 10], or in the event of his conviction of an offence under Section 7 of this Act or Section 7 of the Cinematograph Act, 1952 , (XXXVII of 1952) the licensing authority may revoke the licence or suspend it for such period as it may think fit:

<sup>2</sup> [Provided that no licence shall be revoked or suspended unless the holder thereof has been given reasonable opportunity to show cause.]

1. These words and figures were inserted by Bombay 38 of 1955, Section 2.

2. This proviso was added by Gujarat 40 of 1961. Section 8.

### **8A. Appeal :-**

<sup>1</sup>-Any person aggrieved by an order of a licensing authority refusing to grant a licence, or revoking or suspending any licence under Section 8 , may within such period as may be prescribed, appeal to the State Government and the State Government shall, on such appeal make such order as it thinks just and proper, and such order<sup>2</sup> shall. subject to provisions 8B and 8C be final].

1. Sections 8A, 8B and 8C were inserted by Gujarat 40 of 1981 , Section 9.

2. These words were substituted for the words "shall be final" by Guj. 10 of 1978, Section 2.

### **8B. Revision :-**

(1) The State Government may either of its own motion, or upon an application by an aggrieved person made within such period as may be prescribed, call for and examine the record of any order made by licensing authority under this Act. and pass such order thereon as it thinks Just and proper

(2) The State Government shall

(i) before passing any order under sub-section (1). which is likely to effect any person adversely; give such person a reasonable opportunity of being heard, and

(ii) record its reasons for passing an order under the said sub-section.

### **8C. Review :-**

<sup>1</sup> .-Any person who. considering himself aggrieved by an order of the State Government under Section 8A or Section 8B , desires to obtain a review of the order passed against him, on the ground of some mistake or error apparent on the face of the record or on the ground that some new fact has been discovered which could not be placed earlier before the licensing authority or the State Government and the State Government shall, after making such inquiry as it think fit pass such order as it considers necessary in the circumstances of the case.]

1. Section 8C which was deleted by Gujarat 15 of 1964, Section 4, was Inserted by Gujarat 10 of 1876,S.3.

### **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 the case.

(2)In particular and without prejudice to the generality of the foregoing powers such rules may provide for all or any of the following matters, namely:

(a) prescribing the procedure in accordance with which a licence may be obtained and the terms, conditions and <sup>1</sup>[and fees for such licences];

<sup>2</sup>(a-i) prescribing the period within which an appeal <sup>3</sup>[x x x] under Section 8A or a revision application under Section 8B <sup>4</sup>[or a review application under Section 8C may be made].

(b) providing for the regulation of cinematograph exhibitions for securing the public safety;

(c) regulating the means of entrance and exit at places licensed

under this Act; and providing for prevention of disturbance thereat;

(d) regulating or prohibiting the sale of any ticket or pass for admission by whatever name called to a place licensed under this Act.

<sup>5</sup>[(3) In making rules under this section the State Government may provide that any person failing to comply with or contravening the provisions of any rules shall, on conviction, be punished with fine which may extend to one thousand rupees.

(4) The power to make rules under this section shall be subject to the condition of previous publication.]

<sup>6</sup> [(5) All rules made under this section shall be laid for not less than thirty days before the House of the State Legislature as soon as possible after they are made, and shall be subject to such modifications as the State Legislature may make during the session In which they are so laid or the session immediately following.

(6) Any modifications so made by the State Legislature shall be notified in the Official Gazette, and thereupon shall take effect.]

1. These words were Inserted by Gujarat 40 of 1961, a, 8(1 )(i).
2. Clause (a-1) was inserted, by Gujarat 40 of 1961.
3. The words "may be made" were deleted by Gujarat 10 of 1976.
4. The words, figure and letter were inserted by Gujarat 10 of 1976.
5. Sub-sections (3) and (4) were added by Bombay 38 of 1955, Section 4.
6. Sub-sections (5) and (6) were inserted by Gujarat 40 of 1961, Section 8(2).

#### **10. Power to exempt :-**

The State Government <sup>1</sup>[x x x] may, by order in writing, exempt, subject to such conditions and restrictions as it <sup>2</sup> [x x x] may impose/any cinematograph exhibition or class of cinematograph exhibitions from any of the provisions of this Act or of any rules made thereunder.

1. The words "or the Commissioner" and "or he" were deleted by Gujarat 15 of 1964, Section 4 Sch.
2. The words "or the Commissioner" and "or he" were deleted by Gujarat is of 1964, Section 4 Sch.

#### **10A. Delegation of power under section 10 :-**

<sup>1</sup> -The State Government may, subject to such restrictions and conditions as it may think fit to impose, by notifications in the

Official Gazette delegate to any of its officers the power conferred on it by Section 10 .]

1. Section 10A was inserted by Gujarat 10 of 1876. Section 5.

**11. Repeal of Act II of 1918 :-**

The Cinematograph Act, 1918 (II of 1918) in its application to the <sup>1</sup>[pre-Reorganisation <sup>2</sup> [State of Bombay] and in so far as it relates to the regulation of exhibition by means of cinematograph including licensing of places in which cinematograph films are exhibited, is hereby repealed.

1. These words were substituted for the words "State of Bombay" by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

2. The words "State of Bombay" stand unmodified by the Gujarat Adaptation of Laws (State and Concurrent Subjects) Order. 1960

**12. Further repeal and savings :-**

<sup>1</sup> -On the commencement of this Act, in the Saurashtra and Kutch areas of the State of Gujarat, the following laws, that is to say,

(i) the Saurashtra Cinemas (Regulation) Act, '1953 (Sau. Act XVII of 1953) and

(ii) Part III of the Cinematograph Act. 1952 (XXXVII of 1952) as in force in the Kutch area of the State of Gujarat immediately . before such commencement shall stand repealed:

Provided that, such repeal shall not affect

(a) the previous operation of any laws so repealed or anything duty done or suffered thereunder, or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed, or

(c) any penalty incurred in respect of anything done against any laws so repealed.

Provided further that, anything done or action taken under any of the laws so repealed/shall be deemed to be done or taken under the corresponding provisions of this Act and shall continue in force accordingly unless and until superseded by anything done or any action taken under the provisions of this Act.]

1. Section 12 was added by Gujarat 40 of 1961, Section 9.