

# THE CABLE TELEVISION NETWORKS

## (REGULATION ) ACT, 1995

[25th March 1995]

An Act to regulate the operation of the cable television Networks in the country and for matters connected there with or incidental thereto

Be it enacted by Parliament in the Forty -sixth Year of the Republic of India as follows :-

### CHAPTER I

#### Preliminary

**1. Short title, extent and commencement-** (1) This act may be called the **Cable Television Networks (Regulation) Act, 1995.**

(2) It extends to the whole of India.

(3) It shall be deemed to have come into force on the 29th day of September, 1994.

**2. Definition.-** In this Act unless the context otherwise requires-

(a) "Cable Operators" means any person who provides cable service through a cable television networks of otherwise controls or is responsible for the management and operation of a cable television networks;

(b) "Cable Service" means the transmission by cables of programmes including re-transmission by cables of any broadcast television signals;

(c) "Cable television networks" means any system consisting of a set of closed transmission paths and associated signal generation, control and distribution equipment, designed to provide cable service for reception by multiple subscribers;

- (d) "Company" means a company as defined in Section 3 of the Companies Act] 1956 (1 of 1956);
- (e) "Person" means -
  - (i) An individual who is a citizen of India;
  - (ii) An association of individuals or body of individuals, whether incorporated or not, whose members are citizens of India;
  - (iii) A company in which not less than fifty-one percent of the paid-up share capitals held by the citizens of India;
- (f) "Prescribed" means prescribed by rules made under this Act;
- (g) "Programme" means any television broadcast and includes -
  - (i) exhibition of films, dramas, advertisements and serials thorough video cassette recorders of video cassette players;
  - (ii) any audio or visual or audio-visual live performance or presentation, and the expression "Programming service" shall be construed accordingly;
- (h) "registering authority" means such authorities the Central Government may, by notification in the Official Gazette, specify to perform the functions of the registering authority under this ordinance.
- (l) "Subscriber" means a person who receives the signals of cable television network at a place indicated by him to the cable operator, without further transmitting it to any other person.

## CHAPTER II

### **Regulation of Cable Television Networks**

**3. Cable television network not to be operated except after registration.-** No person shall operate a cable television network unless he is registered as cable operator under this Act.

Provided that a person operating a cable television network, immediately before the commencement of this Act may continue to do so for a period of ninety days from such commencement and if he has made an application for registration as cable operator under Section 4 within the said period, till he is registered under that section or the registering authority refuses to grant registration to him under that section.

**4. Registration as cable operator (1)**Any person who is operating or is desirous of operating a cable television network may apply for registration as cable operator to the registering authority

(2) An application under sub-section (1) shall be made in such form and be accompanied by such fee as may be prescribed.

(3) On receipt of the application, the registering authority shall satisfy itself that the applicant has furnished all the required information and on being so satisfied, register the applicant as a cable operator and grant to him a certificate of such registration.

Provided that the registering authority may, for reasons to be recorded in writing and communicated to the applicant, refuse to grant registration to him if it is satisfied that he does not fulfil the condition specified in clause (e) of Section 2.

**5. Programme code.-** No person shall transmit or re-transmit through a cable service any programme unless such programme is in conformity with the prescribed programme code;

Provided that nothing in this section shall apply to the programmes of foreign satellite channels which can be received without the use of any specialized gadgets or decoder.

6. **Advertisement code.-** No person shall transmit or re-transmit through a cable service any advertisement unless such advertisement is in conformity with the prescribed advertisement code;

Provided that nothing in this section shall apply to the programmes of foreign satellite channels which can be received without the use of any specialised gadgets of decoder.

7. **Maintenance op register.-** Every cable operator shall maintain a register in the prescribed form indicating therein in brief the programmes transmitted or re-transmitted through the cable service during a month and such register shall be maintained by the cable operator for a period of one year after the actual transmission or re-transmission of the said programmes.

8. **Compulsory transmission of two Doordarshan Channel.-** (1) Every cable operator using a dish antenna or television receiver only shall from the commencement of this Act, re-transmit at least two Doordarshan channels of his choice through the cable service.

(2) The Doordarhsan channels referred to sub-section )1) shall be re-transmitted without any declaration or alteration of any programme transmitted on such channels.

9. **Use of standard equipment in cable television network.-** No cable operator shall, on and from the date of the expiry of a period of three years from the date of the establishment and publication of the Indian Standard by the Bureau of Indian Standards in accordance with the provisions of the Bureau of the Indian 'Standards Act, 1986 (63 of 1986), use any equipment in his cable television network unless such equipment conforms to the said Indian Standard.

10. **Cable television network not to interfere with any telecommunication system.-** Every cable operator shall ensure that the cable television network being operated by him does not interfere, in any way, with the functioning of the authorized telecommunication systems.

## CHAPTER III

### **Seizure and confiscation of certain equipment**

#### **11. Power to seize e equipment used for operating the cable television network.-**

(1) If any officer, not below the rank of group 'A' officer of the Central Government authorized in this behalf by the Government (hereinafter referred to as the authorized officer) has reason to believe that the provisions of Section 3 have been or are being contravened by any cable operator, he may seize the equipment being used by such cable operator for operating the cable television network .

(2) No such equipment shall be retained by the authorized officer for a period exceeding ten days from the date of its seizure unless the approval of the District Judge, within the local limits of whose jurisdiction such seizure has been made, has been obtained for such retention.

#### **12. Confiscation.-** The equipment seized under subsection (1) of Section

11 shall be liable to confiscation unless the cable operator from whom the equipment has been seized registers himself as a cable operator under Section 4 within a period of thirty days from the date of seizure of the said equipment.

**13. Seizure or confiscation of equipment not to interfere with other punishment.-** No seizure of confiscation or equipment referred to in Section 11 or Section 12 shall prevent the infliction of any punishment to which the person affected thereby is liable under the provisions of this Act.

**14 Giving of opportunity to the cable operator of seized equipment.-** (1) No order adjudicating confiscation of the equipment referred to in Section 12 shall be made unless the cable operator has been given a notice in writing, informing him of the grounds on which it is proposed to confiscate such equipment and giving him a reasonable opportunity of making a representation in writing within such reasonable

time as may be specified in the notice against the confiscation and if he so desires of being heard in the matter.

Provided that where no such notice is given within a period of ten days from the date of the seizure of the equipment, such equipment shall be returned after the expiry of that period to the cable operator from whose possession it was seized.

(2) Save as otherwise provided in sub-section (1), the provisions of the Code of Civil Procedure, 1908 (5 of 1908) shall, so far as may be, apply to every proceeding referred to in sub section (1).

**15.- Appeal.-** (1) Any person aggrieved by any decision of the court adjudicating a confiscation of the equipment may prefer an appeal to the court which an appeal lies from the decision of such Court.

(2) The appellate court may, after giving the appellant an opportunity of being heard, pass such order as it thinks fit confirming, modifying or revising the decision appealed against or may send back the case with such directions as it may think fit for a fresh decision or adjudication, as the case may be after taking additional evidence if necessary.

(3) No further appeal shall lie against the order of the court made under sub-section (2).

## CHAPTER IV

### Offences and Penalties

**16. Punishment for contravention of the provisions of this Act.-** Whoever contravenes any of the provisions of this Act shall be punishable:-

(a) for the first offence, with imprisonment for a term which may extend to two years or with fine which may extend to one thousand rupees or with both;

(b) for every subsequent offence, with imprisonment for a term which may extend to five years and with fine which may extend to five thousand rupees.

**17- Offences by companies-** (1) When an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly;

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any negligence on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

***Explanation.***- For the purposes of this section-

(a) "Company" means any body corporate and includes a firm or other association of individuals: and

(b) "director" in relation to a firm, means a partner in the firm.

**18. Cognizance of Offences.**- No court shall take cognizance of any offence punishable under this Act except upon a complaint in writing made by such officer, not below the rank of Group 'A' officer of the Central Government as the State Government may, by notification in the Official Gazette, specify in this behalf.

## miscellaneous

**19. Power to prohibit transmission of certain programmes in public interest.-** Where an officer, not below the rank of Group 'A' officer of the Central Government authorized by the State Government in this behalf, thinks it necessary or expedient so to do in the public interest, he may, by order, prohibit any cable operator from transmitting or re-transmitting any particular programme if it is likely to promote on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, linguistic or regional groups or castes or communities or which is prejudicial to the maintenance of harmony between different religions, racial, languages or regional groups or castes of communities and which disturbs or is likely to disturb the public tranquillity.

**20. Power to prohibit operation of cable television network in public interest.-** Where the Central Government thinks it necessary or expedient so to do in the public interest, it may prohibit the operation of any cable television network in such areas as it may, by notification in the Official Gazette, specify in this behalf.

**21. Application of other laws not barred.-** The provisions of this Act shall be in addition to, and not in derogation of, the Drugs and Cosmetics Act, 1940 (23 of 1940), the Pharmacy Act, 1948 (8 of 1948), the Emblems and Names (Prevention of Improper Use) Act 1950 (12 of 1950), the Drugs (Control) Act, 1950 (26 of 1950), the Cinematography Act, 1952 (37 of 1952), the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 (21 of 1954), the prevention of Food Adulteration Act, 1954 (37 of 1954), the Prize Competitions Act, 1955 (42 of 1955), the Copyright Act 1957 (14 of 1957). the Trade and Merchandise Marks Act, 1958 (43 of 1958), the Indecent Representation of Women (Prohibition) Act, 1986 (60 of 1986) and the Consumer Protection Act, 1986 (68 of 1986).

**22. Power to make rules .-** (1) the Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.



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

- (a) the form of application and the fee payable under sub-section (2) of Section 4;
- (b) the programme code under Section 5;
- (c) the advertisement code under Section 6;
- (d) the form of register to be maintained by cable operator under Section 7;
- (e) any other matter which is required to be, may be prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each Houses of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions; and if before the expiry of the session immediately following the session or the successive sessions aforesaid both House agree in making any notification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or b of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously Ordinance done under that rule.

**23. Repeal and saving.**- (1) The Cable Television Network (Regulation) 1995 (3 of 1995) is hereby repealed

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of this Act.

#### **NOTIFICATION**

[1] Noti. N. 2108/XI-K.S.V.-6-98-XXX-EB-9(1)-91, dated December 2, 1998, published in the UP Gazette, Extra, Part 4, Section (kha), dated 2nd December, 1998.

In exercise of the powers under Section 19 of the Cable Television Networks (Regulations) Act, 1995 (Act No 7 of 1995), the Governor is pleased to authorize the District Magistrate, Additional District Magistrates, Entertainment Tax Commissioner, Additional Entertainment Tax Commissioners, joint Entertainment Tax Commissioners and Deputy Entertainment Tax Commissioners to exercise the power for the purposes of the said section.

[2] Noti. N. 2107/XI-K.S.V.-6-98-XXX-EB-9(1)-91, dated December 2, 1998, published in the UP Gazette, Extra, Part 4, Section (kha), dated 2nd December, 1998.

In exercise of the powers under Section 18 of the Cable Television Networks (Regulations) Act, 1995 (Act No 7 of 1995), the Governor is pleased to specify the District Magistrate, Additional District Magistrates, Entertainment Tax Commissioner, Additional Entertainment Tax Commissioners, joint Entertainment Tax Commissioners and Deputy Entertainment Tax Commissioners to exercise the power for the purposes of the said section.

[3] Noti. N. 2106/XI-K.S.V.-6-98-XXX-EB-9(1)-91, dated December 2, 1998, published in the UP Gazette, Extra, Part 4, Section (kha), dated 2nd December, 1998.

In exercise of the powers under Section 11 of the **Cable Television Networks (Regulations) Act, 1995 (Act No 7 of 1995)**, the Governor is pleased to specify the District Magistrate, Additional District Magistrates, Entertainment Tax Commissioner, Additional Entertainment Tax Commissioners, joint Entertainment Tax Commissioners and Deputy Entertainment Tax Commissioners to exercise the power for the purposes of the said section.

[4] Noti. N. G.S.R. 705(E), dated October, published in the UP Gazette, Extra, Part II, Section 3(i), dated 20, 1999.

Whereas the Central Government has received some complaints that some cable television operators in the country through their cable television networks are telecasting

a foreign satellite television channel named "TB-6" which contains pornographic and obscene matters affecting the public morality;

Whereas the Central Government thinks it is necessary so to do in the public interest, to prohibit the operation of such cable television networks in the country.

Now, therefore, in exercise of the powers conferred by Section 20 of the Cable Television Network (Regulation) Act, 1995 (7 of 1995), the Central Government hereby prohibits the cable television networks which are carrying the programme containing the foreign satellite television channel "TB-6" throughout the country.

### **CABLE TELEVISION NET WORK RULES, 1994**

In exercise of the powers conferred by sub-section (1) of Section 22 of the **Cable Television Networks (Regulations) Act, 1994 (Ordinance No 9 of 1994)**, the Central Government makes the following rules, namely-

1. **Short title and commencement.-** (1) These rules may be called the **Cable Television Networks Rules, 1994**.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. **Definition.-** In these rules unless the context otherwise requires -

- (a) "Cable Operator" means any person who provides cable service through a cable television networks or otherwise controls or is responsible for the management and operation of a cable television networks;
- (b) "Cable Service " means the transmission by cables of programmes including re-transmission by cable of any broadcast television signal;
- (c) "Cable Television network" means any system consisting of a set of closed transmission paths and associated signals generation, control and distribution equipment, designed to provide cable service for reception by multiple subscribers:
- (d) "company" means a company as defined in Section 3 of the Companies Act, 1956 (1 of 1956) ;
- (e) "form" means form appended to these rules;
- (f) "person" means -
  - (i) an individual who is a citizen of India;
  - (ii) an association of individuals or body of individuals, whether incorporated or not, whose members are citizens of India;
  - (iii) a company in which not less than fifty-one percent of the paid-up share capitals held by the citizens of India.
- (g) "Programme" means any television broadcast and includes -
  - (i) exhibition of films, features, dramas, advertisements and serials through video cassette recorders of video cassette players;

(ii) any audio or visual or audio-visual live performance of presentation, and the expression "programming service" shall be construed accordingly;

(h) "Registering authority" means the registering authority notified under clause (h) of the Cable Television Networks (Regulation) Ordinance, 1994.

(i) "subscriber" means a person who receives the signals of cable television network at place indicated by him to the cable operator, without further transmitting it to any other person

**3. Application for registration as cable television network in India.-** Every application for registration as a cable Television network in India shall be made in writing in form I and shall be renewable after every twelve months.

(2) The application shall be addressed to the registering Authority and delivered to his office in Form 1.

[(3) (a) Every application for registration or renewal of registration shall be accompanied by-

(i) a fee of rupees five hundred only; and

(ii) the requisite documents mentioned in form 1 and Form 2.

(b) Every application for issue of duplicate certificate of registration shall be accompanied by -

(i) a fee of rupees two hundred and fifty only; and

(ii) the requisite documents as mentioned in form 1. ]

[(4) The amount of fee shall be deposited in the Head Post Office where the application for registration or renewal of registration or issue of duplicate certificate of registration is being made.]

[(5) The amount of the case shall be deposited under the head 'Unclassified Receipts (U.C.R.)'].

**4. Examination of Applications.-** On receipt of application under Rule 3 of the registering authority shall examine the application having regard to the provisions of Section 4 of the Ordinance.

**5. Registration.-** (1) On being satisfied that the applicant fulfils the provisions of the Ordinance, the registering authority shall issue a registration certificate in form 3.

Provided that where the registering authority is satisfied that the registration cannot be granted to the applicant, he shall inform the applicant in Form 4.

[(2) On receipt of an application under clause (b) of sub-rule (3) of rule 3 for issue of duplicate certificate the registering authority shall examine the application having regard to the provisions of Rule 3 and shall issue a duplicate Registration Certificate in form 3-A];

**6. Programme code.-** No programme should be carried in the cable service which -

- (a) Offends against good taste or decency;
- (b) Contains criticism of friendly countries;
- (c) Contains attack on religious or communities or visual or words contemptuous of religious groups or which promote communal attitudes;
- (d) Contain any thing obscene, defamatory, deliberate, false and suggestive innuendos and half-truths;
- (e) Is likely to encourage or incite violence or contains anything against maintenance of law and order or which promote antinational attitudes ;

- (f) Contains anything amounting to contempt of court ;
- (g) Contains as persons against the integrity of the President and Judiciary;
- (h) Contains anything affecting the integrity of the Nation;
- (i) Criticizes, maligns or slanders any individual in person or certain groups, segments of social, public and moral life of the country;
- (j) Encourages superstition or blind belief.
- (k) Denigrates women through the depiction in any manner of the figure of woman, her form or body or any part thereof in such a way as to have the effect of being indecent, or derogatory to women, or is likely to deprave, corrupt or injure the public morality or morals;
- (l) Denigrate children;
- (m) Contains visual or words which reflects a slandering, ironical and snobbish attitude in the portrayal of certain ethnic, linguistic and regional groups;
- (n) Contravenes to provisions of the Cinematography Act, 1952.

(2) The cable operator should strive to carry programmes in his cable service which project women in a positive, leadership role of sobriety, moral and character building qualities.

(3) Programmes meant for adults should normally be carried in the cable service after 11 pm and before 6 am.

(4) Care should be taken to ensure that programmes meant for children do not contain any bad language or explicit scenes of violence.

(5) Programmes unsuitable for children must not be carried in the cable service at times which the largest number of children are viewing

[6-A. Transmission of Doordarshan channels in prime band in satellite mode without interference to terrestrial signal.- Each cable operator shall -

- (a) transmit at least two Doordarshan channels on their cable network in the prime band on channels other than those carrying terrestrial broadcast frequencies;
- (b) Take only satellite signals of Doordarshan channels for transmission on their cable network by dish antenna/TVRO and not yagi antenna; and
- (c) not transmit any channel on the cable network in the same frequency band in which Doordarshan channels DD-1 and DD-II are transmitted terrestrially, so as to avoid interference.

*Explanation .-* For the purpose of this rule, the expression-

"Prime Band" constitutes frequencies relating to channels falling in the Band I (Channels 2 to 4 ranging from 47 to 68 MHz ) and Band III (Channels 5 to 12 ranging from 174 to 230 MHz ) of electromagnetic spectrum, which are receivable by conventional TV sets without using any add-on, unit or special tuner.]

**7. Advertising Code.-** (1) Advertising carried in the cable service shall be designed as to conform to the laws of the country and should not offend morality, decency and religious susceptibilities of the subscribers.

(2) No advertisement shall be permitted which -

- (i) derides any race, caste, colour, creed and nationality;
- (ii) is against any provision of the constitution of India;
- (iii) tends to incite people to crime, cause disorder or violence or breach of law or glorifies violence or obscenity in any way ;
- (vi) Present criminality as desirable;



- (v) exploits the national emblem, or any part of the Constitution or the person or personality of national leader or a State dignitary
- (vi) in its depiction women violates the Constitutional guarantees to all citizen. In particular, no advertisement shall be permitted which projects a derogatory image of women . Women must not be portrayed in a manner that emphasizes passive, submissive qualities and encourages them to play subordinate, secondary role in the family and society. The cable operator shall ensure that the portrayal of the female form, in the programmes carried in his cable service is tasteful and aesthetic, and is within the well established norms of good taste and decency;
- (vii) Exploits social evils like dowry, child marriage,

(3) No advertisement shall be permitted the objects whereof are wholly or mainly of a religious or political nature; advertisements must not be directed towards any religious or political end.

(4) The goods or service advertised shall not suffer from any defect or deficiency as mentioned in Consumer Protection Act,1986

(5) No advertisement shall contain reference which are likely to lead the public to infer that the product advertised or any of its ingredients has some special or miraculous or super natural property or quality which is difficult of being proved.

(6) The picture and the audible matter of the advertisement shall not be excessively 'loud';

(7) No advertisement which endangers the safety of children or creates in them any interest in unhealthy practice or shows them begging or in an undignified or indecent manner shall not be carried in the cable service.

(8) Indecent, vulgar, suggestive, repulsive or offensive themes or treatment

shall be avoided in all advertisements.

(9) No advertisement which violates the standards of practice for advertising agencies as approved by the advertising agencies association of India, Bombay from time to time shall be carried in the cable service.

(10) All advertisements should be clearly distinguishable from the programmes and should not in any manner interfere with the programme viz. use of lower part of screen to carry captions, static or moving alongside the programme.

**8. Register.-** Each cable operators shall maintain a Register in Form 5 for each month of the year for which the registration granted.

#### **FORM I**

**[See Rule 3(1)]**

(To be submitted in duplicate)

Form of application for \*registration/renewal of registration/issue of duplicate certificate of registration as a cable operator.

To,

The Head Postmaster,

Head Post Office

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Application for\*registration/renewal of registration/issue of duplicate certificate of registration as a cable operator

1. (a) Name of applicant (individual/firm/company/association of persons/body of individuals)\*  
(b) \*Age/Date of establishment/Date of corporation.
2. (a) Address (Office)  
(b) Telephone No (if any).
3. (a) Nationality (for individual applicants/body of individuals)  
(b) By birth/domicile.
4. (a) Amount of fee paid for \*registration/renewal/issue of duplicate certificate  
Rs ----  
(b) Name of the Head Post Office-----

(Attach a copy of chilling vide which the fees have been deposited)

5. Area in which cable television network is working/proposed to be set up-----
6. Date from which the cable television network is operating/proposed to be set up-----

7. Number of channel's being provided/proposed to be provided (with names)-----

8 (a) Whether using Television Receive Only (TVRO) Yes/No

(b) If Yes, number and size of TVRO-----

(c) Location-----

9. Names of Doordarshan satellite channels included in cable service-----

10. Copy of earlier registration certificate enclosed Yes/No

(To be filled in only for renewal of registration).

11. (a) State reasons or issue of duplicate certificate of registration -----

(Attach mutilated or defaced original certificate of registration/copy of report made to the police in case of theft or loss of the original certificate.

(b) Period of validity of the original registration certificate for which the duplicate registration certificate is being sought.-----

(To be filled in only for issue of duplicate registration certificate)

12. Declaration in form 2 enclosed Yes/No

(To be filled in for \*registration/renewal or registration)

I/We -----the applicant(s)\* (individual/firm/company/association of persons/body of the individual) do hereby declare that the above facts are correct in all respect.

Signature of Applicant

\*(individual/firm/company/

association of person/body of  
individual)

Place:

Date:

Name -----

Address-----

\*(Score out the word or words which are not applicable).

## FORM 2

### [See Rule (1-3)]

I/We -----the applicants(individual/firm/company/association of person/body of individuals)\* for registration as a cable operator/renewal of registration as a cable operator do hereby declare that -

(i) /We shall ensure that my/our cable television network shall be run in accordance with the provisions of the cable television Networks (Regulation) Ordinance, 1994 at all times.

I/We shall not permit/associate any person who is not eligible to run a cable television network under the Cable Television networks (Regulation)

Ordinance , 1994 to run/with the running of my/our cable television network.

(iii) I/We shall strive to the best of my/our ability to provide cable service to the satisfaction of the subscriber (s) of my/our cable television network.

(iv) I/We shall strive to the best of my/our ability to ensure that my/our cable television network is not used for any lawful propose.

(v) I/We shall obtain the necessary approval/clearance from the relevant authority for the running of my/our cable television network.

(v I/We shall abide by any direction issued by the Central Government in respect of the running of a cable television network within India.

Signature of Applicant.

(individual/firm/company/

association of person/body of individual)

Place :

Date:

Score out the word or words which are not applicable).

**FORM 3**

**(See Rule 5)**

**Government of India**

**Head Post Office**

## REGISTRATION CERTIFICATE NUMBER

Shri/ Shrimati /M/s..... resident of..... is registered as a cable operator (individual, firm, company, association of persons or body of individuals) for running a cable television network at the following address.....in the city/town of.....for a period of twelve months with effect from .....His Registration Number is .....

2. This certificate is only valid for the premises stated above.
3. This Registration Certificate is not transferable.
4. The Certificate shall remain valid for the period indicated above or till the holder carries on the cable service of where the surrender \of the certificate is accepted by the competent authority.

Head Post Master

Head Post Office

------(town/city)

Place :

Date:

**To be displayed prominently on the premises of cable operator**

\*Tick whichever is appropriate **Form 3-A**

[See Rule 5(2)]

Government of India

Head Post Office

Duplicate Registration certificate

Shri/ Shrimati /M/s..... resident of..... is registered as a cable operator (individual, firm, company, association of persons or body of individuals) for running a cable television network at the following address.....in the city/town of.....for a period of twelve months with effect from .....(date from which the original registration certificate was valid ).

His Registration Number is .....

2. This certificate is only valid for the premises stated above.
3. This Registration Certificate is not transferable.
4. The Certificate shall remain valid for the period indicated above or till the holder carries on the cable service of where the surrender \of the certificate is accepted by the competent authority.

Head Post Master

Head Post Office

------(town/city)

Place :

Date:

**To be displayed prominently on the premises o cable operator**

\*Tick whichever is appropriate.

**FORM 4**

**[See proviso to Rule 5 (3)]**

To,



.....

Sir

Reference your application dated .....for registration a cable operator. The necessary registration cannot be granted to you for the following reasons (s) -

- (i) Application is incomplete.
- (ii) Registration fee has not been tendered.
- (iii) Applicant is not a citizen of India.

(iv) Less than fifty one percent of the paid-up share capital of the applicant company is held by citizen of India.

Head Post Master

Head Post Office

Place :

Date:

**FORM 5**

**(See Rule 8)**

Form of register to be maintained by the each cable operator.

Sl No	Encrypted Channel/Programme	Duration		Date	Month	Year
		From	To			
1	2	3	4	5	6	6

## THE CINEMATOGRAPH ACT, 1952

[37 of 1952]

[21 Mar, 1952]

*An Act to make provision for the certification of Cinematograph films for exhibition and for regulating exhibition 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) Part I, II and IV extend the whole of India [\*\*\*] 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 Cinematographs (Amendment) Act, 1973, as the Central Government may, by notification in the official Gazette, appoint]

**2. Definition.-** In this Act, unless the context otherwise require, -

- (a) "adult" means a persons 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 5-A ]
- (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 5-D]

**2-A. Construction of reference 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, to the corresponding functionary in existence in that State.]

## **PART II**

### **Certification of Films for Public Exhibition**

**[3. Board of Film Censors. (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 Certification] which shall consist of a Chairman and [not less than twelve and not more than twenty five] 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 of fees for attending the meetings of Board as may be prescribed.

(3) The other terms and conditions for 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 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

[(ii-a)sanction the film for public exhibition restricted to members of any profession or any class of person, 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 sit thinks necessary before sanctioning the film for public exhibition under any of the foregoing clause;] or

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

(2) No action under [the provision to clause (i), clause (ii), clause (ii-a) , clause (iii) of 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.-** (i) 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 fluxion 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.

**5-A. Certification of films.-** [(1), If, after examination 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 an "U" certificate or, as the case may be, an "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 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, a "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 right 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).]

(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 period of ten years.

**5-B. Principles for guidance in certifying films.-** (1) A film shall not be certified for public exhibiting if, in the opinion of the authority competent to grant the certificate, the film or any party of it is against the

interests of [the sovereignty and integrity of Indian ] 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 principle which shall guide the authority competent to grant certificates under this Act in sanctioning films or public exhibition.

**[5-C. Appeals-** (1) 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) granting only a "S" certificate; or

- (d) granting only an "UA" certificate; or
- (e) directing the applicant to carry out any excisions or modifications, may, within thirty days from the date of such order, prefer an appeal to the Tribunal:

provided that the tribunal may, if it is satisfied that the appellant was prevented by sufficient cause from filling the appeal within the aforesaid period of thirty days, allow such appeal to be admitted within a further period of thirty days.

(2) Every appeal under this section shall be made by a petition in writing and shall be accompanied by a brief statement of the reasons for the appealed against where such statement has been furnished to the appellant and by such fees, not exceeding rupees one thousand, as may be prescribed].

**[5-D. Constitution of Appellate Tribunal.-** (1) For the purpose of hearing appeals against any order of the board under Section 5-C, the Central Government shall, by notification in the official (Gazette) constitute an Appellate Tribunal.

(2) The head office of the Tribunal shall be at New Delhi or at such other place as the Central Government may, by notification in the official (Gazette), specify.

(3) Such Tribunal shall consist of a chairman and not more than four other members appointed by the Central Government.

(4) A person shall not be qualified for appointment as the Chairman of the tribunal unless he is a retired judge of a High Court, or is a person who is qualified to be a judge of High Court.

(5) The Central Government may appoint such persons who, in its opinion, are qualified to judge the effect of films on the public, to be members of the Tribunal.



(6) The Chairman of the Tribunal shall receive such salary and allowance as may be determined by the Central Government and the members shall receive such allowances or fees as may be prescribed.

(7) Subject to such rules as may be made in this behalf, the Central Government may appoint a Secretary and such other employees as it may think necessary for the efficient performance of the functions of the Tribunal under this Act.

(8) The Secretary to, and other employees of, the Tribunal shall exercise such powers and perform such duties as may be prescribed after consultation with the Chairman of the Tribunal.

(9) The other terms and conditions of service of the Chairman and members of, and the secretary to and other employees of the Tribunal shall be such as may be prescribed.

(10) Subject to the provisions of this Act, the Tribunal may regulate its own procedure.

(11) The Tribunal may, after making such inquiry into the matter as it consider necessary and after giving the appellant and the board an opportunity of being heard in the matter, make such order in relation to a film as it thinks fit and the board shall dispose of the matter in conformity with such order].

**[5-E. Suspension and revocation of certificate.-** (1) Notwithstanding anything contained in sub-section (2) of Section 6, the Central Government may, by notification in the official (Gazette), suspend a certificate granted under this part, for such period as it thinks fit or may revoke such certificate

it is satisfied -

- (i) the film in respect of which the certificate was granted, was being exhibited in a form other than the one in which it was certified; or

(ii) the film or any part thereof is being exhibited in contravention of the provision of this part or the rules made hereunder.

(2) Where a notification under sub-section (1) has been published, the Central Government may require the applicant for certificate or any other person to whom the rights in the film have passed, or both, to deliver up the certificate and all duplicate certificates, if any, granted in respect of the film to the board or to any person or authority specified in the said notification.

(3) No action under this section shall be taken except after giving an opportunity to the person concerned for representing his views in the matter.

(4) During the period in which a certificate remains suspended under this section the film shall, be deemed to be an uncertified film.]

**[5-F. Review of the orders by Central Government.-** (1) Where an applicant for a certificate or any other person to whom the rights in the film have passed, is aggrieved by any order of the Central Government under Section 5-E, he may, within sixty days of the date of publication of the notification in the official (Gazette) make an application to the Central Government for review of the order, setting out in such application the grounds on which he considers such review to be necessary :

Provided that the Central Government may, if it is satisfied that the applicant for a certificate or that other person was prevented by sufficient cause from filling an application for review within the aforesaid period of sixty days, allow such application to be filed within a further period of sixty days.

(2) On receipt of the application under sub-Section (1), the Central Government may after giving the aggrieved person a reasonable opportunity of being heard, and after making such further inquiry, as it may consider necessary, pass such order as it thinks fit, conforming, modifying or reversing its decision and the board shall dispose of the matter in conformity with such order.

**6. Revisional powers** of the Central Government.- (1) Notwithstanding anything contained in this part, the Central Government [may, of its own motion, 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 [or, as the case may be, decided by the Tribunal (but not including any proceeding in respect of any matter which is pending before the Tribunal )] 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 :

Provided further that nothing in this sub-section shall require the Central Government to disclose any fact which it considers to be against public interest to disclose.]

(2) Without prejudice to the powers conferred on 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 uncertified film in the whole or any part of India; or
- (b) a film which has been granted an "U" certificate [for an "UA" certificate or a "S" 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 directions issued under clause (c) shall remain in force for more than two months from the date of 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.

**6-A. Information and documents to be given to distributors and exhibitors with respect to certified films** .- Any person who delivers any certified film to any distributor or exhibitor shall, in such manner as may be prescribed, notify to the distributor or exhibitor, as the case may be, the title, the length of the film, the number and the nature of the certificate granted in respect thereof and the condition, if any, subject to which it has been so granted, and other particulars respecting the film which may be prescribed.

**Notes** Section 6-B which was inserted by Act No. 49 of 1981 has been repealed by Act No 56 of 1984 for the reference the repealed Section 6-B is given below :

6-B, Offences to be cognizable .- Notwithstanding anything contained in the Code of Criminal procedure, 1973 every offence punishable in the part shall be cognizable.

**7. Penalties for contravention of this part.-** [(1) if any person -

(a) exhibits or permits to be exhibited in any place-

(i) any film other than a film which has been certified by the board as suitable for unrestricted public exhibition or for public exhibition restricted to adults [ or to members of any profession or any class of person] and which, when exhibited, displays the prescribed mark of the board and has not been

altered or tampered within any way since such mark was affixed thereto;

- (ii) any film, which has been certified by the board as suitable for public exhibition restricted to adults, to any person who is not an adult,

[\*\*\*]

- (ii-a) any film which has been certified by the board as suitable for public exhibition restricted to any profession or class of persons, to a person who is not a member of such profession or who is not a member of such class, or]

- (b) without lawful authority (the burden of providing which shall be on him), alters or tempers within any way any film after it has been certified; or
- (c) fails to comply with the provision contained in Section 6-A or with any order made by the Central Government or by the board in exercise of any of the powers or functions conferred on it by this Act or the rules made there under-

[ he shall be punishable with imprisonment for a term which may extend to three years , or with fine which may extend to one lakh rupees or with both and in the case of a continuing offence with a further fine which may extend to twenty thousand rupees for each day during which the offence continues:

Provided that a person who exhibits or permits to be exhibited in any place, a video film in contravention of the provision of sub-clause (i) of clause (a) shall be punishable with imprisonment for a term which shall not be less than three months, but which may extend to three years and with fine which shall not be less than twenty thousand rupees, but which may extend to one lakh rupees, and in

the case of a continuing offence with a further fine which may extend to twenty thousand rupees for each day during which the offence continues.

Provided further that a Court may, for adequate and special reason to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than three months, or a fine of less than twenty thousand rupees]:

[Provided (further) that notwithstanding anything contained in Section 29 of the Code of Criminal Procedure, 1973 (2 of 1974), it shall be lawful for any Metropolitan Magistrate, or any Judicial Magistrate of the first class specially empowered by the State Government in this behalf to pass a sentence of fine exceeding five thousand rupees on any person convicted of any offence punishable under this part:

[Provided also] no distributor or exhibitor or owner or employee of a cinema house shall be liable to punishment for contravention of any condition of endorsement or cautioning on a film as "UA" under this part.]

(2) if any person is convicted of an offence punishable under this section committed by him in respect of any film, the convicting court may further direct that the film shall be forfeited to the Government.

(3) The exhibition of film, in respect of which an "A" certificate or a "S" certificate or an "UA" certificate has been granted, to children below the age of three years accompanying their parents or guardians shall not be deemed to be an offence within the meaning of this section.

**[7-A. Power of seizure-** (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 provision contained in this Act or of any order made by the Central Government [the Tribunal] or the board in the exercise of any of the powers conferred on it, any police officer may [\*\*\*] 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.

(2) All searches under this Act shall be carried out in accordance with the provision of the ]Code of Criminal procedure, 1973 (2 of 1974)], relating to searches.

**7-B. Delegation of powers by Board .-** [(1)The Central Government may, by general or special order, direct that any power, authority or jurisdiction of the film under this part] 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.

[(2) The central Government may, or order and subject to such conditions and restriction as may be prescribed, authorize the regional officers to issue provisional certificate.]

**7-C. Powers to direct exhibition of film for examination by.-** for the purpose of exercising any of the powers conferred on it by this Act, the Central Government [the Tribunal] or the board may require any film to be exhibited before it or before [any person authority] specified by it in this behalf.

**7-D. Vacancies, etc, not to invalidate proceeding-** No act or proceeding of [the Tribunal] 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 Tribunal], the board or panel, as the case may be.

**7-E. Members of the Board and advisory panels to be public servants.-** All members of [the Tribunal}, 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 Panel Code (45 of 1860).

**7-F. Bar of legal proceeding.** No suit or other legal proceeding shall lie against the Central Government, [the Tribunal] the board, advisory panel or any officer or member of the Central Government, [the Tribunal], the 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.]

**8. Power to make rules.-** (1) The Central Government may, by notification in the official Gazette, make rules for the purpose of carrying into effect the provisions of this part.

[(2) In particular, and without prejudice to the generality of the foregoing power, rules made under this section, may provide for-

- (a) the allowances of fees payable to the members of the board.
- (b) terms and conditions of service of the members of the board.
- (c) the manner of making an application to the board for a certificate and the manner in which a film has to be examined by the board and the fees to be levied therefor
- (d) the association of regional officers in examination of films, the conditions and restriction subject to which regional officers may be authorized under section 7-B to issue provisional certificate and the period of validity of such certificates;
- (e) the manner in which the board may consult any advisory panel in respect of any film ;
- (f) the allowances or fees payable to the members of advisory panel;
- (g) the marking of the films;
- (h) the allowances of fees payable to the members of the Tribunal;



- (i) the powers and duties of the Secretary to, and other employees of the tribunal;
- (j) the other terms and conditions of service of the Chairman and members of, and the Secretary to, and other employees of, the Tribunal;
- (k) the fees payable by the appellant to the Tribunal in respect of an appeal;
- (l) the conditions (including conditions relating to the length of films in general or any class of films in particular) subject to which any certificate may be granted, or the circumstances in which any certificate shall be refused ;
- (m) any other matter which is required to be or may be prescribed].

[(3) Every rule made by the Central Government under this part shall be laid, as soon as may be after it is made, before each House of parliament while it is in session, for a total periods of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter, have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

**9. Power to exempt.-** The Central Government may, by order in writing exempt, subject to such conditions and restriction, if any, as it may impose, the exhibition of any film or class of films from any of the provisions of this part or of any rules made hereunder.

### PART III

#### Regulation of exhibitions by means of Cinematographs

**10. Cinematograph exhibitions to be licensed.**- Save as otherwise provided in this Part, no person shall give an exhibition by means of an cinematograph elsewhere than in a place licensed under this part or

otherwise than in compliance with any conditions and restrictions imposed by such license.

**11. Licensing authority.**- The authority having power to grant licenses under this part (hereinafter referred to as the licensing authority) shall be the District Magistrate:

Provided that the State Government may, by notification in the official (Gazette) constitute, for the whole or any part of a [Union Territory], such other authority as it may specify in the notification to be the licensing authority or the purposes of this Part.

**12. Restriction on powers licensing authority.**- (1) The licensing authority shall not grant a license under this Part, unless it is satisfied that.-

(a) the rules made under this Part have been substantially complied with, and;

(b) adequate precautions have been taken in the place, in respect of which the license is to be given, to provide for the safety of person attending exhibitions therein.

(2) Subject to the foregoing provisions of this section and to the Control of the State Government, the licensing authority may grant licenses under this Part to such persons as that authority thinks fit and on such terms and conditions and subject to such restrictions as it may determine.

(3) Any person aggrieved by the decision of a licensing authority refusing to grant a license under this Part may, within such time as may be prescribed, appeal to the State Government or the such officer as the State Government may specify in this behalf and the State Government or the officer, as the case may be, may make such order in the case as it or he thinks fit.

(4) The Central Government may, from time to time, issue directions to licensees generally or to any licensee in Particular for the purpose of regulating the exhibition or any films or class of films so that scientific films, 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 while any such directions have been issued those directions shall be deemed to be additional conditions and restrictions subject to which the license has been granted.

**13. Power of Central Government or local authority to suspend exhibition of**

**films in certain cases.-** (1) The Lieutenant Governor or, as the case may be, the Chief Commissioner, respect of the [whole or any part of a Union Territory] and the District Magistrate in respect of the district within his jurisdiction, may, if he is of opinion that any film which is being publicly exhibited is likely to cause a breach of the peace, by order, suspend the exhibition of the film and during such suspension the film shall be deemed to be an uncertified film in the State, part of district, as the case may be.

(2) Where an order under sub-section (1) has been issued by the Chief Commissioner or a District Magistrate, as the case may be, a copy thereof together with a statement of reasons therefore, shall forthwith be forwarded by the person making the same to the Central Government and the Central Government may either confirm or discharge the order.

(3) An order made under this section shall remain in force for a period of two months from the date thereof, but the Central Government may, if it is of opinion that the order should continue in force, direct that the period of suspension shall be extended by such further period as it thinks fit.

**14. Penalties for contravention of this Part.** 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 a place permits that place to be used in contravention of the provisions of this Part of the rules made there under, or of the conditions and restrictions upon or subject to which any license has been granted under this part, 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.

**15. Power to revoke license.-** Where the holder of a license has been convicted of an offence under Section 7 or Section 14, the license may be revoked by the licensing authority.

**16. Power to make rules.-** [(1) The Central Government may, by

notification in the official Gazette, make rules-

- (a) Prescribing the terms, conditions and restrictions, if any, subject to which licenses may be granted under this part.
- (b) Providing for regulation of cinematograph exhibitions for securing the public safety;
- (c) Prescribing the time within which and the conditions or subject to which an appeal under sub-section (3) of Section 12 may be preferred.

[(2) Every rule made by the Central Government under this Part shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in

session, for a total period of thirty days which may be comprised in one session or in two or more successive session or the successive session aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

**17. Power to exempt.-** The Central Government may by order in writing exempt, subject to such conditions and restrictions as it may impose, any cinematograph exhibition or class of cinematograph exhibition from any of the provisions of this Part or of any rules made hereunder

#### **PART IV**

**18. Repeal.-** The cinematograph Act, 1918 (2 of 1918), is hereby repealed"

Provided that in relation to Part A States and part B States the repeal shall have effect only in so far as the said Act relates to the sanctioning of cinematograph films for exhibition.

### **CINEMATOGRAPH (CERTIFICATION)**

#### **RULES, 1983**

In exercise of the powers conferred by section 8 of the Cinematograph Act, 1952 (37 of 1952), and in super session of the Cinematograph (Censorship) Rues, 1985 the Central Government hereby makes the following rules, namely

**1. Short title and commencement.** (1) These rules may be called the Cinematograph (Certification) Rules, 1983.

(2) They shall come into force on 1st day of June, 1983.

**2. Definition.** In these rules, unless the context otherwise requires-

- (i) "Act" means the Cinematograph Act, 1952 (37 of 1952);
- (ii) "Advisory panel" means the advisory panel of the Board constituted under Rule 7;
- (iii) "applicant " means a person applying for certification of a film for public exhibition under Section 4;
- (iv) "Assistant Regional Officer" means an Assistant Regional Officer appointed under Rule 9 and includes the Secretary to Chairman;
- (v) "Board" means the Board of Film Certification constituted under Section 3,
- (vi) "Chairman" means the Chairman of the Board;
- (vii) "Chief Executive Officer" means a Chief Executive Officer appointed under Rule 9;
- (viii) "Examining Officer" means [a Chief Executive Officer or] a Regional Officer or an Additional Regional Officer or an Assistant Regional Officers or the secretary to Chairman or such other Officer who is a member of the examining committee appointed under sub rule (1) or Rule 22;
- (ix) "feature film" means fictionalized story film exceeding 2000 meters in length in 35 mm or corresponding length in other gauges or on video,
- (x) "imported" means bringing into India from a place outside India;

- (xi) ["long film" is a film with a length exceeding 2000 meters in 35 mm or corresponding length in other gauges or on video];
- (xii) "member" means a member of the board and includes the Chairman ;
- (xiii) "Regional Officer " means a Regional Officer appointed under Rule 9 and includes a Chief Executing Officer, and Additional Regional Officer and an Assistant Regional Officer, or such other officer appointed under that rule;
- (xiv) "Secretary to the Tribunal" means the Officer of Government appointed to function as the Secretary to the Appellate Tribunal under sub-section (7) of Section 5-D;
- (xv) "Section" means a section of the Act;
- [(xvi)"short film" means a film with a length up to and including 2000 meters in length in 35 mm or corresponding length in other gauge or on video].

**3. Terms of office.-** (1) A member of the board shall hold office during the pleasure of the Central Government.

(2) Subject to the provision of sub-rule (1) the Chairman shall hold office for a period of three years and shall continue to hold office until his successor is appointed;

Provided that pending the appointment of his successor the Central

Government may appoint another person to act as Chairman for a period not exceeding one year.

(3) Subject to the provisions of sub-rule (1), every other member shall hold office for a period not exceeding three years.

(4) A retiring member or a member whose term of office has expired by efflux of time shall be eligible for re-appointment.

**[3-A. Representation of Women in the Board.-** The Central Government may take such steps as it thinks fit to appoint women members in the Board so that there is due representation for women].

4. **Casual vacancy.-** A casual vacancy caused in the Board by resignation, death or removal of a member or otherwise shall be filled by the appointment of another member who shall hold office for the full terms of membership provided under sub rule (3) of rule (3).

5. **Headquarters.-** Under otherwise directed by the Central Government the headquarters of the Board shall be at Bombay.

6. **Temporary absence of Chairman.-** Notwithstanding anything contained in these rules, when the Chairman is unable to discharge his functions owing to absence, illness or any other cause, the Central Government may nominate a member of the Board who will discharge the functions of the Chairman until the Chairman resumes his duties:]

Provided that where no such appointment is made, the Chief Executive Officer or the Regional Officer at Bombay shall in addition to his other duties, exercise the powers and perform the duties of the Chairman and shall have the right to participate in the meetings of Board, but shall not be entitled to preside at any meetings.

7. **Constitution of advisory panels.-** (1) The Central Government shall constitute an advisory panel at each of the regional office of the Board.

(2) An advisory panel constituted under sub rule (1) shall consist of such number of members as the Central Government may after consultation with the Board determine.



(3) The Central Government may after consultation with the Board appoint any person whom it thinks fit to be member of an advisory panel:

Provided the Central Government ,may dispense with such consultation in respect of such numbers not exceeding one third of the total number of the members of the advisory panel as that Government thinks fit.

[Provided further that there shall be due representation to women in advisory panel.

**8. Term of office of members of advisory panels-** (1) A member of an advisory panel shall hold office during the pleasure of the Central Government.

(2) Subject to the provisions of sub rule (1), every such member shall hold office for a period not exceeding two years.

Provided that any person holding office as a member immediately before the commencement of these rules shall hold such office only for the remainder of the terms for such he was appointed.

(3) A retiring member or a member whose term of office has expired by efflux of time shall be eligible for re-appointment.

(4) A casual vacancy in an advisory panel caused by the resignation, death or removal of any member or otherwise shall be filled by fresh appointment and the person so appointed shall hold office for a period not exceeding two years,

(5) The Central Government may remove from office any member of an advisory panel before the expiration of his term of office:

Provided that a member appointment to an advisory panel after consultation with the Board shall not be so removed except on the recommendation of or after consultations with the board.

**9. Office of the Board.-** (1) For the purpose of enabling the Board to perform its functions under the Act, the Central Government may appointment a Chief Executive Officers, Regional Officers, Additional Officers, Assistant Regional Officers and such other officers at the headquarters and at each of the regional offices of the Board.

Provided that the Central Government may delegate to the Chairman/Chief Executive Officer subject to such conditions and limitations, if any as may be specified by it the power of appointment conferred on it under this sub-rule other than the powers of appointment in relation to the posts of Regional Officer and Additional Regional Officer;

Provided further that the Chairman/Chief Executive Officer may grant leave to or suspend or remove from service any officer appointed by him under the powers delegated to him under this sub rule.

(2) The Regional Officer, Additional Regional Officers, Assistant Regional Officers and other officers appointed under sub rule (1) shall perform such duties as may be assigned to them under these rules, or by the Chairman/Chief Executive Officer or by the Board.

**10. Duties of the Board.-** The Board shall, in addition to other duties prescribed under these rules-

(1) submit an annual report to the Central Government reviewing the work done by the Board during the preceding financial year and the report shall contain a detailed analytical study of the trends in film industry;

(2) prescribe the manner in which the register, records and accounts of the board shall be kept; and

(3) review the work of Regional officers and members of the Advisory Panels.

**11. Assessment of public reactions to films.-** With a view to determining the principles to be observed in certifying films, the Board may take such steps as it thinks fit to assess public reactions to films, and for that purpose, the board may hold symposia or seminars of film writers' community leaders and persons engaged in the film industry or such other persons and also under-take local or national surveys to study the impact of various kinds of films on the public mind.

**12. Terms and conditions of service (other than salary and allowances) of the Chairman of the Board and allowances payable to the other members of the Board.-** (1) The Chairman, if he is a paid full time officer, shall be entitled to draw travelling and daily allowances as admissible under the Fundamental and Supplementary Rules and shall be entitled to leave and leave salary and such other benefits and shall be governed by such condition of service as are applicable to Central Government officers engaged on contract:

Provided that in the case of an officer of an All India or Central Civil or General Civil Service or State Service being appointed as Chairman he shall be entitled to leave and leave salary and other benefits admissible to officers of such service so long as he continues to belong to that service"

Provided further that if an officer who has already been holding a post under Government on contract with the benefits of Contributory Provident Funds is appointed as Chairman, he shall be allowed to carry forward the unutilized portion of leaves earned by him during previous service and he shall also continue to be eligible for the Contributory Provident Fund benefits.

(2) Every honorary member (including the Chairman where he does not receive any salary) may-

(a) if he is an out-station member,

- (i) travel by air or by train as admissible according to the orders issued by the Central Government from time to time in respect of journeys undertaken by him for the performance of his duties as such members;
  - (ii) be paid a consultancy fee for attending the preview of a film or meeting of the Revising Committee or the Board at the rate of Rs 75 for each day of such review or meeting;
  - (iii) be paid daily allowance at the rate of Rs 50 per day for the day preceding at the meeting and that following the meeting, if the member actually stays at the place of the meeting;
- (b) If he is local member, be paid a consultancy fee for attending the preview of a film or meeting of the Revising Committee or the Board at the rate of Rs 50 for each day of such preview or meeting.

Provided that daily allowance will not be admissible in addition for the day or days for which consultancy fee is paid.

**13. Allowance payable to members the advisory panel.-** (1) Every member of the advisory panel shall be entitled to draw travelling and daily allowances for journeys performed by him for attending the meetings of the Board outside the headquarters or for the purpose of discharging any other duties prescribed under the Act on the scale provided under the Fundamental and Supplementary Rules applicable to First Grade Officers of Government.

(2) Every member of the advisory panel shall be entitled to receive a consultancy fee for attending a preview of film or a meeting of the Committee or panel or for verification of cuts and affected reels at the rate of Rs 50 per diem, provided that daily allowance in terms of (1) above will not be admissible in addition for the day or days for which consultancy fee is paid I.

[(3) Notwithstanding anything contained in Sub-rule (1) and (2), if any member of the advisory panel is a Member of Parliament, he shall not be entitled to any remuneration other than the allowances defined in clause (a) of Section 2 of the Parliament (Prevention of Disqualification) Act, 1959 (10 of 1959).

**14. Meeting of the Board.-** (1) The Board shall ordinarily meet once a quarter for the transaction of business but the Chairman may at any time call an extraordinary meeting, if he considers it necessary do so.

(2) Meeting of the Board shall be held at such place as the Chairman may at his discretion fix for the purpose.

**15. Co-opted member.-** The Chairman may co-opt the Chief Executive Officer or any one or more of the regional Officers or any Officer of the Central Government as a member of members of the Board for the purpose of attending a particular meeting or Board and such officer or officers shall then be entitled to participate in the deliberations of the Board at that meeting but shall not be entitled to vote.

**16. Notice of meeting.-** (1) At least [Twenty one clear days] notice of all meeting of the Board shall be given to each member but an urgent meeting may be called by the Chairman at three clear days notice.

(2) The notice shall state the business to be transacted at the meetings except with the consent of the Chairman or on his motion.

**17. Business ordinarily to be transacted at meetings.** The business of the Board shall ordinarily be transacted at a meeting duly called in accordance with the provisions of these rules:

Provided that the Chairman may, if he thinks fit, circulate any urgent matter amongst the members for their opinion.

**18. Quorum.-** At every meeting of the Board, four members if the Chairman be present and six members if he be absent, shall form a quorum.

**19. President of the meeting.-** Meeting of the Board shall be presided over by the Chairman or in his absence by a member elected by the members present from among themselves.

**20. Question to be decided by majority of votes.** Every question before the Board shall be decided by a majority of votes and in the case of equality of votes, the Chairman or the member elected to preside under Rule 19, as the case may be, shall have a second or casting vote.

**21. Application for examination of films.-** (1) Every application to certify a film for public exhibition shall be made in writing in [Form I or Form I-A or Form II or Form II-A as the case may be] set out in the Second Schedule accordingly as the film is produced in or imported into India.

(2) The application shall be addressed to the Board and delivered to the Regional Officer concerned as per the First Schedule.

Provided that where films are imported into India, the Chairman may direct or permit applications in respect of them to be delivered to a regional officer other than the Regional Officer to whom such applications would have been delivered but for this proviso, namely:

Provided further that the Chairman may in the following circumstances direct or permit application in respect of any films or class of films to be delivered to Regional Officer other than the Regional Officer to whom such applications would have been delivered but for this proviso, namely:

- (i) where the Chairman is satisfied that immediate action for examination of a film is necessary; or

- (ii) where examination of a film with the assistance of persons will acquainted with the language of the film is not possible at the place where, but for the provision of this proviso it would have been delivered for examination: or
  - (iii) for such other persons as may be specified by the Chairman in writing.
- (3) Every such application shall be accompanied by -
  - (a) the fee prescribed under Rule 36;
  - (b) eight copies in the case of feature films and five copies in the case of other films, of the synopsis the film, together with full credit titles and of the full text of the songs in any with reel number, one copy of complete shooting script as prescribed and a statement showing the reel wise length of the film.

Provided that where the film is in a language other than English or any Indian language, the applicant shall furnish eight typed or printed copies of the translation in English or Hindi of the synopsis and of the full text of the songs. if any. and one copy of the translation in English or Hindi of dialogues:

Provided further that in the case of film referred to in the preceding proviso, the Regional Officer may direct the applicant to furnish also eight typed or printed copies of the translation in English or Hindi of the full text of the dialogue, speeches or commentary;

- [(bb) declaration made in writing by the producer of the film declaring that no cruelty was caused to the animals used during shooting of the films produced in India.

**Explanation I.-** For the purpose of this clause-

- (i) "animal" shall have the meaning assigned to it in clause (a) of Section 2 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960):
  - (ii) "Cruelty" means treating the animals in any manner specified in clauses (a) to (o) of Sub -Section 11 of the prevention of Cruelty to Animal Act, 1960 (59 of 1960)];
- (c) if the application is made for the purpose of a fresh certificate, sub-rule (2) of Rules 29, the original certificate or duplicate certificate [and ]
- [(d) if the application is made by a person other than the producer of copyright holder of the film, an authorization in writing on a stamped paper of appropriate value to be notified by, the Chairman from the producer or copyright holder of the film.]
- (4) If, in the case of a newsreel, documentary or other short film that Regional Officer is satisfied that the applicant is not able to furnish the documents specified in sub-rule (3) along with the application for reasons beyond his control, the Regional Officer may direct that such documents may be furnished within such period after the examination of the film as he may specify or that the submission of such documents may be dispensed with.
- (5) No such application shall be accompanied by any documents other than those mentioned in sub-rule (3)
- (6) Notwithstanding anything contained in the foregoing sub-rule, in the case of film which is imported-
- (a) the applicant shall furnish the original or a certified copy of the import license together with the customs clearance permit and with the customs clearance paper;



- (b) Where there is a doubt or dispute about the validity or genuineness of the documents referred to in clause (a), the Board may before the application is considered refer to such documents for ascertaining their validity or genuineness to the authority which issued the same;
- (c) the board shall not take any steps for certification of a film in a case where any matter regarding the validity of the documents referred to in clause (b) is pending before any court or any public authority until the disposal of such matter by the court or authority; [and]
- (d) [such film shall be examined by the board for certification for public exhibition in India unless the board is satisfied that the film is validly imported in accordance with the import policy of the Government.]

**Explanation.-** For the purpose of certification for public exhibition, every revised version or shorter version of a film shall be deemed to be a fresh film.

22. **Examining Committee.-** On receipt of an application under Rule 21, the Regional Officer shall appoint an Examining Committee to examine the film. The examination shall be made at the cost of the applicant on such date, at such time as the Regional Officer may determine.

- (2) the Examining Committee shall consist of -
  - (a) in the case of a short film, a member of the advisory panel and an examining Officer [either of whom shall be woman] and
  - (b) in the case of long film, four members of the advisory panel and an Examining Officer [of whom two persons shall be women] :

Provided that if the Examining Officer is unavoidably absent at examination of a film, the Examining Committee shall consist of two

members of the advisory pane in a case falling under clause (b).

[Provided further that in the Examining Committee, in a case falling under (a) one member shall be women and in case falling clause (b) two members shall be women ].

(3) The film to be examined by the Examining Committee shall be in its final form with the background music and all sound effect duly recorded on the films itself.

(4) All previews of films for the purpose of examination for certifications and the reports and records relating thereto shall be treated as confidential.

(5) The names of the members of the Examining Committee examining the film shall not be disclosed to any official or non-official not concerned with the preview of the particular film or to any other person including the applicant or his representative.

(6) The applicant or his representative shall not be allowed to be present inside the preview theatre.

(7) Notwithstanding anything contained i sub-rules (4) (5) and (6), the Chairman may be special or general order permit any member if the staff to be present at the preview to render such assistance as may be required .

(8) The Examining Committee shall examine the film, having regard to the principles for guidance in certifying films specified in Section 5-B(1) and the guidelines issued by Government under Section 5-B(2).

(9) Immediately after the examination of the film each member of the Examining Committee attending the examination shall, before leaving the preview theatre record his opinion in writing in Form VIII set out in the second Schedule spelling out in clear terms the reasons therefore and state whether he or she considers-

- (a) that the film is suitable for unrestricted public exhibition, ie. fit for "U" certificate; or
- (b) that the films is suitable for unrestricted public exhibition but with an endorsement of caution that the question as to whether any child below the age of twelve years may be allowed to see the films should be considered by the parents or guardian of such child ie. for 'UA' Certificate; or
- (c) that the film is suitable for public exhibition restricted to adults, ie, fir for 'A' certificate, or
- (d) that the film is suitable for public exhibition restricted to members of any profession or any class of persons having regard to the nature, content the theme of the films, ie, fit for 'S' certificate, or
- (e) that the film is suitable for 'U' or 'UA' or 'A' or 'S' certificate as the case may be, if a specified portion or portions be excised or modified there from; or
- (f) that the film is not suitable for unrestricted or restricted public exhibition, ie., that the film be refused a certificate.

and if the Chairman is away from the regional centre where the film is examined, the form aforesaid shall be prepared in duplicate.

(10) The Examining Officer shall distribute copies of the synopsis with the credit titles and songs among the members of the committee and furnish them the form and such other documents as may be specified by the Board for making their recommendation.

(11) After the screening of, the Examining Officer shall see that -

- (a) the recommendation of every member of the Committee is recorded in unambiguous terms and each excision or modification or property specified in clear terms with reason or reasons therefore;
- (b) The same is duly signed by the members of Committee; and
- (c) where the report of any member of the Committee is incomplete, that fact is brought to the notice of the member concerned before he leaves the preview theatre.

(12) The Examining Officer shall within three working days send the recommendation of all the members of the Examining Committee to the Chairman and where the Chairman is away from the centre where the film is examined, by the registered post.

(13) It shall be the personal responsibility of the Examining Officer to examine whether each and every guideline issued by the Government has been followed and to bring any lapse or deviation to the notice of the Chairman.

(14) The quorum for the Examining Committee for a long films shall be four [of whom at least two persons shall be a woman].

**23. Certification.-** On receipt of the record referred to in sub-rule (12) of Rule 22, the Chairman shall, unless the provisions of sub-rules (1) of Rule 24 are attracted, direct the Regional Officer concerned to take further action on behalf of the Board in conformity with the recommendation of the Examining Committee either unanimous or by majority.

Provided that in case of a short film when the Committee is divided in its opinion, the Chairman shall either examine the film himself and take, or direct the Regional Officer concerned to take further action on behalf of the Board to give effect to this decision.

**24. Revising Committee.-** (1) On receipt of the record referred to in Rule 22, the Chairman may, of his own motion or on the request of the applicant, refer it to a Revising Committee constituted for the purpose.

(2) The Revising Committee shall subject to sub-rule (5) consist of a Chairman and not more than nine members, being members of the Board or members of any of the advisory panels, to be specified by the Chairman.

[Provided that subject to the provisions of sub-rule (11) the Chairman shall give representation to women in the Committee by nominating such member of woman members as he thinks fit.]

(3) The Chairman or in his absence a member of the Board nominated by the Chairman shall preside at every meeting of the Revising Committee.

(4) The Regional Officer of the Centre where the application was received under Rule 21 may be invited to attend any meeting of a Revising Committee and participate in proceedings thereof but he shall have no right to vote thereat.

(5) No member of the advisory panel who has been a member of the examining Committee for any film shall be a member of the Revising Committee in respect of the same time.

(6) The provisions of sub-rules (4) to (8) of Rule 22 shall apply *mutatis mutandis* to the examination of film by the Revising Committee or the Board.

(7) The Revising committee shall examine the film at the applicant's expense, on such date, at such place and such time, as the Chairman may determine.

(8) For the purpose of examination by Revising Committee-

(a) the applicant shall present the same clear run able print of the film which was shown to the Examining Committee and he shall make no

change whatsoever in it and he shall furnish the necessary declaration in writing in that behalf;

- (b) the applicant shall, be required to furnish fifteen typed or printed copies of the complete synopsis of the film together with the full credit titles and full text of songs, if any, with reel number, and where he has made a representation under sub-section (2) of Section 4 fifteen copies thereof shall also be furnished:

Provided that where the film is in a language, other than English or any Indian language, the applicant shall furnish fifteen typed or printed copies of the translation in English or in Hindi of the synopsis together with full credit titles and of the full text of the songs, if any:

Provided further that in the case of a film referred to in the preceding provisos, the Chairman may direct the applicant to furnish also fifteen typed or printed copies, of the translation in English or Hindi of the full text of the dialogue, speeches or commentary.

Provided also that where the Chairman is satisfied that the applicant is not able to furnish the documents specified in this sub-rule for reasons beyond his control the Chairman may direct that the submission of such documents be dispensed with.

(9) Immediately after examination of the film, each member of the Revising Committee shall before leaving the preview theatre record his recommendation in writing in Form VIII set out in the Second Schedule spelling out in clear terms the reasons therefore and stating whether he or she considers-

- (a) that the film is suitable for unrestricted public exhibition, ie., fit for 'U' certificate; or

- (b) that the film is suitable for unrestricted public exhibition but with an endorsement of caution that the question as to whether any child below the age of five years may be allowed to see the film should be considered by the parents or guardian of such child, ie., fit for 'UA' certificate; or
- (c) that the film is suitable for public exhibition restricted to adults, ie., fit for 'A' certificate; or
- (d) that the film is suitable 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 ie., fit for 'S' certificate; or
- (e) that the film is suitable for grant of 'U' or 'UA' or 'A' or 'S' certificate, as the case may be, if a specified portion or portions be excised or modified there from; or
- (f) that the film is not suitable for unrestricted or restricted public exhibition, ie. that the film be refused a certificate;

and if the Chair man is away from the regional centre where the film is examined the form aforesaid shall be prepared in duplicate.

(10) The presiding officer of the Revising Committee shall, within three days, send the recommendations of all the members of the Revising Committee to the Chairman and where the Chairman is away from the centre where the film is examined, by the registered post.

[(11) The quorum of the Revising Committee shall be five members of whom at least two persons shall be women

Provided that the number of women members shall not be less than one half of the total members of a committee constituted under Sub-rule (2).]

(12) The decision of a Revising Committee shall be that of the majority of the members attending the examination of the film and, in the event of an equality of votes, the presiding officer shall have a second or casting vote:

Provided that where the Chairman disagrees with the decision of the majority of the Committee, the Board shall itself examine the film or cause the film to be examined again by another Revising Committee and that the decision of the Board of the second Revising Committee, as the case may be shall be final.

**25.** On receipt of the orders of the Board under Section 4 or Section 5- A the Regional Officer shall communicate the same to the applicant by registered post or in such other manner as in the circumstances of the case he deems fit and take such other steps in accordance with the said orders as he may deem necessary.

**26. Issue of certificate subject to removal of portions of films.-** (1) Where the applicant is informed by Regional Officer that a film will not be granted 'U' or 'UA' or 'A' or 'S' certificate, as the case may, unless a specified portion or portions, thereof be removed from the films, the Regional Officer may issue such a certificate, if he is satisfied on a declaration made in writing (in Form IX set out in the Second Schedule) by the applicant that the portion or portions objected to have been excised from the negative of the film and from all copies thereof, whether in the possession of the applicant or the laboratory where the film was processed, the distributor, the exhibitor or any other person and surrendered to him.

**Explanation.-** For the purpose of being satisfied that the portion or portions objected to have been excised from the negative of the film and from all copies thereof-



- (a) the Regional Officer or the Chairman may at the expense of the applicant examine the relevant portions of the negative of the film or copies thereof or cause it or them to be examined by one Or more members of the advisory panel at such time and place as he may determine;
- (b) the Regional Officer may require the applicant to produce a certificate from the owner or the manager of the laboratory where the film was processed, in such form as may be specified by the Board in this behalf in regard to the number of positive and negative copies of the film made in the laboratory.

(2) A certificate issued under sub-rule (1) shall be endorsed with a specification of the portion or portions required to be removed and a statement of the exact length of each part or parts removed and in the case of reduction of scene or sequences, it shall mention the length of the portion reduced and the length of the portion retained and shall bear a clearly visible triangle drawn at the left hand bottom, corner of the certificate.

(3) Where any film has been granted a certificate under this rule subject to the condition that a specified portion or portions thereof be removed. from the film, any person who imports or otherwise acquires a copy of the film after the date of certificate aforesaid, shall surrender to the Board such portion or portions in any such copy.

**27.** The portion or portions of the film and of all copies, surrendered to the Regional Officer as provided in Rule 26 shall be preserved for a period of six months in the Board's office and unless required by the Board shall thereafter be handed over to an authorized officer of the National Film Archive of India, Poona for study and research.

**28. Deposit of a copy of certified film.-** (1) In the case of a feature film after [the Chairman or] the Regional Officer has affixed his signature to the certificate granted under the foregoing rules and prior to the delivery or dispatch of the certificate to the applicant, a copy in any gauge to the film as certified by the Board shall be deposited by the applicant with the Board at his own expense for the purpose of record.

*(Explanation)-* A video copy of the film shall be treated as a copy of the film for the purpose of this sub-rule.

(2) In the copy deposited under sub-rule (1), the negative side numbers (Key numbers) shall be clearly printed.

(3) The copy deposited under sub-rule (1) except where it is a video copy may, at the discretion of the Regional Officer concerned, be returned to the applicant on the expiry of one year from the date of first release of the film.

(4) Before return of the copy of the film under sub-rule (3), the applicant shall deliver to the Board the full shooting script of the film together with dialogues :

Provided that where the script as aforesaid is not delivered within one month after the expiry of one year from the first release of the film, the film shall be sent to the Curator of the national film Archive of India, Poona and the applicant shall thereafter collect the same at his own expense, only after obtaining release order from the board after delivering the script aforesaid.

(5) No application for the return of the copy of film deposited with the Board in exchange for the full shooting script under the proviso to sub-rule (4) shall be entertained after two years from the date of the first release of film :

Provided that the Chairman may, on being satisfied that there is sufficient cause for not making the application within the said period of two years, entertain the application before the expiry of a further period of one year.

(6) In the case of films other than feature films, that is, shorts, documentaries, newsreels, advertisement films and such other films after the Regional officer has affixed his signature to the certificate granted under the foregoing rules and prior to the delivery or dispatch of the certificate to the applicant, the applicant shall deposit with the Board a copy of the film or in lieu of such deposit, the shooting script or a verbatim commentary or a tape record of the commentary.

Provided that in the case of such films where the Chairman is of the opinion that the applicant for reasons beyond his control is unable to deposit a copy of the film or script or verbatim commentary or tape record of that commentary prior to the delivery or dispatch of the certificate, he may direct that the certificate be delivered to the applicant on his giving an undertaking in writing that he shall deposit the said copy of the film or script or verbatim commentary or tape record of the commentary within such time not exceeding sixty days as may be specified by the Chairman.

(7) All such copies of films scripts or commentaries or tape records of commentaries deposited with the Board shall be accompanied by a declaration in form X set out in the Second Schedule.

**29. Validity of Certificate.-** (1) A certificate granted by the Board under sub-section (1) of Section 5-A in respect of a film shall be valid for a period of ten years from the date on which the certificate granted.

(2) Where in relation to the certificate of a film the period has expired a fresh certificate in [Form IV, IV-A, V, V-A VI, VI-A VII or VII-A ] set out in the Second Schedule as the case may be, may be issued on application made in this behalf and the same shall be dealt with as if it were an original application.

Provided that a Regional Officer, may with the prior approval of the Chairman, dispense with examination of the film, if the application is for the issue of certificate in the same form in which it was issued earlier.

(3) An applicant for a fresh certificate shall be required to deposit copy of shooting script or verbatim commentary or tape recorded commentary of the film only in cases where at the time of making application for the initial certificate the same was not deposited.

**30. Compliance with Section 6-A.-** (1 ) The manner of notification to the distributor or exhibitor for the purpose of Section 6-A, shall be by delivery of a duplicate copy of the certificate (containing both Parts I and II) thereof, with each copy of the certified film to be distributed or exhibited :

[Provided that in the case of video film, a copy of part I of the certificate showing the serial number, the category and other details should be pasted on every video cassette as well as on its case.]

No person could be held guilty for commission of an act, which was not illegal on the date of commission. Penal Consequences for the violation of Rule 30 (1) will therefore, ensue only if it is proved that after the proviso to Rule 30 (1) came into force, a person failed to do that which is required by the Proviso to Rule 30 (1). ***Music Centre Mondsaur v. State of MP 1989 (i) Civ. LJ 158 at p. 462 (MP).***

(2) The provision of sub-rule (i) shall apply in relation to an amendment of a certificate in respect of a film as it applied in relation to the certificate itself.

(3) The duplicate copy of the certificate of film referred to in sub-rule (i) shall accompany the film and be prominently exhibited in the theatre on all days on which the film is exhibited therein.

**31. Un certification of a film under Section 6.-** Where in exercise of the powers conferred by Section 6 of the Act the Central Government by notification directs that a certified film shall be deemed to be an uncertified

film in the whole of India., the applicant and any other person or whom the rights in the film have passed, shall stop the exhibition of the film forthwith and

surrender the certificate and all copies of the duplicate certificate granted in respect of the film to the Board within one month from the date of notification :

[provided that the Chairman may, at the written request of the applicant or any other person concerned extend the said period and the total period so extended shall not exceed six months].

**32. Re-Examinations of certified films.-** (1) Where in respect of a film which has been certified for public exhibition, any complaint received by the Board, the same shall be forwarded to the Central Government.

(2) The Central Government may if it considers it necessary so to do, direct the Chairman to re-examine any film (in respect of which a complaint has been received by it directly or through the Board) in such manner and with such assistance as may be specified in the direction.

(3) The Chairman may, for the purpose of re-examination aforesaid, require by written notice the person who made the application for certification of the film of the person to whom the rights of ownership or distribution in the film have passed, to arrange at his expense to deliver a print of the certified film to any specified Regional Officer within such time as may be specified in the notice for the purpose of re-examination.

(4) The place, date, time of such re-examination shall be determined by the chairman.

(5) The Chairman shall forward his opinion together with the print of the film in relation to which a certificate was issued earlier to the Central Government who may after such enquiry as it deems fit, pass such orders thereon in exercise of the revisional powers under Section 6.

(6) The provision of this rule shall apply only in cases where the revisional powers are exercisable by the Central Government under Section 6.

**33. Alteration of film after issue of certificate.-** (1) when a film is altered by excision, addition, colouring or otherwise after it has been certified under these rules, it shall not be exhibited unless the portion or portions excised, added, coloured or otherwise altered, have been reported

to the Board in Form III in the Second Schedule and the Board has endorsed the particulars of the alteration or alterations of the certificate.

**Explanation II.-** Any addition, deletion, alteration or replacement of background music in a film or (unless the Chairman by general or special order otherwise directs) a mere change in gauge shall not be deemed to be an alteration of the film within the meaning of this sub-rule.

(2) For the purpose of exercising its powers under sub-rule (1), the Regional Officer shall appoint an examining Committee to examine at the expense of the applicant, the reel or reels of the film in which the portion or portions related in such manner and with such assistance as he may deem fit and where the Examining Committee considered it necessary so to do, it shall re-examine the entire film.

Provided that where a film is altered by excision or by the change of a coloured film into black and white version only it shall not ordinarily be necessary to appoint an Examining Committee unless the Regional Officer in any case otherwise directs.

(3) The examining Committee, appointed under sub-rule (2) shall consist of [one member] of the Advisory Panel and an examining Officer:

Provided that where the Examining Officer is unavoidably absent at the examination of the film or any reel thereof, the Examining Committee shall consist of two members of the Advisory Panel.

(4) Pending examination of the altered film under this rule, the applicant shall not exhibit the film incorporation the proposed alteration.

(5) Where the film or any portion thereof as the case may be, is re-examined under this rule, the Chairman shall unless for reasons to be recorded in writing, he declines permission for the alteration, make suitable endorsement in certificate granted in relation to the film.

**34 Amendment of certificate granted by the Board after notification under Section 6.** - When a notification is published under the powers conferred by Section 6 of the Act declaring that a film in respect of which a 'U' certificate or a 'UA' certificate or an 'S' certificate has been granted shall be deemed to be a film in respect of which an 'A' certificate has been granted, the person to whom, the certificate has been granted or the person

to whom the rights in the film have passed as the case may be, shall be surrender within one month from date of issue of the order, the original certificate and all the duplicate copies thereof to the Board for the issue of a fresh certificate of the new category.

**35. Certificates.**-(1) A certificate authorizing the public exhibition of a film shall be in one of the [ Form IV-A, V, V-A,VI,VI-A, VII, or VII-A] set out in the Second Schedule according as the film is fit for 'U' or 'UA' or 'A' or 'S' certificate as the case may be.

(2) The certificate shall be signed for and on behalf of the Board by the Chairman or by Regional Officer for the Chairman.

(3) The prescribed mark of the Board shall be a film copy of part I of the certificate, i.e., a trailer certificate which shall be affixed to the film and always exhibited with it [in the case of a video film, the trailer certificate shall be for a duration of not less than fifteen seconds and in the case of other film, the length of the trailer certificate will be as laid down in the following table]:

Size of film	Length of film	Length of trailer certificate
35mm/70 mm	Exceeding 600 meters	5 meters
35mm	600 or less	3 meters
16mm	Exceeding 240 meters	2 meters
16mm	240 meters or less	1.50 meters
8mm/Super-8	240 meter or less	1.00 meter

36. Fees.- A fee shall be charged for the examination of every film at the rates laid down in the following table and the same shall be paid either in cash or remitted by postal order or bank draft to the Regional Center of the Board where the film is to be examined.

#### **TABLES OF FEES**

**Part I.-** 35 mm/70 mm films :

- (i) Rs 20 per 300 meters or part thereof where the film does not exceed 600 meters in length.



- (ii) Rs 100 per 300 meters or part thereof where the film does not exceed 600 meters in length.

**Part II.-** 16mm films

- (i) Rs 20 per 120 meters or part thereof where the film does not exceed 240 meters in length.
- (ii) Rs 100 per 120 meters or part thereof where the film does not exceed 240 meters in length.

**Part III.-** 8mm/super 8 films

- (i) Rs 20 per 60 meters or part thereof where the film does not exceed 120 meters in length.
- (ii) Rs 100 per 60 meters or part thereof where the film does not exceed 120 meters in length.

**[Part III-A-** Video films

- (i) Rs 40 per 10 minutes of duration or part thereof where the video film does not exceed 20 minutes of duration;
- (ii) Rs 203 for every 100 minutes of duration or part thereof where the video film does not exceed 20 minutes of duration subject to a minimum of Rs 300. meters in length. ]

**Part IV.-** films classified as predominantly educational/educational/children's films.

- (i) Rs 20 per 300 meters or part thereof in 35 mm or in 70 mm; or
- (ii) Rs 20 per 120 meters or part thereof in 16 mm ;or
- (iii) Rs 20 per 60 meters or part thereof in 8 mm or super 8, irrespective of the total length of the film.;

[Rs 40 for every 10 minutes of duration or part thereof in the case of video films] :

Provided that if a film the length of which exceeds 600 meters or 240 meters or 120 meters according as the film is in 35/70 mm or 16 mm or 8 mm/ super 8 [and in the case of a video film with duration of more than 20 minutes]

and in respect of which examination fee has been paid at the rate specified

above is after examination. considered by the Board not to be suitable for being certified as predominantly educational/ educational/v children's film, the applicant shall forthwith pay the balance of the examination fee that would have been payable in respect of the films under Part I or Part II or Part III [or Part III-A] as the case may be, of this Table:

Provided further that if a certified films is claimed as predominantly educational /educational/children's films and the applicant had paid the examination fees that would have been payable in respect of film under Part I or Part II or Part III [or Part III-A] as the case may be, of this Table, then in the event of the film being classified as predominant educational/ educational/ children's films, the fees shall be charged at the rate prescribed in this Part and the balance of the fees shall be refunded to the applicant.

## **PART V**

### **Fees for examination-for issue of a fresh certificate**

#### **on expiry of the old certificate**

Fees for the examination of a film for a fresh certificate after expiry of the old certificate shall be at the same rates as specified above in Parts I, II, III [III-A] or IV, as the case may be :

Provided that where the fresh certificate is granted without examination of the films the fee payable shall be at the rate of Rs 10 per film, where it does not exceed 600 meters or 240 meters or 120 meters in length according as the film is in 35 mm/70 mm or 16 mm or 8 mm/super 8 ; [ and where it does not exceed 20 minutes of duration in the case of video films] and the rate of Rs 50 per films where the film exceeds 600 meters or 240 meters or 120 meters in length according as the film is in 35 mm/70 mm or 16 mm or 8 mm /super 8 [or where the video films exceeds 20 minutes of duration]:

Provided further that where the film is classified as predominantly educational/educational/children's films, the fees payable shall be at the rate of Rs 10 per films irrespective of the length or gauge of the film.

## **PART VI**

### **Fee for examination of certifying alterations under Rule 33**

(1) Fee for the examination of a film for certifying alteration under Rule 33 shall be calculated only with reference to the reel or reels [cassette of cassettes] in which the portion or portions excised, added, coloured or otherwise altered occur and of the purpose the rate specified in the Table aforesaid certification shall be applicable :

Provided that where the alteration is by excision, the fee chargeable shall be at the rate of Rs 10 per each endorsement.

(2) A fee of Rs 10 shall be paid for a duplicate copy of the certificate.

(3) In the event of an application for certification being withdrawn before the films is examined, the Board may on an application made to it in that behalf, refund to the applicant the amount of fee paid towards the examination of the film after deducting 25 percent of the amount so paid.

(4) In the event of an applicant failing to present a runnable print before the Examining Committee or the Revising Committee on the day and time and at the place fixed for such examination, an additional fee of 25 percent of the fee payable for examination of the film under this Table shall be paid before another place, date and time for the examination of the film is fixed.

(5) If, by mistake, miscalculation or such other reason, the applicant pays towards fee for the examination of any film any amount in excess of the amount of fee payable under these rules, the Board may, on an application made in that behalf, within, a period of one year from the date of certification of the film, refund to the applicant the amount so paid in excess.

(6) A person who applies to the Board for information regarding the certification or any other particular in respect of film shall along with the application, pay a search fee of rupees five per title of the film.

**37. Power of entry.-** The Chairman or any member of the Board or an Advisory Panel or Regional Officer or any other officer or member of the staff of the Board or any officer of the Central Government authorized in writing by the Chairman or members or any officer or members of the staff of the Appellate Tribunal or any officer of the Central Government authorized in writing by the Secretary to the Government of India in the Ministry of Information and

Broadcasting in this behalf may enter any place licensed under the law in force relating to cinemas, in the discharge of his duties under the Act or these rules and thereupon the owner or the manager of such place shall provide him with a seat of highest rate or the next lower class to view the film without charging the admission fee and entertainment tax.

**38. Advertisement of firms.-** Any person advertising a film granted 'UA' 'A' or 'S' certificate or the exhibition of such films by means of insertions in newspaper, hoardings, posters, handbills or trailers shall, after the date of its certification, indicate

in such insertions in newspapers, hoardings, posters, handbills or trailers that the film has been certified for such public exhibition.[Such advertisement shall indicate only the certified title of film].

**39. Maintenance of registers.-** (1) The Board shall maintain a registers in which shall be entered

- (a) the name of every film examined under the Act;
- (b) the name of the person applying for certificate;
- (c) the name of the person or company producing or releasing the film;
- (d) the name of the country in which the film was originally produced;
- (e) the name of the place where the film was examined ;
- (f) the date of the examination;
- (g) the names of the persons who examined the film.
- (h) the result of the examination and of any further proceedings thereon;
- (i) the number and date of the certificate issued, if any, together with a copy of any endorsement made thereon.

(2) For the purpose of enabling the Board to maintain such a register, the regional officer concerned shall each maintain similar registers in respect of applications for certification made to them and sent to the Board as duplicate copy of every entry made in it, as soon as may be, after it has been made.

- (a) A copy of the entries in the register maintained by the Board made during any month shall be sent to all the regional officers during the next following month.

**40. Certain films to continue to remain uncertified films.-** If a film has been declared by a notification issued before the 15th January, 1951 by any

State Government to be an uncertified film in any part or parts of the state

concerned and if the said notification has not ceased to be in force by virtue of the proviso to sub-rule (2) of Rules 35 of the Cinematograph (Censorship) Rules, 1951 the film shall not be publicly exhibited unless it is certified for public exhibition in accordance with the provisions of these rules:

Provided that before certifying any such film for public exhibition the Board shall obtain the prior approval of the Central Government.

**41. Time limit in relation to certification of films.-** (1) After an application under Rule 21 for the Certification of a film, complete in all respects (including the proof payment of fees) is received, the Board shall scrutinize the application within seven days from the receipt thereof.

(2) On receiving an intimation from the applicant that a clear run able print of the film is available for examination, the Board shall, within fifteen days there from refer the film for examination to an Examining Committee.

(3) The film may be referred to the Examining Committee in the order in which the applications are received:

Provided that the Regional Officer may on receipt of written request from any applicant, if satisfied that there are grounds for any early examination, alter the order of examination of the film after recording the reasons in writing.

(4) (a) In cases where the Examining Committee, after examination of the film, considered that a scrutiny of the shooting script is necessary or the authenticity of the incidents depicted in a film of historical, mythological, biographical or legendary nature is to be verified, a provisional report to that effect shall be submitted by the Regional Officer to the Chairman within a maximum of three working days after such examination.

(b) A written communication shall be sent to the applicant within a maximum of three working days following the receipt of the Chairman's orders on the provisional report referred to the clause (a) and the applicant shall submit the script or the authentic sources on which the subject of his film is based within ten days from the date of receipt of such communication.

(c) In case where the members of the Examining Committee after the examination of the film submit to the Chairman a provisional report i

ndicating that expert opinion on subjects depicted in the film such as subjects relating to defence or foreign relations or any particular religion or law or medicine or any subject, should be sought before the final report is submitted, the Chairman may after taking into consideration the circumstances of the case specify a time limit for obtaining the expert opinion and for the submission of the final report of the Examination Committee thereafter.

(d) In other cases, the script submitted by the applicant or the authentic sources furnished by him shall be scrutinized by Examining Officer and the final report of the Examining committee shall be forwarded by the Examining Officer to the Chairman within ten days from the date of receipt of the script or the authentic sources, as the case may be.

(5) (a) On receipt of the orders of the Board on the recommendations of the Examining Committee, in cases where sub-section (2) of section 4 is applicable, the communication to the applicant shall be issued within three days.

(b) The applicant shall submit his reply within fourteen days of the receipt of the communication.

(6) In cases where the film is not referred to a Revising Committee, certificate shall be issued or decision communicated within seven days

- (7) (a) In cases where a film is to be referred to a Revising Committee, a Revising Committee shall be constituted within twenty days from the receipt of the necessary documents from the applicant.
- (b) The provisions of sub-rules (3) to (6) shall apply *mutates mutandis* to the examination of films by the Revising Committee.
- (c) When a film is referred to another revising Committee or to the Board in terms of proviso to sub-rule (12) of Rule 24, the time limit will be further extended on the lines of (a) and (b) of this sub-rule.

(8) The applicant shall surrender the cuts, if any, and the affected reels together with full particulars thereof, within a period of fourteen days from the date of receipt of the final orders of the Board under Section 4:

Provided that where the applicant applies to the Board that he intends to appeal against the order of the Board, the Board may extend the period specified above for surrender of the cuts by such period as it thinks fit but in any case not beyond fourteen days from the date of disposal of the appeal or from the date of expiration of the period for filling the appeal in cases where no appeal is filed.

(9) The cuts and the affected reels shall be examined by the Regional Officer within ten days of the submission of the same.

(10) If the cuts are found to be adequate on the scrutiny of the relevant reels and all particulars necessary for the presentation of the certificate are fully furnished, certificate shall be prepared and issued within five days of the deposit of a copy of the film or script as the case may be, as required under these rules.

(11) If however the cuts are found to be inadequate on a scrutiny of the relevant reels, the Regional Officer shall record the same on the file and send within two days a further communication to the applicant for compliance with the orders of the Board.



(12) the applicant shall submit further cut to the Regional Officer within three days from the date of receipt of the communication.

(13) The Regional Officer shall again verify further cuts and the reels within five days of the receipt of the same and if the cuts are found to be adequate a certificate shall be issued.

(14) The Chairman may, for reasons to be recorded in writing, relax the time- limits prescribed by this rule for the performance of any Act if he is satisfied that it is necessary so to do to avoid any undue hardship.

**Explanation-** In calculating the period specified in this rule working days alone shall be taken into account and Sundays and other holidays shall be excluded.

**42. Preservation of records of certification of films.-** (1) Records of certification of feature/long film shall be preserved by the Board for minimum period of twelve years.

(2) Records of certification of all short films shall be preserved by the Board for minimum period of two years :

Provided that in the case of short films if there be cuts made by the Board or alterations made therein under Rule 33 or in complaints have been received against the film, records of certification of the film shall be preserved for a minimum period of twelve years.

**43. Terms and conditions of service of the Chairman and members of the Appellate Tribunal.** (1) The Chairman and members of the Appellate Tribunal shall hold office during the pleasure of the Central Government.

(2) Subject to the provisions of sub-rule (1), every other member of the Appellate Tribunal shall hold office for a period of three years and shall continue to hold office until his successor is appointed.

(3) Subject to the provisions of sub-rule (1), every other member of the Appellate Tribunal shall hold office for a period not exceeding three years.

(4) A retiring chairman or a member of the Appellate Tribunal whose terms of office has expired by efflux of time shall be eligible for re-appointment.

(5) Notwithstanding anything contained in the foregoing sub-rules, when the Chairman of the Appellate Tribunal is unable to discharge his functions owing to absence, illness or any other cause, the Central Government may appoint another person to discharge the functions of the Chairman until the Chairman resumes his duties.

(6) The Central Government may, after consultation with the Chairman of the Appellate Tribunal, appoint and person whom it thinks fit to be a member of the Appellate Tribunal:

Provided that the Central Government may, for reasons to be recorded in writing, dispense with such consultation.

(7) A casual vacancy in the membership of the Appellate Tribunal caused by the resignation, death or removal of any member or otherwise shall be filled by fresh appointment and the person so appointed shall hold office for a period not exceeding three years.

(8) The Central Government may remove from office any member of the Appellate Tribunal before the expiration of his terms of office:

Provided that a member appointed to the Appellate Tribunal after consultation with the Chairman of the Appellate Tribunal shall not be so removed except on the commendation of or after consultation with the Chairman of the Appellate Tribunal.

(9) For the purpose of enabling the Appellate Tribunal to perform its

functions under the Act, the Central Government may appoint a Secretary to the Appellate Tribunal and such other officers for the Appellate Tribunal as may be considered necessary:

Provided that the Central Government may delegate to the Chairman of the Appellate Tribunal subject to such conditions and limitations, if any, as may be specified by it, the power of appointment conferred on it under this sub -rule, other than the powers of appointment in relation to the post of Secretary to the Appellate Tribunal:

Provided further than the Chairman of the Appellate Tribunal may grant leave to or suspend or remove from service and officer appointed by him under this powers delegated to him under this sub-rule.

(10) The Secretary to the Tribunal and other officers appointed under sub-rule (9) shall perform such duties as may be assigned to him by these rules or by the Chairman of the Appellate Tribunal.

(11) Notwithstanding anything contained in the foregoing sub-rules, the Chairman of the Appellate Tribunal may, for the purpose of enabling the Tribunal to discharge its functions under the Act, made appointment to posts other than Group A posts and may assign to the persons holding such posts duties as he may deem fit.

(12) The Chairman of Appellate Tribunal, if he is a paid full time officer, shall receive such pay and allowances as are admissible to a serving Judge of a High Court. He shall be entitled to all facilities and concessions not less favorable than those admissible to a serving judge of a High Court:

Provided that in the case of a retired judge of a High Court re-employed as a Chairman of the Appellate Tribunal, the pay and other terms and conditions of service shall be the same as are applicable to re-employed Judges of High Courts under the orders of the Central Government.

(13) Every honorary member (including the Chairman where he does not receive any salary) may -

(a) If he is an out-station member,

(i) travel by air or by train as admissible according to the orders

issued by the Central Government from time to time in respect of journeys undertaken by him for the performance of his duties as such member;

(ii) be paid a consultancy fee for attending the preview of a film or meeting of the Appellate Tribunal at the rate of Rs 100 for each day of such preview; and

(iii) be paid daily allowance at the rate of Rs 50 per day for the day preceding the meeting and that following the meeting. If the member actually stays at the place of the meeting.

(b) if he is local member, be paid a consultancy fee for attending the preview of a film or meeting of the Appellate Tribunal at the rate of Rs 75 per day for each day of such preview of meeting.

Provided that daily allowance will not be admissible in addition for the day or days for which consultancy fee is paid.

**44. Fee for appeal Tribunal.** (1) Subject to sub-rule (2) below, fees at the rate laid down in the following table shall be payable along with every appeal petition preferred under sub-section (2) of Section 5-C and the same shall be paid either in cash or remitted by postal order or bank draft to the Secretary to the Tribunal;

#### **TABLES OF FEES**

(i) Long film : Rs 750 irrespective of length and gauge of film;

(ii) Short film : Rs 100 irrespective of length and gauge of film.

(2) The Chairman of the Appellate Tribunal may at his discretion and for reasons to be recorded in writing waive the payment of fee in any particular case.

(3) In the event of an appeal being withdrawn before the film is previewed, the Chairman of the Appellate Tribunal, may on application made to it in that behalf, refund to the Appellant the amount of fees paid towards appeal after deducting 25 percent of the amount so paid.

(4) In the event of an appellant failing to present a run able print before the Appellate Tribunal on the day and time and at the place fixed for preview, an additional fee of 25 percent of the fee payable for consideration of appeal under the Table in sub-rule (1) shall be paid before another date and time for the preview of the film is fixed.

(5) If, by mistake, miscalculating or other reason, the applicant pays towards fee for the consideration of appeal any amount in excess of the amount of fee payable under these rules, the Chairman of the Appellate Tribunal may on an application made in that behalf within a period of one year from the date the appeal has been decided, refund to the applicant the amount so paid in excess.

#### **FIRST SCHEDULE**

**[See Rule 21]**

Application for certification of films imported into or produced in the States/Union Territories mentioned in column 3 shall be presented at the Regional Office in column 2 :

S.N	Regional Office situated at	Films imported into or produced in
-----	--------------------------------	---------------------------------------

1.	2	3
1	Bangalore	State of Karnataka
2.	Bombay	State of Goa, Gujrat, Madhya Pradesh and Maharashtra and the Union Territories of Dadra and Nagar Haveli and Goa Daman and Diu
3.	Calcutta	State of Arunachal Pradesh, Assam, Bihar, Manipal, Meghalaya, Mizoram, Nagaland, Sikkim, Tripura and West Bengal and the Union Territories of Andaman and Nicobar Island.
4.	Cuttack	State of Orissa.
5.	Delhi	State of Haryana Himachal Pradesh, Jammu and Kashmir, Punjab, Rajasthan and Uttar Pradesh and Union Territories of Chandigarh and Delhi
6	Hyderabad	State of Andhra Pradesh
7	Madras	State of Tamil Nadu and the Union Territory of Pondichry.
8	Trivendram	State of Kerala and the Union Territory of Lakshdeep.

Note : 1. Till the Delhi regional office is set up the films intended for that office

will continue to be presented for certificates at Bombay.

2. Till the Bangalore/Hyderabad /Trivandrum regional office (s) are set up the films intended for these office will continue to be presented at

Madras

[2. The doubled version of a film in whatever Indian language, will be submitted for certification only to the Regional office where the original version of the film was certified in the first instance.

[3 The following two norms will define the "Place of Production" of film.

- (i) The location of the producers association council/chamber etc, with whom the film title was registered before starting production of the film concerned. In case of registration of the title with more than one association/council/chamber etc, only the earliest registration to be considered; and
- (ii) the location of the Head Office/regional office, production office of the film processing company.]

## **SECOND SCHEDULE**

### **FORM I**

**Form of application for certificate for public exhibition of a film**

**produced in India**

**[See sub rule (1) of Rule 21 ]**

No and date of application (to be entered by Board's Office)

To,

The Central Board of Film certification through the Regional Officer

at.....

Application of certification for public exhibition of film produced in India

at .....

- (1) (a) Name of the Film
- (b) Language of the Film
- (c) Length of the Film in ft.....meters.
- (d) Number of reels
- (e) Gauge of the film
- (f) Type of the film ie whether it is 2-D, 3-D, cinemascope, vistavision etc.
- (i) Name and address of the producer.
- (j) Name of the director

(2) State whether the film is a newsreel/documentary/scientific educational/feature/advertisement film.

(2-A) Specify the certificate requested 'U', 'UA', 'A' or 'S'.

(3) State separately the number of negative and positive prints of the film.

- (a) Produced (Negative.....positive.....)
- (b) in the applicant's possession (Negative.....positive.....)
- (c) Name and address of the processing laboratory.

(4) (a) Whether the present film is a dubbed version or re-make of any other film ? If so, state the particulars along with full details of certificates



issued to that film.

- (b) Whether any pre-censorship advice was obtained and if so the details thereof;
- (c) Whether permission for any shooting abroad was obtained and, if so, the details thereof.
- (d) Whether the film contains any dialogue/commentary in any language other than the language of the film, and, if so, specify the language and the reels in which they occur.

(5) Has any previous application been made to certify this film as suitable for public exhibition in India?

- (a) Where and to whom was it made.
- (b) what was the result of the application
  - (i) A 'U'/'UA'/'An' 'A'/'S' certificate NO..... dated.....  
was granted subject to the following cuts.....
  - (ii) Certificate was refused.

(6) Has the exhibition of this film been at any time suspended or the film declared uncertified by the Central or State Government ? State particulars :

(7) Does the film contain any dialogue, song, poem speech or commentary in any language other than English or in Indian language?

If so, specify that reel or reels in which the dialogue, song, poem, speech or commentary occurs and the language used.

(8) Amount of fee accompanying the application an account of the fee prescribed in Rule 36.

*Vide* (i) Receipt No.....dated.....

(ii) Bank draft No .....dated..... on .....  
Bank.....

(iii) Postal order No .....dated.....on.....  
.....Post office.

\*Score out the words which are not applicable

["8-A. Whether any animal has been used in shooting of the Film. If so, whether declaration specified in clause (bb) of sub-rule (3) of Rule 21 has been filed ?"

(9) Name, address and telephone number, if any, of the applicant Telephone No.

(10) I declare that the print of the film is ready for examination by the Board and the Statements recorded above are true in every particulars .

Date.....

Signature of applicant

**[FORM 1-A]**

***Form of application for certification for public exhibition***

***video film produced in India***

***[See sub-rule (1) of Rule 21]***

No, and date of application (to be entered by Board's office)

To,

The Central Board of film Certification through the Regional Officer at

Application for certification for public exhibition of a video film produced in India  
at.....

- (1) (a) Name of the video film
- (b) Language of the film
- (c) Running Time
- (d) Number of cassettes
- (e) Any other particulars of the video conversion
- (f) Type of the film, ie. whether it is 2-D, 3-D, cinemascope, vista vision etc.
- (g) Whether the film is silent or talkie
- (h) Colour of the film
- (i) Name and address of the producer
- (j) Name of the director.

(2) State whether the video film is a newsreel/ documentary/ scientific/ educational/  
feature/ advertisement video film.

(2-A) Specify the certificate requested, 'U', 'UA', 'A' or 'S'

(3) State separately the number of negative and positive prints of the video film.

- (a) Produced (negative.....positive.....)
  - (b) In the applicant's possession (negative.....positive.....)
  - (c) Name and address of the laboratory/company where copies were made.
- (4)(a) Whether the video film for which the application has been made is  
replica/exact copy of a cinematograph film on celluloid in respect of which a

certificate has already been granted by the Central Board of Film Certification ?  
Also state particulars of the film certified.

- (b) Where the video film is a modified version of a certified cinematograph film on celluloid containing additions, deletions/other alterations (details of modifications may be provided).
- (c) Whether the application being made is in respect of a original video film and not a copy of an already certified cinematograph film on celluloid.
- (d) Whether the present video film is a dubbed version or re-made of any other video film? if so, state the particulars along with full details of certificates issued to that video film.
- (e) Whether any pre-censorship advice was obtained and if so the details thereof.
- (f) Whether permission for any shooting abroad was obtained and, if so , the details, thereof.
- (g) Whether the video film contains any dialogue/commentary in any language other than the language of the video film and, if so, specify the language and the cassette in which they occur.

(5) Has any previous application been made to certify this video film as suitable for public exhibition in India? if so,

- (a) Where and to whom was it made
- (b) What was the result of the application

\* (i) A 'U'/'UA'/An 'A'/'S' certificate No..... dated..... was granted subject to the following cuts-

.....

\* (ii) Certificate was refused.

(6) Has the exhibition of this video film/film been at any time suspended or the video film/film declared uncertified by the Central or any State Government ? State particulars.

(7) Does not video film contain any dialogue, song, poem, speech or commentary in any language other than English or an Indian language used.

(8) Amount of fee accompanying the application on account of the fee prescribed in Rule 36.

- Vide-*
- (i) Receipt No .....dated.....
  - (ii) Bank Draft No .....dated.....on.....Bank
  - (iii) Postal order No .....dated.....on .....post office

\*Score out the words which are not applicable.

[8-A. Whether any animal has been used in shooting of the films. If so, whether declaration specified in clause (bb) of sub-rule (3) of Rule 21 has been filed?"

(9) Name address and telephone No, if any, of the applicant.

(10) I declare that the video film is ready for examination by the Board and the statements recorded above are true in every particular. I also declare that I own the rights of the video film in question. I further declare that I have the right to use in the video film the addition a material in the feature film in the form of trailers, advertisement shorts, documentary films etc.

Date.....

Signature of applicant

FORM II

***Form of application for certification for public***

***exhibition of a film imported into India***

**[See sub-rule (1) of Rule 21]**

No and date of application ( to be entered by Board's office)

To,

The Central Board of Film Certification through the Regional officer at  
Bombay/Calcutta/Madras.

Application for certification for public exhibition of a film first imported into India at  
.....

1. (a) Name of the film
- (b) Language of the film
- (c) Length of the film in ft.....meters  
Length of the film as shown in the CCP and/or import license.  
Have any cuts been made voluntarily by the applicant and if so give details
- (d) Number of reels
- (e) Gauge of the film
- (f) Type of the film ie whether it is 2-D, 3-D, cinemascope, vista vision etc.
- (g) Whether the film is silent or talkie
- (h) Colour of the film
- (i) Name of producer
- (j) Name of the director
- (k) Country in which produced

2. State whether the film is \*newsreel/documentary/scientific/educational/  
feature /advertisement film.

3. State separately, the number of negatives and positive print of the film :

(a) Imported by the applicant (negative.....positive.....)

(b) In the applicant's possession (Negative.....positive.....)

\*Score out the words which are not applicable.

4. In what other language/languages. If any, has this been produced or dubbed ?

Where the is not the same in each language, state the title of each version in which it  
has been produced or dubbed.

5. Has any previous application been made to certify this film (under its present or any  
other title) in

(a) India

(b) United States of America;

(c) United Kingdom;

(d) Any other country;

If so,

(i) Where and to whom was it made?

(ii) What was the result of the application ie.

\*(i)A 'U'/'UA'/An 'A'/'S' certificate No..... dated..... was  
granted subject to the following cuts-

.....

\*(ii) Certificate was refused.

In the case of film made in the United States of America, state the rating of this

film according to :

(a) the national groups, and

(b) the legion of decency.

(a).....(b).....

6. Has exhibition of this film been at any time, suspended or the film declared uncertified by the Central or any State Government. State particular :

7. Does the film contain any dialogue, song, poem, speech or commentary in any language other than English or any Indian language ?

If so, specify the reel or reels in which the dialogue, song, poem, speech or commentary occurs and the language or languages used.

\*Score out the words which are not applicable.

8. Amount of fees accompanying the application on account of the fee prescribed in rule 36.

*Vide-* (i) Receipt No .....dated.....

(ii) Bank Draft No .....dated.....on.....Bank

(iii) Postal order No .....dated.....on .....post office

9. Name, address and telephone number, if any, of the applicant.

.....

.....

10. (a) Name address and telephone Number, if any of the importer of the film.....



(b) Number and date of import license

(c) Date of clearance through the customs

11. Has the film been produced by or in collaboration with South Africa or Rhodesian nationals wholly or in part in South Africa, South West Africa or Rhodesia or is the film owned wholly, or in part, by south African or Rhodesian nationals ? I so, give details.

[11-A. Whether any animal has been used in shooting of the Films. If so whether declaration specified in clause (bb)of sub -rule (3) of Rule 21 has been filed ?:

12. I declare that the print of the film is ready for examination by the Board and that the statements above recorded are true in every particular.

Date:

Signature of the applicant

[FORM II-A

***Form of application for certification for public exhibition***

***of a video film imported into India***

**[See sub-rule (1) of Rule 21]**

No and date of application ( to be entered by Board's office)

To,

The Central Board of Film Certification through the Regional officer at.....

Application for certification for public exhibition of a film first imported into India at  
.....

1. (a) Name of the Video film

- (b) Language of the Video film
- (c) Length of the Video film.....meters running time of the Video film as shown the CCP and/or import license. Have any cuts been made voluntarily by the applicant and if so give details
- (d) Number of cassettes
- (e) Any other particulars of the video conversion
- (f) Type of the film ie whether it is 2-D, 3-D, cinemascope, vista vision etc.
- (g) Whether the film is silent or talkie
- (h) Colour of the film
- (i) Name of producer
- (j) Name of the director
- (k) Country in which produced

2. State whether the film is \*newsreel/documentary/scientific/educational/feature /advertisement Video film.

3. State separately, the number of negatives and positive print of the Video film :

- (a) Imported by the applicant (negative.....positive.....)
- (b) In the applicant's possession (Negative.....positive.....)

4. (a) Whether the video film for which the application has been made is a replica/exact copy of a cinematograph film on celluloid in respect of which a certificate has already been granted by the Central Board of Film Certification ? Also state particulars of the film certified.

- (b) Whether the video film is a modified version of a certified cinematograph film on celluloid, containing additions, deletions/other alterations (details of modifications may be provided
- (c) Whether the application being made is in respect of an original video film and not a copy of an already certified cinematograph film on celluloid.
- (d) In what other language/languages, if any, has this been produced or dubbed ?

Where the title is not the same in each language, state the title of each version in which it has been produced or dubbed.

5. Has any previous application been made to certify this film (under its present or any other title) in

- (a) India
- (b) United States of America;
- (c) United Kingdom;
- (d) Any other country;

If so,

- (i) Where and to whom was it made?
- (ii) What was the result of the application ie.

\*(i)A 'U'/'UA'/An 'A'/'S' certificate No..... dated..... was granted subject to the following cuts-

.....

\*(ii) Certificate was refused.

In the case of film made in the United States of America, state the rating of this film according to :

(a) the national groups, and

(b) the legion of decency.

(a).....(b).....

6. Has exhibition of this film been at any time, suspended or the film declared uncertified by the Central or any State Government. State particular :

7. Does the Video film contain any dialogue, song, poem, speech or commentary in any language other than English or any Indian language ?

If so, specify the reel or reels in which the dialogue, song, poem, speech or commentary occurs and the language or languages used.

\*Score out the words which are not applicable.

8. Amount of fees accompanying the application on account of the fee prescribed in rule 36.

Vide- (i) Receipt No .....dated.....

(ii) Bank Draft No .....dated.....on.....Bank

(iii) Postal order No .....dated.....on .....post office

9. Name, address and telephone number, if any, of the applicant.

.....

.....

10.(a) Name address and telephone Number, if any of the importer of the film.....

(b) Number and date of import license

(c) Date of clearance through the customs

11. Has the Video film been produced by or in collaboration with South Africa or Rhodesian nationals wholly or in part in South Africa, South West Africa or Rhodesia or is the film owned wholly, or in part, by south African or Rhodesian nationals ? If so, give details.

[11-A. Whether any animal has been used in shooting of the Films. If so whether declaration specified in clause (bb)of sub -rule (3) of Rule 21 has been filed ?:

12. I declare that the print of the film is ready for examination by the Board and that the statements above recorded are true in every particular.

Date:

Signature of the applicant

### **FORM III**

**[See Rule 33]**

**(To be submitted in duplicate)**

**[Report under Rule 33 of the Cinematograph (Certification) Rules, 1983 regarding an alteration or alterations in a certified film.]**

1. Name of the applicant :

2. Name of the film"

3. Certificate No .....dated.....

4. Particulars of alterations :

Reel No .....Scene No.....Description of the scene/dialogue/song length

(Specify the exact alteration or alterations, length and the number of the reel or reels in which the alteration or alterations occurs or occur)

[In the case of video films, instead of length and number of reels duration in minutes and number of cassettes may be given ]

To,

The Chairman, Central Board of film Certification through the regional Officer at Bombay/Calcutta/Madras.

I declare that the above particulars are true in every respect and are a full description of the alteration or alterations made in the film after its certification

Date :

Signature of applicant

Address:

**FORM IV**

**[See Rule 35 (1)]**

**GOVERNMENT OF INDIA**

**Central Board of Film Certification**

**Certificate for unrestricted Public Exhibition**

**Part I**

(FILM).....

(Gauge).....(Length).....(Meters).....

(Reel).....

(Certificate No).....

(Date of issue).....

(Date of expiry)

Chairman

## **Part II**

Particulars of excisions and modifications subject to which the certificate has been granted.

1. This certificate has been issued in accordance with Rule 35 of the Cinematograph (Certification) Rule, 1983 framed under the Cinematograph Act, 1952.

In the event of a copy of the film being prepared in a gauge other than the mentioned in the certificate, the certified length shall be deemed to be corresponding length appropriate to that gauge [However, this certificate is not valid for video film]

3. Name of applicant

4. Name of producer

Date :

[FORM IV-A

[See Rule 35 (1)]

GOVERNMENT OF INDIA

Central Board of Film Certification

Certificate for video film for restricted Public Exhibition

**Part I**

(Video Film).....

(Running time).....(No of cassette).....(

(Certificate No).....

(Date of issue).....

(Date of expiry)

Chairman

**Part II**

Particulars of excisions and modifications subject to which the certificate has been granted.

1. This certificate has been issued in accordance with Rule 35 of the Cinematograph (Certification) Rule, 1983 framed under the Cinematograph Act, 1952.
2. This certificate is valid only in respect of video film]
3. Name of applicant
4. Name of producer

Date :



**FORM V**

**[See Rule 35 (1)]A**

**GOVERNMENT OF INDIA**

**Central Board of Film Certification**

**Certificate for Exhibition restricted to ADULTS only**

**(Persons below 18 years not admitted)**

**Part I**

(FILM).....

(Gauge).....(Length).....(Meters).....

(Reel).....

(Certificate No).....

(Date of issue).....

(Date of expiry)

Chairman

**Part II**

Particulars of excisions and modifications subject to which the certificate has been granted.

1. This certificate has been issued in accordance with Rule 35 of the Cinematograph (Certification) Rule, 1983 framed under the Cinematograph Act, 1952.
2. In the event of a copy of the film being prepared in a gauge other than the mentioned in the certificate, the certified length shall be deemed to be the corresponding length appropriate to that gauge. However, this certificate is not valid for video film.
3. Name of applicant
4. Name of producer

Date :

[FORM V-

[See Rule 35 (1)]

**GOVERNMENT OF INDIA**

**Central Board of Film Certification**

**Certificate for Video Film for Exhibition restricted Adults only**

**(Persons below 18 years not admitted)**

**Part I**

(VIDEO FILM).....

(Running time).....(Number of cassettes).....

(Certificate No).....

(Date of issue).....

(Date of expiry)

Chairman

**Part II**

Particulars of excisions and modifications subject to which the certificate has been granted.

1. This certificate has been issued in accordance with Rule 35 of the Cinematograph (Certification) Rule, 1983 framed under the Cinematograph Act, 1952.
2. This certificate is valid only in respect of the video film
3. Name of applicant
4. Name of producer

Date :

**FORM VI**

**[See Rule 35 (1)]**

**GOVERNMENT OF INDIA**

**Central Board of Film Certification**

Certificate for unrestricted public exhibition with an endorsement of caution that the question as to whether any child below the age of 12 years may be allowed to see the film should be considered by the parents or guardian of such child

**Part I**

(FILM).....

(Gauge).....(Length).....(Meters).....

(Reel).....

(Certificate No).....

(Date of issue).....

(Date of expiry)

Chairman

**Part II**

Particulars of excisions and modifications subject to which the certificate has been granted.

1. This certificate has been issued in accordance with Rule 35 of the Cinematograph (Certification) Rule, 1938 framed under the Cinematograph Act, 1952.

2. In the event of a copy of the film being prepared in a gauge other than the mentioned in the certificate, the certified length shall be deemed to be corresponding length appropriate to that gauge [However, this certificate is not valid for video film]

3. Name of applicant

4. Name of producer

Date :

**FORM VI-A**

**[See Rule 35 (1)]**

**GOVERNMENT OF INDIA**

**Central Board of Film Certification**

Certificate for video film for unrestricted public exhibition with an endorsement of caution that the question as to whether any child below the age of 12 years may be allowed to see the film should be considered by the parent or guardian of such child

**Part I**

(VIDEO FILM).....

(Running time).....(Number of cassette).....

(Certificate No).....

(Date of issue).....

(Date of expiry)

Chairman

## **Part II**

Particulars of excisions and modifications subject to which the certificate has been granted.

1. This certificate has been issued in accordance with Rule 35 of the Cinematograph (Certification) Rule, 1983 framed under the Cinematograph Act, 1952.
2. This certificate is valid in respect of the video film]
3. Name of applicant
4. Name of producer

Date :

## **FORM VII**

**[See Rule 35 (1)]**

**GOVERNMENT OF INDIA**

**Central Board of Film Certification**

Certificate for Public Exhibition restricted to members of any profession of any class of persons

Part I

(FILM).....

(Gauge).....(Length).....(Meters).....

(Reel).....

(Certificate No).....

(Date of issue).....

(Date of expiry)

(Fit for audiences consisting of .....

Chairman

## Part II

Particulars of excisions and modifications subject to which the certificate has been granted.

1. This certificate has been issued in accordance with Rule 35 of the Cinematograph (Certification) Rule, 1983 framed under the Cinematograph Act, 1952.
2. In the event of a copy of the film being prepared in a gauge other than the mentioned in the certificate, the certified length shall be deemed to be corresponding length appropriate to that gauge. However, this certificate is not valid for video film.
3. Name of applicant
4. Name of producer

Date :

**FORM VII-A**

**[See Rule 35 (1)]**

**GOVERNMENT OF INDIA**

**Central Board of Film Certification**

Certificate for video film for public exhibition restricted to members of any profession of any class of persons.

**Part I**

(VIDEO FILM).....

(Running time).....(Number of cassettes).....

(Certificate No).....

(Date of issue).....

(Date of expiry)

Chairman

**Part II**

Particulars of excisions and modifications subject to which the certificate has been granted.

1. This certificate has been issued in accordance with Rule 35 of the Cinematograph (Certification) Rule, 1983 framed under the Cinematograph Act, 1952.
2. This certificate is valid only in respect of video film.
3. Name of applicant
4. Name of producer

Date :

FORM VIII

[See Rule 22 (9) and 24 (9)]

GOVERNMENT OF INDIA

Central Board of Film Certification

*Form of report of Members of Examining/revising Committee .*

**N.B.- 1.** Please study the guidelines issued by Government once again before you preview the film.

2. Please remember that the objectives of film censorship are to ensure that the medium of film remains responsible and sensitive to the values and standards of society; that artistic expression and creative freedom are not unduly curbed and that censorship is responsive to social change.

File No :

Dated:

Part A

I.....(in block letters), attended the meeting of the Examining Committee/Revising Committee on .....and I hereby record my opinion in parts B C and D below :

Title of the film.....

Language .....

Length of the film .....meters.....Reels Gauge.....



Black & White/Colour.

Part B

1. Do you recommend a certificate Yes/No:

If yes, please state whether you recommend that :

(i) the film be sanctioned for unrestricted public exhibition ie fit for 'U' certificate, or Yes/No

(ii) The film be sanctioned for unrestricted public exhibition but with an endorsement of caution that the question as to whether any child below the age of 12 years may be allowed to see the film should be considered by the parents or guardian of such child ie fit for 'UA' certificate; or Yes/No

(iii) the film be sanctioned for public exhibition restricted to adults ie fit for 'A' certificate ; or Yes/No

(iv) the film be sanctioned for public exhibition restricted to members of any profession or any class of person ie fit for 'S' certificate Yes/No

## Part C

### Details of excisions or modifications

Sl No	Reel No	Clear and specific description excisions or modification	Reasons with specific reference to guidelines
1	2	3	4
1.			
2.			
3.			
4.			

NB.- (I) Wherever a scene or sequence is to be reduced, extent of reduction should be indicated in one of the following terms

	Extent of reduction
(i) Reduced drastically ie	by 80% to 90%
(ii) Reduced considerably	by 50% to 60%
(iii) Reduced	by 30% to 40%
(iv) Reduced to a flash only	1/2 to 1 meter to kept in the film

(II) Also if certain portions are to be completely deleted whilst reducing a sequence, these should be specified.

Part D

If you feel that the film should be refused a certificate, kindly give detailed reasons below specifying the objectionable scenes or sequences.

Guidelines :

Signature

FORM IX

[See rule 26]

I/We .....the applicant (s) in respect of the film .....do hereby declare that the portion or portions objected to by the Board of Film Certification in the Film.....as endorsed on the certificate have been excised from the film and the original negative (picture and sound), inter negative, inter positive and all positive prints thereof are hereby surrendered to the Central Board of Film corporation.

I/We further declare that the above declaration is correct in all respect.

Place

Signature of applicant

Date:

Name

Address

Notes -

(1) If required by the Regional Officer, the applicant shall produce a certificate from the owner or manager of the laboratory where the film was processed in such form as may be specified by the Board in this behalf, in regard to the number of positive and negative copies of the film made in that laboratory.

(2) All the cuts should be joined in the order of reel numbers indicated in the Board's directions with white pieces in between two different cuts to distinguish them. Length of each cut should be indicated in meters separately, the producer shall indicate the length reduced and total length retained separately.

FORM X

[See Rule 28 (7)]

Copy/Script/Commentary/Tape record of commentary of film.

This is to certify that the copy of film/script of the film/commentary/tape record of commentary noted above submitted to the Central Board of Film Certification under Rule 28 of the Cinematograph (Certification) Rules, 1983 is an exact copy of the film or its script or commentary, as the case may be, as certified by the Board with complete dialogue, song, sound effects and pasteurization. The correct reel wise length of the film as actually measured and certified is given below:

Reel No	Length in meters
---------	------------------

1.

2.

3. \_\_\_\_\_

Total

---

N.B. : - This includes the length of the 'Interval' and 'End' pieces

Signature of applicant

### **Notification regarding film Censor**

In exercise of the powers conferred by sub-section (2) of Section 5-B of the Cinematograph Act, 1952 (37 of 1952), the Central Government hereby directs that, in sanctioning films for public exhibition, the Board of film Censors shall be guided by the following principles-

1. The objectives of film censorship will be to ensure that -
  - (a) the medium of film remains responsible and sensitive to the values and standards of society;
  - (b) article, expression and creative freedom are not unduly curbed and;
  - (c) censorship is responsive to social changes.
2. In pursuance of the above objectives, the Board of Film Censors shall ensure that :
  - (i) anti-social activities such as violence are not glorified or justified.
  - (ii) the modus operandi of criminals or other visuals or words likely to incite the commission of any offence, are not depicted;

(iii) pointless or avoidable scenes of violence, cruelty and horror  
are not shown;

(iii-a) scenes which have the effect of justifying or glorifying:

drinking are not shown

(iv) human sensibilities are not offended by vulgarity, obscenity  
and depravity

(iv-a) visual or words depicting women in ignoble servility to man or  
glorifying such servility as a praiseworthy quality in women are not  
presented'

(v) visuals or words contemptuous of racial, religious or other groups  
are not presented.

(vi) the sovereignty and integrity of India is not called in question;

(vii) the security of State is not jeopardized or endangered'

(viii) friendly relations with foreign States are not strained.

(ix) public order is not endangered.

(x) visuals or words involving defamation or contempt of court are not  
presented.

3. The Board of Film Censors shall also ensure that the film-

(i) is judged in its entirety from the point of view of its overall impact;  
and

(ii) is examined in the light of contemporary standards of the country  
and the people to which the film relates.

4. Films that meet the above mentioned criteria but are considered unsuitable for exhibition to non adults shall be certified for exhibition to adult audiences only.

5. The notification of the Government of India in the Ministry of Information and Broadcasting No ed the 6th February, 1960 is hereby superseded.

**Notification, S.Q. 739 (E) dated September 25, 1984, published in the Gazette of India, Extra part II, section 3 (i) dated 25th September , 1984.**

In exercise of the powers conferred by Section 9 of the Cinematograph Act, 1952 (37 of 1952), the Central Government hereby exempts all films in respect of which certificates have been or may be

granted by the Board, from the period of validity of ten years, as specified in

sub-section (3) of Section 5-A if the said Act and sub-rule (1) of Rule 29 of the Cinematograph (Certification) Rules, 1983.

## **THE CINEMATOGRAPH FILM RULES, 1948**

In exercise of the powers conferred by Section and sub-section (1) of Section 29 of the petroleum Act, 1934 (XXX of 1934), as applied to the storage and transport of cinematograph films having a nitro cellulose base by the notification of the Government of India in the late Department of labor, No Ex 108, dated 14 January. 1946, the Central Government is pleased to make the following rules, the same having been previously published as required by sub-section (2) of Section 29 of the said Act, namely:

### **CHAPTER I**

#### **Preliminary**

- 1. Short title and extent.-** (1) These rules may be called the Cinematograph film rules, 1948.  
  
(2) They extend to the whole of India except the State of Jammu & Kashmir .
- 2. Savings.-** Anything not in conformity with these rules which was permitted to be done by or under any rules in force immediately before the



**UTTAR PRADESH LAWS**  
**THE UTTAR PRADESH CINEMAS (REGULATION)**

**ACT, 1955**

An Act to make provisions for regulation exhibitions by means of cinematographs [and Video]

Whereas it is expedient to make provisions for regulating exhibitions by means of cinematograph [and video] in the State of Uttar Pradesh.

It is hereby enacted as follows:

1. Short title, extent and commencement. – (1) This Act may be called the Uttar Pradesh Cinemas (Regulation) Act, 1955.
2. It shall extend to whole of Uttar Pradesh .
3. It shall come into force on such date as the Status Government may , by notification in the official Gazette, appoint.
2. Definitions.- In the Act, unless there is anything repugnant in the subject or context. –
  - (a) “ cinematograph” includes any apparatus [other than video] for the representation of moving picture or series of pictures;
  - (aa) exhibition by means of video means an exhibition in public on payment for admission of moving pictures or series of pictures by playing or replaying and pre-recorded cassette by means of video cassette player whether on the screen of a television set or video scope or otherwise.

Explanations.- For the purpose of this clause exhibition by means of video in any restaurant or hotel or public transport vehicle shall be deemed to be on payment for admission whether or not payment for admission to such exhibition is charged distinctly from the payment for refreshment or means or room rent or fare or any other charges as the case may be].

- (b) “ Occupier “ includes a managing agent or other person authorized to represent the occupier or having charge, management or control of the place on his behalf;
- (c) “owner” used with reference to any place includes any person receiving or entitled to receive the rent from the occupier;
  
- (d) “place” includes a house, building, tent or other structure and any description of transport whatsoever;
- (e) “prescribed” means prescribed by rules made under this Act; and
- (f) “State Government” means the Government of Uttar Pradesh;
- (g) “Video library” means a place, by whatever name called where the business of selling or letting on hire or distribution or exchange or putting into circulation in any manner whatsoever, of moving pictures recorded on a video cassette is carried on].

(3). License.- Save as otherwise provided in this Act, no person shall-

- (a) give an exhibition by means of cinematograph; or
- (b) give an exhibition by means of video; or
- (c) keep a video library, elsewhere than in place licensed under this Act, or otherwise than in compliance with the conditions and restrictions imposed by such license].

4. Licensing authority.- The authority having power to grant license under this Act (hereinafter referred to as the licensing authority) shall be the District Magistrate:

[ Provided that the State Government may, by notification in the official Gazette, confer upon Entertainment Tax Commissioner, Uttar Pradesh, for the whole or any part of the State, such of the powers of the licensing authority under this Act, as it may specify in the notification, either concurrently with or to the exclusion of the District Magistrate:

Provided further that where any of such powers are exercisable concurrently by the District Magistrate and the Entertainment Tax Commissioner each of them shall keep the other informed of all orders passed by him, and in case of difference of opinion

between them on any matter a reference shall be made to the State Government whose decision shall be final.]

### **NOTIFICATIONS**

Notification No. 2146/x-M.K. 91-xx-R(7)-91, dated 11.10.1991.- In exercise of the powers under the first proviso to Section 4, Uttar Pradesh Cinemas (Regulation) Act, 1955 (U.P.Act No. 3 of 1955), the Governor is pleased to confer upon the Entertainment commissioner, Uttar Pradesh concurrently with the District Magistrate the powers of the Licensing Authority under Section 8-A of the said Act for the whole of the Uttar Pradesh with effect from the date of publication of the notification in the Gazette, Published in U.P. Gazette, extra, Part 4 (kha), dated 11.10.1991.

5. Restrictions on the powers of licensing authority.- (1) The licensing authority shall not grant a license under this Act, unless it is satisfied that-

(a) the rules made under this Act have been substantially complied with, and

(aa) the building or other place in which cinematograph exhibition proposed to be given-

(i) is situated at a distance of not less than 200 meters from the Raj Bhawan, the State Government Secretarial, the High Court, the State Public Service Commission or the Board of Revenue;

(ii) is situated at such minimum distance as may be prescribed from other public building and from recognized educational and other public institutions and public hospitals;

(iii) is not situated in a locality which is exclusively residential in character or is reserved exclusively for residential purposes; and]

(b) adequate precautions have been taken in the place, in respect of which the license is to be given, to provide for the safety of persons attending exhibitions therein:

(bb) no restaurant is run in the place in which exhibition by means of video is proposed to be given.

**Explanation.-** Nothing contained in this clause shall be construed so as to prevent licensee being granted to any hotel for exhibition by means of video in the room to be occupied by the ledgers.]

(c) the grant of license is not otherwise contrary to the public building public interest].

[Explanation.- (1) Different minimum distances may be prescribed under sub-clause (ii) of clause (aa) in relation to different clauses of public buildings, institutions and hospitals.

(2) For the purposes of clause (aa), the distance shall be measured from the outer boundary of the compound, if any, of the building mentioned in that clause.]

(3) Subject to the foregoing provisions of this section and to the control of the State Government and the interests of the general public, the licensing authority may grant licenses under this Act on such terms and conditions and subject to such restrictions as it may determine and on payment of such fees as may be prescribed.

(4) Any person aggrieved by the decision of a licensing authority refusing to grant a license under this Act may, within such time as may be prescribed, appeal to the State Government and the State Government may make such order in the case it thinks fit.

(5) The State Government may from time to time, issue directions to licenses generally or to any licenses in particular for the purpose of regulating the exhibition of any film or class of films, so that scientific films, 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 directions have been issued, those directions shall be deemed to be additional conditions and restrictions subject to which the license has been granted.

6. Power of the State Government or District Magistrate to suspend exhibition of films in certain cases.- (1) The State Government, in respect of the whole of the State of Uttar Pradesh or any part thereof, and the District Magistrate in respect of the district within his jurisdiction, may if it or he, as the case may be, is of opinion that any film

which is being exhibited is likely to cause a breach of the peace, by order, suspend the exhibition of the films and thereupon the films shall not during such suspension be exhibited in the State, Part or the district concerned, notwithstanding the certificate granted under the Cinematograph Act, 1952.

(2) Where an order under sub-section(1) has been made by a District Magistrate [ \* \* \* ] a copy thereof together with a statement of reasons thereof shall forthwith be forwarded by him or it to the State Government which may either confirm or discharge the order.

(3) An order of suspension made under this section shall 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, direct that the suspension shall be extended by such further period as it thinks fit.

[6-A. Inspection.- (1) The licensing authority or any other officer authorized by him in this behalf may, with such assistance as may be necessary, enter inspect and search at any reasonable time, any place ordinarily used or suspected to be used, for exhibition by means of cinematograph or video, or for keeping video library, with a view to securing compliance of the provisions of this Act or the rules made thereunder.

(2) Every officer, referred to in sub-section (1), shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code.

(3) Every officer, referred to in sub-section (1), may require person who is suspected of contravening any of the provisions of this Act or rules made thereunder, to declare immediately his name and address, and if such person refuses or fails to give his name and address, or if the officer reasonably suspects him of giving a false name or address, the officer may arrest him and detained or get him detained at the nearest police station and the provisions of section 42 of the code of Criminal Procedure, 1973 shall apply.

(4) Every officer referred to in sub-section (1) shall have the power to prevent any exhibition by means of cinematograph or video being given in contravention of the

provisions of Section 3 and may, for that purposes, use such minimum force as he may consider necessary in the circumstances of the case.

7. Power to suspend, revoke and cancel a license. – (1) (Notwithstanding any thing contained in this Act. Where a license has been granted under Section 5, it may be cancelled or revoked in the public interest –

i) By the State Government where the license was granted by the Government or by the licensing authority;

i) by the licensing authority, where the license was granted by such authority.

(1-A) In particular and without prejudice to the generality of the power conferred by sub – section (1), a license may be cancelled or revoked under that sub – section on any of the following grounds, namely –

- a) that the license was – obtained through fraud or misrepresentation; or
  - b) that the licensing authority or the State Government while considering the application or appeal as the case may be under section 5 was under a mistake as to a matter essential to the question of grant or refusal of license ; or
  - c) that the license has been guilty of breach of the provisions of this Act or the rules made thereunder or of any conditions or restrictions contained in the license or of any direction issued under sub – section (4) of section 5; or.
  - d) That on account of any change occurring in the situation of the place licensed , the continuance of the license is considered prejudicial to decency or morality ; or
  - e) that the license has been convicted of any offence under section 8 of this act or section 7 of Cinematograph Act. 1952.
- 2) Where the State Government or the licensing authority is of the opinion that a license granted under section 5 should be (\*\*\*) , cancelled or

revoked , it shall as soon as may be communicate to the license the grounds on which the action proposed to be taken and shall afford him a reasonable opportunity of making a representation against it;

(Provided that where the State Government or the licensing authority , as the case may be, is further of the opinions that the object of the action proposed to be taken would be defeated by delay, it may, while or after communicating to the licensee, as aforesaid, the grounds on which the action is proposed to be taken would be defeated by delay, it may, while or after communicating to the licensee, as aforesaid , the grounds on which the action is proposed , pass an interim order suspending the license in the meantime).

- 3) If after considering the representation, the State Government or the licensing authority as the case may be, is satisfied that license should be (\* \* \* ) cancelled or revoked, it may an order accordingly and shall communicate it to the licensee stating in writing the grounds therefore.
  - 4) Where the order suspending a license under the proviso to sub-section (2) or canceling or revoking it under sub-section (3) has been passed by a licensing authority, any person aggrieved by the order may within thirty days of the communication to such order to him, appeal to the State Government which may pass such order as it may thinks fit.
  - 5) The order of the State Government shall be final.
8. Penalty – (1) If the owner or person in charge of a Cinematograph uses or allows it to be used, or if the owner or occupier of a place permits that place to be used for exhibition by mean of cinematograph, or if a person gives exhibition by means of video or keeps a video library, in contravention of the provisions of this Act or the rules made thereunder or of the conditions and restrictions upon or subject to which license has been granted under this Act, shall be punishable (with simple imprisonment for a term which may extend to six months or with fine which may extend to five thousand rupees or with both) and in the case of continuing offence

with a further fine which may extend to five hundred rupees for each day during which the offence continues.

2) If any person prevent the entry of any officer duly authorized in this behalf, or otherwise obstructs such officer in the discharge of his duties imposed by or under this Act. Or the rules made thereunder, he shall be punishable with a fine which may extend to two thousand rupees).

(8-A. Compounding of offences. – (1) Any offence punishable under this Act. May, subject to any general or special order of the State Government in this behalf, be compounded by the Licensing Authority, either before or after the institution of the prosecution on realization such amount of composition fee as he thinks fit, not exceeding the maximum amount of fine fixed for the offence.

(2) Where the offence is so compounded –

a) Before the institution of the prosecution , the offender shall not be liable to prosecution for such offence and shall, if in custody, be set at liberty.

b) After the institution of the prosecution the composition shall amount to acquittal of the offender).

9. Offences by companies – (1) if the person committing any offence under this Act. Is a company, every person who at the time the offence was committed was in charge of and was responsible to the company for the conduct of the business of the company, as well as the company shall deemed to be guilty of offence and shall be liable to be proceeded against and punished accordingly. Provided that nothing contained in this sub section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

2) notwithstanding anything contained in sub-section (1) where an offence under this Act. Has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is



attributable to any neglect on the part of , any director or manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation - For the purposes of this section –

- a) “Company” means any body corporate and includes a firm or other association of individuals ; and
- b) “director” in relation to a firm means a partner in the firm.

10. Power to exempt – The State Government may, in the interest of the general public or any section thereof, by order in writing and stating the reasons therefore, exempt, subject to such conditions any restrictions as it may impose, (any exhibition or class of exhibitions by means of cinematograph or video may be made or libraries ) from any of the provisions of this Act. Or any rules made thereunder.

11. Direction of action taken under the Act. – (1) No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith.

12. done or intended to be done in pursuance of any order made or deemed to be made under this Act. Or the rules made thereunder.

2. No suit or legal proceeding shall lie against the State Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any order made or deemed to be made under this Act. Or rules made thereunder.

13. Repeal . –(1) The Cinematograph Act. 1918 in so far as it relates to the matter other than the sanctioning of cinematograph films for exhibition, is hereby repealed in its application to the State of Uttar Pradesh.

2) Any (rule or order), made under the Cinematograph Act. 1918 and in force immediately before the commencement of this Act, shall continue in force and be deemed to be (rule or order) made under this Act; and all appointments made, licenses granted conditions or restrictions imposed and directions issued under any such (rule or order) and in force immediately before such commencement ,

shall likewise continue in force and be deemed to be made, granted, imposed or issued in pursuance of this Act.

- 13) Power to make rules – (1) The State Government may, ( \* \* \* ) make rules for the purpose of carrying the provisions of this Act into effect.
  - 2) In particular and without prejudice to the generality of the foregoing power, rule made under this Act may provide –
    - a) for the situation and regulation of the places at which and the conditions subject to which (exhibitions by means of cinematograph or video may be made or video libraries may be kept) displayed.
    - aa) for the imposition of composition charges not exceeding fifty thousand rupees on payment whereof exemption under Section 10 may be granted from the provisions of the rules relating to the site or building to be used for exhibition by means of cinematography).
    - b) for the fees to be levied for grant and renewal of (licenses for places under this Act.).
    - c) for fees for inspection of places, electrical and other appliance and installations:
    - d) for the terms , conditions and restrictions subject to which licenses may be granted.
    - e) For inspection of electric appliances and other installations:
    - f) For the period during which and the conditions subject to which an appeal under this Act. May be preferred.
  - 3) All rules made under this Act shall, as soon as may be after they are made be laid before each House of the State Legislature while it is in session for a total period of thirty days extending in its one session or more than one successive sessions, and shall unless some later date is appointed, take effect from the date of their publication in the official Gazette, subject to such modifications or annulments as the two Houses of the Legislature may during the said period agree to make, so, however, that any such modification or annulment shall be without prejudice to the validity of any things previously done thereunder).

**THE UTTAR PRADESH CINEMAS (REGULATION)**

**(AMENDMENT) ACT, 1977**

**(U.P. ACT NO. 7 OF 1977)**

**(As passed by the Uttar Pradesh Legislature)**

**An Act. Further to amend the Uttar Pradesh Cinemas (Regulation) Act. 1955.**

It is hereby cancelled in the twenty – eight Years of the Republic of India as follows-

1. Short title and commencement – (1) This Act may be called the Uttar Pradesh Cinemas (Regulations ) (Amendment) Act. 1977
2. It shall come into force on April 24, 1977.

Note: Section 2 of this Act has been incorporated in the original Act. No. 3 of 1956.  
Section 3 is reproduced below –

3. Repealing and Savings – (1) The Uttar Pradesh Cinemas Regulation (Amendment) Ordinance 1977 (U.P. Ordinance No. 8 of 1977) is hereby repealed.
- 2) Notwithstanding such repeal, anything done or any action taken under the Principal Act. As amended by the aforesaid Ordinance , shall be deemed to have been done or taken under the corresponding provisions of the
- 3) principal Act. As amended by this Act, as if the provisions of this Act. Were in force at all material times”.

**THE UTTAR PRADESH CINEMA (REGULATION)**

**(AMENDMENT) ACT, 1974**

**(U.P. Act. No. 27 of 1974)**

**An Act. Further to amend the Uttar Pradesh Cinemas (Regulation) Act. 1955.**

It is hereby enacted in the Twenty-fifth years of the Republic of India as follows:

1. Short Title – This Act may be called the Uttar Pradesh Cinemas (Regulation) (Amendment) Act, 1974.
2. Amendment of Section 5 of U.P. Act. No. 3 of 1956 – Incorporated in Section 5 of the Principal Act.
3. Amendment of Section 7 – Incorporated in Section of the Principal Act.
4. Amendment of Section 12 – Incorporated in Section 12 of the Principal Act.
5. Amendment of Section 13 – Incorporated in Section 13 of the Principal Act.
6. Act. To apply to pending application, etc. – The amendments made in the Principal Act. By this Act shall apply in relation to all applications, whether given before or after commencement of this Act. For the grant of license for cinematograph exhibition or for approval for construction of a permanent building for that purpose for cinematograph exhibition not withstanding that approval for construction of a permanent building for that purpose had been given by the licensing authority before the commencement of this Act.

**Notification No. XXXM (16 )/81 – Fin (Ent. Tax) Section dated January 11, 1982, published in U.P. Gazette , Extra, dated 15<sup>th</sup> January, 1982.**

In exercise of the powers under sub-section (4) of Section 5 of the Uttar Pradesh Cinemas (Regulations) Act. 1955 (U.P. Act. No. 3 of 1956), read with Section 21 of the U.P. General Clauses Act. 1904 (U.P. Act. No. 1 of 1904) and in super session of Notification No. 1776 (2) A/III- II-J-1959, dated June 15, 1959,

the Governor is pleased to issue the following directions to the licensees under the aforesaid Act. These directions shall come into force from the date of publications of this notifications in the gazette.

1. The licensees shall so arrange the exhibition of cinematograph films that approved films are exhibited at every performance open to the public. The ratio of approved films to be exhibited at such performance shall in relation to other films be one to five nearest approximation thereto.

Definition – For the purposes of these directions , an “approved” film means (i) a film produced in India and approved by the Central Government after considering the recommendations of the film Advisory Board, Bombay to be scientific films, films intended for educational purposes, films dealing with news and current events or documentary films, (ii) Indian News Reviews produced in India and approved by the Central Government after considering the recommendations of the Chief Producer, Films Division, Bombay to be films dealing with news and current events.

2. Nothing contained in these directions shall be construed as requiring licensee-

- a) to exhibit at any performance more than (2,000 feet approximately 610 meters of approved films of 35 mm size or the corresponding length of approval films of 16mm size; o
  - b) to exhibit any approved film for more than two weeks continuously ; or
  - c) to re-exhibit any approved film which has been shown for two continuous weeks ; or
  - d) to exhibit approved films to the full extent indicated hereinafter in the event of sufficient number or length of approved films not being available for the time being.
- 4) For the purpose of computing the corresponding length of films of 16 mm. Size in relation to films of 35mm size, approximately 122 meters (400 feet) of 16mm film shall be deemed to be equivalent to approximately 305 meters (1,000 feet) of 35mm film.

### **THE UTTAR PRADESH CINEMATOGRAPH RULES , 1951**

1. Title, commencement and extent – (i) These Rules shall be called the Uttar Pradesh Cinematograph rules, 1951.
  - ii) They shall come into force with effect from February 1, 1951
  - iii) They shall apply to all cinemas in Uttar Pradesh.

2. Definitions – In these rules unless there is anything repugnant in the subject or context.
- i) “Act” means the Cinematograph Act. 1918, as amended from time to time.
  - ii) “Auditorium’ means that portion of the licensed premises where accommodation is provided for the public to view the exhibition of films.
  - iii) “Cinemas “ means the entire place licensed for cinematograph exhibition and includes all appurtenances , plant and apparatus located therein;
  - iv) Government “ means the Government of Uttar Pradesh.
  - v) “License” means written authorization by the Licensing Authority to give cinematograph exhibitions and granted in the form set out in Appendix 1 to these rules and shall be subject to necessary modifications or amplifications in accordance with any terms or conditions imposed under sub – section (3) of Section 5 of the Act.
  - vi) “Licensee” means a person who has been granted a license and includes his agent appointed for the purpose under a power of attorney and whose appointment has been intimated in writing to the Licensing Authority.
  - vii) “Licensing Authority” means an officer appointed such by the Government by notification in the official Gazette for specified area.
  - viii) “Permanent building” means a building which is constructed for permanent use with stone, mud, brick, mortar, cement or other non-inflammable material;
  - ix) “Protection room” means that portion of the cinema in which the cinematograph machine is erected.
  - x) “Special Cinematograph exhibition” means a cinematograph exhibition given on specified occasion or occasions at a place not ordinarily used for such purpose.
  - xi) “Temporary building’ means a building which is not a “permanent building and includes a both, tent or similar structure;



- xii) "Temporary enclosure" means that portion of a place licensed for special cinematograph exhibition or of a travelling cinema, where cinematograph apparatus is kept or erected or where films are stored and wound;
- xiii) "Winding rooms" means that portion of the cinema in which cinematograph films are stored and wound.

## **NOTIFICATION**

**Notification No. 20-M (47) (1) – 76, dated May 19, 1977.**- In exercise of the power under clause (vii) of Rule 2 of the Uttar Pradesh Cinematograph Rules 1951, the Governor is pleased to appoint, with effect from the date of publication of this notification in the official Gazette, the entertainment Tax, Commissioner, Uttar Pradesh concurrently with the District Magistrate as the Licensing Authority for the purposes of Rule 43, of the said rules for the whole of Uttar Pradesh .

3. Application for constructing a building – (1) A person desirous of constructing a permanent building to be used for cinematograph exhibition shall submit an application specifying the site on which the proposed building is to be constructed together with a plan and specifications thereof to the officer authorized in this behalf by Government.
- 2) The plan mentioned in the aforesaid sub-rule shall contain the elevations and sections of the buildings, the proposed electrical installation, arrangements for ventilation, sanitation and parking of vehicles and the position of the premises in relation to adjacent premises and public thorough fares on which the building abuts, within a radius of one furlong.

- 3) The licensing Authority may, if it is satisfied that the site plans and specifications fully conform to the rules, grant to the applicant a certificate signifying his approval thereto. The period within the which the construction shall be completed shall also be stated in the certificate.
- 4) Application for a License – An application for the grant of a new license for cinematograph exhibition shall be made to the Licensing Authority and shall contain full particulars of the ownership of the premises and the cinematograph machine and shall be accompanied with the following documents –
  - a) the order or approval of plan under Rule 3 (1)
  - b) plan of the building and premises containing the specification enumerated in sub – rule (2) of Rule 3.
  - c) Plan of seating arrangements for each class, separately,
  - d) Certificate from the Electrical Inspector to Government that the electrical installations conform to the required standards and the existing rules.
  - e) certificate from the Medical Officer of Health having jurisdiction that the arrangements for sanitation conform to the requirements of the existing rules; and
  - f) certificate from the Regional Fire Officer having jurisdiction that the arrangements for fire-fighting appliances provided and the precautions taken against fire conform to the requirements of the existing rules.

5) Inspection by Electrical Inspector – For the purposes of giving a certificate mentioned in clause (d) of the proceeding rule, the Electrical Inspector shall inspect the building and the requirements of the said clause may be temporarily dispensed with by the Licensing Authority where the Electrical Inspector, on receipt of a written request from the applicant, has for six weeks therefrom, been unable to carry out the inspection.

6. **Inspection by Medical Officer of Health and Regional Fire Officer** – The Medical Officer of Health and the Regional Fire Officer shall likewise, before giving a certificate

make an inspection of the premises and the building and where they are unable to make an inspection within six weeks after the receipt of a written request the requirements as to the filling of their certificates may be temporarily dispensed with by the Licensing Authority.

**7. Conditions for granting and renewing a license** – (1) No licensee shall be granted or renewed in favor of any person unless (i) he or his agent appointed for the purpose referred to in Rule 2 (vi) is residing in the city, town or area within whose limit the cinematograph exhibition is intended to be given, and (ii) the licensing authority is satisfied that the requirements of those rules have been fully complied with.

- 2) No building, except one already licensed for cinematograph exhibition before August 1, 1974 shall be so licensed-
  - a) if it is situated within a radius of 200 meter from the Raj Bhawan, the State Secretariat, the High Court the State Public Service Commission or the Board of Revenue ; or
  - b) if it is situated within a radius of 75 meter from-
    - i) any recognized educational institution (other than primary school) or any residential institution attached thereto; or
    - ii) a public hospital with 25 or more indoor patients; or
    - iii) any building housing an office of a head of the department of the Central or the State Government or the district civil or criminal courts; or
    - iv) any other institution which the Government may consider necessary in public interest to declare an institution to which this clause applies ; or

- c) if for any other sufficient reason to be recorded, the licensing authority is satisfied that the location of a cinema at the site of that building is not public interest:

Provided that the licensing authority shall not refuse a license under clause (c) except with the prior approval of the State Government.

Explanation – For the purpose of this sub-rule, the licensing authority shall, subject to the general control of the State Government determine what is a public hospital or a recognized educational institution , and its decision shall be final and conclusive.

8. Requirements of permanent buildings- A Permanent building shall inter alias fulfill the following requirements:

- i) it shall be provided with an efficient lightning conductor;
- ii) if entirely detached the minimum distance between it and other buildings shall be not less than 20 feet with a free all-round space so as to enable the audience to disperse quickly in the event of a fire and to permit easy access to fire engines and fire-fighting appliances.
- iii) if not entirely detached , it shall about on two or more different ways or open spaces providing at all times free means of exit. The different ways or open spaces shall have sufficient width to enable the audience to disperse quickly in the event of fire and to permit easy access to fire engines or other fire – fighting appliances.

Provided that one of the above means of exit shall have a clear width of 35 feet including the footpath and shall be thoroughfare;

the frontage shall be of adequate length and the building shall have verandahs on two sides.

- iv) If accommodation is meant to be provided for more than 1,000 persons, its distance from other buildings shall be such as the Licensing Authority may by a special written order require.
- v) it shall not be constructed under or on the top of any other building without the special written sanction of the Licensing Authority.
- vi) Where it is in close proximity of another building, it shall be separated therefrom by a wall or other structure of fire – resisting material in a manner approved by the Licensing Authority, whose decision as to whether any building is in close proximity shall be final. No opening in the walls or in any part of the building as may be likely to communicate fire to a neighboring building shall be made;
- vii) the distance between the floor of the auditorium and the ceiling or any covering immediately above shall not be less than 12 feet;
- viii) the landings, doors, staircases, lobbies and corridors shall be not less than 4 feet 6 inches in width if accommodation is meant for 400 persons or less and not less than 6 feet in width when accommodation is provided for more than 400 persons.

Provided that for the purposes of the sub-rule, the balcony shall be treated as a separate accommodation but for the ground floor the total seating capacity of the auditorium shall be taken into consideration.

- ix) all staircases shall be constructed of non-inflammable material with steps not less than 10 inches wide and not more than 7 inches high. Each flight shall have not more than 15 and not less than 3 steps.

- x) The floor of all landings, staircases, passages and gangways shall be of sufficient strength to carry 120 lb. Live-load per square feet and shall be constructed of fireproof material.
- xi) every staircase forming an exist from an upper storey to the ground floor shall have on both sides walls of bricks or other fire – resisting material in the stores through which it passes and no opening shall be made into the auditorium except when required for an exist from the upper story which it serves. The staircase leading to the upper storey may, however, on one side, instead of a wall, be provided with extra stout handrails or balusters. Enclosed staircases except on platforms and landings with a length exceeding the width of the stairs shall have on both sides strong handrails firmly secured to the walls by strong medalled brackets sunk into the walls to a depth of three inches. For all upper stores intended for use by the public there shall be provided at least two staircases.
- xii) Stairs turning at angles shall have a proper landing at each turn and no wonders shall be introduced ; all landings shall be provided with emergency lights;
- xiii) where possible gradients or inclined floors shall be used instead of steps but no gradient or inclined floor shall be steeper than 1 in 10;
- xiv) all exit doors for the use of the public in cinemas already in existence shall be not less than 7 feet in height and 4 feets 6 inches in width, and not less than 7 feets 6 inches in height and 5 feet in width in cinemas licensed after the coming into force of these rules, the width being measured between leaves of the doors in open position. The doors shall open outwards and when open shall not obstruct any gangway, passage, staircase landing or lobby, but rest flush against the walls.

xv) cloak rooms where provided shall be so situated that their use causes no obstruction to the free use of any existing corridor or other passage for exit of the audience.

9. **License for permanent building** – A license for cinematograph exhibition may be granted by the licensing Authority in respect of permanent building for a period not exceeding three years, renewable on expiry for a similar period of not more than three years at a time.

10. Every license granted prior to the publication of these rules in the official Gazette shall be deemed to terminate within three months after the date of such publication unless the period of the license expires before that date.

Provided that the proportionate amount of the license fee shall, if the period exceeds one month, be refunded to the nearest *anna*. The application for refund in such cases should be submitted to the Licensing Authority within a period of three months from the date of the termination of the license.

11. **Electrical requirements** – In addition to the electrical requirements specified in Rule 8, the licensee shall comply with the provisions of the Indian Electricity Act, 1910 and the rules framed thereunder so far as the same are applicable to the cinema.

12. **Ventilation** – (1) All parts of a permanent building shall be properly and sufficiently ventilated.

2) Unless the auditorium of a permanent building is air conditioned, it shall in addition to natural ventilation be provided with sufficient number of power – driven exhaust fans suitably located and of adequate size, at least one large size exhaust fan being provided for every 150 persons.

The number and size of such fans shall be approved by the licensing Authority and shall be entered in the license. All exhaust fans shall be kept working during performances except when the air – conditioning plant, if any, is working.

- 3) when windows or skylights which provide internal ventilation have to be darkened or obscured, free permanent ventilation shall also be provided through ridge or ceiling ventilators. The clear opening of such ventilation shall be not less than one square foot for every ten persons accommodated:

Provided that the Licensing Authority may relax the condition in the case of buildings already constructed and having sufficient ventilation otherwise, if the extra ventilation is likely to prove very expensive.

- 4) Except in the case of air – conditioned buildings, ceiling and bracket fans, in such numbers and of such size as may be approved by the Licensing Authority shall be provided in addition to exhaust fans.
  - 5) If more than one exhibition is given on any day, the entire auditorium shall be flushed with air for at least fifteen minutes before each exhibition and shall be aired thoroughly. No Spectator shall be permitted to be present in the auditorium during this period.
13. Sanitation – (i) The premises shall be kept clean and the auditorium shall be swept and cleaned before each exhibition.

- ii) Latrine and urinals separately for men and women, at different places and of a suitable type and design shall be provided.
- iii) There shall be not less than one latrine seat for every 100 person or less and not less than one place for urinating for every 50 persons or less of total seating accommodation.

Provided that at least one latrine seat and two places for urinating shall be provided for women.



- IV) The latrine shall be cleaned and flushed immediately before and after each exhibition and shall be properly washed with a disinfectant at least twice a day.
- V) In the case of a water-flushed latrine or urinal a separate water reservoir of adequate capacity shall be provided for flushing.
- vi) The management may, subject to the direction issued in this behalf by the District Magistrate, refuse admission to or eject persons known to be suffering from a contagious, loath some or infectious disease.
- vii) The rooms passages and staircase of all permanent buildings shall be time wished and all iron and wood-work of such a building shall be cleaned or varnished at least once every year and shall at all times be kept clean and free from dirt.
- viii) The doors and windows of the halls of the building shall be left open for at least three hours every morning, and for half an hour between shows. During the half hour intervals between the two shows the auditorium shall be disinfected with an aerosol approved by the Medical Officer of Health. The auditorium shall be swept, cleaned and disinfected every morning.
- XI) The Medical Officer of Health shall be responsible for periodical inspections of all cinemas licensed under the Cinematograph Act. 1918 (II of 1918) , situated within the municipal limit to see that sanitary convenience and arrangements for making the premises clean as provided under the rules are being complied with and any instructions given in this regard as laid down in the rules shall be complied with by the management within the time specified.

14. Seating accommodation – (i) The Licensing Authority shall determine the maximum number of seats for each class separately and the same shall be

specified in the license and prominently displayed near the entrance door to every class the cinema.

- ii) Except ground floor and first floor no other floor for seating shall be permitted in permanent cinema buildings.
- iii) The seating shall be arranged as to leave free access to the exits.
- iv) The seating space assigned to each person shall be not less than 18 inches. Seat shall have back supports and armrests for each person.
- v) The rows of seats shall be so arranged as to leave a clear space of not less than 15 inches between the back of any seat and the foremost portion of the seat in the row behind measured between perpendiculars.
- vi) All seats except in the boxes shall be securely fixed to the floor or shall be firmly secured together in complete lengths; the complete line shall be firmly attached to the floor. Seating on the floor will not be allowed in permanent building.
- vii) The distance between the front row of the seats and the screen shall not be less than 18 feet.

15. Exits – A clear gangway not less than three feet wide shall be kept all round and not less than four feet wide in the centre; and shall be so arranged that no seat shall be so arranged that no seat shall be more 10 feet from gangway. Provided that in an auditorium of less than 30 feet in width the centre gangway may be omitted . Temporary seats must on no account be placed in the gangways.

- i) The licensing Authority may, having regard to the large number of seats in an auditorium , require that a gangway or gangway of a specific width , shall be provided parallel to the rows of seats to secure direct access to exits.

- ii) An adequate number of clearly indicated exit doors, as may be determined by the Licensing Authority, shall be provided to afford safe and speedy egress for the audience.
- iii) All doors through which the public must pass in using stairway corridor or other passage for exit shall remain unbolted during the entire period of the exhibition.
- iv) Passages, gangways, corridors, landings and lobbies and be kept free from all obstruction at all times to enable quick egress.
- v) Walls of passages, gangways or corridors shall not have any recess nor shall there be any projection there from within 6 feet of the ground. Light shall not be hung to a height less than 7 feet above floor level. Fire appliances are not included within the purview of this sub-rule.
- vi) Two separate exits not leading into the same thoroughfare shall be provided to every floor or gallery and no stairway shall discharge into a passage or corridor against or across the direction of the exit; provided that the Licensing Authority may accept any other arrangements which are likely to ensure.

16. Fire precaution – All such premises shall be in communication with the nearest fire bridge station if there is any, in that town by telephone which shall be fitted in such place and manner as the Licensing Authority may direct. The installation and maintenance of the complete telephone connection shall be carried out at the cost of the licensee.

17. (1) The following fire – extinguishing appliances shall be provided. In the enclosure – A blanket, a bucket of dry sand and a C.T.S.

18. extinguisher of a pattern approved by the Licensing Authority.

(In the auditorium) – Four portable fire – extinguishers of a pattern approved by the Licensing Authority and supply of not less than five gallons of water per 100 square feet of floor area stored as follows:

Thirty – three per cent of the supply or 60 gallons whichever is greater, stored in buckets of two or three gallons capacity each inside the auditorium and the balance stored in tanks or cisterns or buckets of any capacity so arranged as to be easily accessible, the arrangements in this regard having been approved by the Licensing Authority.

- 2) These appliances shall be so disposed as to be readily available for use. The buckets shall have round bottoms and handles. They shall be painted red with the word "Fire" painted on them in large black letters in English and the local vernacular.
- 3) The portable fire – extinguishers shall be of the two gallon size; they shall be installed at an adequate height from the ground . A record regarding the maintenance of portable extinguishers shall be kept. Tetrachloride extinguisher shall not be permitted in the enclosure.
- 4) Where a portable fire – extinguisher of the chemical combination pressure type is older than three years or has not been tested previously it shall be tested by hydraulic pressure by the fire officer, to show that it can withstand for one minute a pressure of 350 lb, per square inch and a certificate of such test shall be submitted to the Licensing Authority, Similar tests shall be repeated annually.

(4-A) In addition to the fire – fighting equipment specified in sub-rule (1) the following equipment shall be provided and maintained.

At least 4 stirrup pumps and 8 buckets filled with a water if there is no gallery or first floor in the premises, and at least 6 stirrup pumps and 12 buckets filled with water

if there is a gallery or first floor in the premises in which case, at least 2 stirrup pumps and 4 buckets filled with water shall be kept in the gallery or first floor.

Attendants and staff shall be trained in the use of all fire – fighting equipment maintain in the premises.

- 5) The licensee shall –
  - i) once in every three months empty the container of each portable fire – extinguisher provided in the licensed premises, clean its nozzles and working parts, still the liquids in it and top it up, immediately record the date having done so on a slip of paper and paste the same on the outside of such container; and
  - ii) once in every year discharge each portable fire – extinguisher provide in the licensed premises and recharge it and immediately record the date of such recharge in durable paint on the external surface of the container of the portable fire – extinguisher.
  
- 6) In addition to the requirements of sub-rule (1) and sub-rule (4-A) there shall be provided such other facilities for fighting fire as may be required by the Licensing Authority.

19. Prohibition of use of building for purposes other than that of a cinema – No portion of a cinema shall be used as a restaurant boarding house, shop, factory, workshop or manufactory, or for the purposes of storage or for the preparation or sale of food, drink except with the sanction of Licensing Authority and subject to such conditions and restrictions as may be cinema be used for residential purpose by day or night.

20. Entry into projection room or winding room – No person other than the license operator, the engineer – in – charge of the installation or the

licensee shall be permitted to enter the projection room or the winding room during a performance.

21. Prohibition on naked light and smoking in projection and winding room – No matches and candles or any other naked light shall be used for shall smoking be permitted within the projection room or winding room. A notice bearing in red letters the words “smoking strictly prohibited” shall be prominently displayed in each of those rooms.
22. Projection room – (i) No inflammable article shall unnecessarily be taken into or be allowed to remain in the projection room.
  - ii) (Combustible – material). – No combustible material shall be allowed within the enclosure, and all necessary combustible materials when not in use shall be kept in fireproof receptacles suitable for the purpose and of a type approved by the Regional fire Officer. The box shall be kept closed at all times except, when it is necessary to obtain or place a film.
  - iii) Only films which are being used during the exhibition shall be kept in the projection room.
  - iv) The projection room shall be substantially constructed of fire – resisting material and shall be so placed as to be outside the main building forming the auditorium . Provided that in case of cinemas existing the time of commencement of these rules, this requirement may be expressly waved by the Licensing Authority. Before waiving the above requirements the Licensing Authority shall personally satisfy it self that the alternative arrangement proposed is such as will provide sufficient precaution against the extension of fire from the projection room or the auditorium.

- v) The openings in front of the projection room for each projection machine shall not be more than three in number of which the middle one shall not exceed 8 inches square and the other shall not be more than 5 inches square. Each such aperture shall be provided with a fire proof plate glass screen not less than 5/16 inch thick fixed in position with some light joints.
- vi) The entrance to the projection room shall be through a closely fitting self closing door of fire-resisting material suitable placed and opening outwards and all openings, bushes and joints shall be so constructed and maintained as to prevent as far as possible the escape of any smoke into the auditorium. This
- vii) door shall be kept closed at all times when not used for ingress or egress. Channels of ventilation shall not be allowed to communicate directly with the auditorium. The projection room shall be provided with an opening or vent flue in its roof or upper part of its side wall leading to the outside air. The vent flue shall have minimum sectional area of 50 square inches and shall be fire proof.

Provided that when the projection room is so constructed that it can open directly on the outside of the building through a window, such window shall be permitted for the comfort of the operators of the installation of a vent flue as prescribed above. For the convenience of the operators one or more electric fans of suitable dimensions shall be provided by the licensee.

- viii) The projection room shall be at least eight feet in height if one machine is to be operated the space shall not be less than 489 square feet and an additional 24 square feet shall be provided for each

additional machine to be operated . The width of the room shall be such as to provide sufficient space and easy passages for operators when passing behind the machine.

- ix) The staircase for the projection room shall be altogether separate from one meant for the use of cinema – goers.

23. Cinematograph Machine – (i) The cinematograph machine shall be placed on firm supports of fire – resisting material fixed to the floor of the projection room. Only standard and fire proof machine shall be used and the following sub-clauses may serve as a guide, where necessary.

- ii) The body of the cinematograph machine shall be constructed of metal or lined with metal and asbestos; or in the latter case there shall be an air space between the metal and asbestos lining. The bottom of the cinematograph machine must form a metal tray which shall be surrounded by a vertical edge at least one foot in depth.
- iii) The cinematograph machine shall be provided with a metal shutter which can be readily inserted between the source of light and the film gate.
- iv) The shutter shall be immediately dropped in the event of any accident to the cinematograph machine or stoppage of the film and shall only be raised when the film is in motion for the purpose of projection.
- v) The film gate – shall be of massive construction and provided with ample heat radiating surface and the passage for the film shall be sufficiently ; narrow to prevent film travelling upwards or downwards from the light opening.



- vi) All cinematograph projectors shall be fitted with the metal film boxes of substantial construction, not more than 18 inches in diameter inside measurement to and from which the films shall travel:

Provided that where only one film is used for the purpose of exhibition, the film box may not be more than 20 inches in diameter.

24. Winding room – (i) The winding room shall be constructed entirely of the fire – resisting material and shall be large enough to allow the winder to operate freely. It shall be situated apart from the projection room and auditorium but in the case of cinemas already licensed or the construction of which has started before these rules came into force, the Licensing Authority may, for reasons to be recorded, permit the winding room to adjoin the projection room. The winding room shall have no openings in the wall so as to permit communication with the auditorium or public passage ways.

- ii) The winding room shall be closed by a closely fitting self – closing door or fire – resisting material which shall only be
- iii) opened for egress and shall remain closed during the entire period that the entertainment is in progress. Suitable arrangements shall be made for ventilation in the winding room and one or more electric fans of suitable dimensions shall be provided by the licensee.
- iv) Only electric light shall be used in the winding room and any lamps in proximity to the film shall be closed in a stout fitting designed to prevent breakage of the bulb.
- v) Sports shall be chain or gear driven and films shall be so wound upon spools that the would film shall not at any time reach or project beyond the edges of the flanges of the spool.

- vi) The winding of films shall not be carried out in the projection room while an exhibition is in progress.
- vii) All films which are not in use shall be kept in prescribed containers specified in the Cinematograph Films Rules, 1948.
- viii) Exception a films which is being wound or stored, no inflammable article shall unnecessarily be taken into or be allowed to remain in the winding room.
- ix) All cinemas in permanent building shall, without exception be required to provided and use a winding room in accordance with the above requirements.

25. Film storage – For the storage and transport of cinematograph films having a nitro – cellulose base, the Cinematograph Films Rules, 1948, made by the Central Government under the petroleum Act, 1934 (XXX of 1934), shall apply.

26. Electricification – (1) (General ) – (i) No ill minant other than electric light shall be used in cinematograph projector.

ii) The electric installation in general shall conform to the “Regulations for Electric Equipment of Buildings” issued by the institute of Electrical Engineers, England and the Indian Electricity Rules, 1937 in so, far as they are applicable.

iii) Where a clear writing or leading in wires of feeding fans or pendant lights run on wooden beams, or other inflammable material, they shall run in conduit so as to resist fire in the event of short circuit.

Wiring shall be done in the manner specified hereunder-

2) Projection Room –

i) Cables for projectors shall be taken as separate circuits from the supply side of the main fuse in general lighting circuit.

- ii) An efficient double pole iron clad switch shall be fitted within the projection room in the projectors circuit.
- iii) within the projection room the insulating material of all electric cables including the leads of the pendant lights and fans shall be covered with fire-resisting material.
- iv) The wiring in the projection room shall be in seamless screwed conduit with efficient bushes. Lead covered cables shall not be used unless enclosed in such conduits.
- v) all switchgears, fuses, etc. shall be iron clad.
- vi) The body of the projections switchgears, conduit, etc. shall be connected to the earth by means of not less than No. 8 standard wire gauge copper wire;
- vii) all resistances with the exception of resistance for regulating purposes, shall be placed outside the projection room and winding room and if reasonably practicable, also outside the auditorium.

If placed inside the projection room or auditorium such resistance shall be protected by a wire guard or other efficient means of preventing accidental contact with films

- viii) where switchgears are installed in the projection room, the space between any switchboard and the wall shall be enclosed with fire proof material in such a manner that the fire proof material in such a manner that the fire cannot spread to the wiring at the back of the switchboard.

- ix) No electric current, except with the written sanction of the Electrical Inspector, shall be at pressure higher than 250 volts within the projection room at any time.
- x) not more than one-third of the general lighting shall be controlled from the projection room.

3) Winding Room –

The above requirement for the winding in the projection shall be controlled from the projection room.

4) Emergency Light -

- (i) No illuminant other than electricity shall be used for emergency lights which shall have -

- (a) an independent source of supply such as batteries, or

- (b) separate main fuses where supply is generated in the premises and a separate line with a separate pole fuse where the installation is fed by town supply and mannered separately.

- (ii) Emergency lights shall consist of -

- (a) not less than two lights of 200 watts each in the auditorium;

- (b) exit light;

- (c) light in the doorways foyer, lobbies, verandahs, staircases, corridors and passages for all portions of the premises to which the public has access either generally or in emergency and on the extension of the building facing through-fares.

**Note.**-(a), (b) and (c) may be controlled by independent switches or (i), (a) may have an independent switch while (ii) (b) may be controlled by the second switch. All or both switches shall be fixed side by side.

- iii All emergency lights shall be controlled from switchboard installed in the convenient and easily accessible place in front of the building. None of the circuits of the emergency light shall on any account enter or be carried through the projection room or winding room
- iv Boxes bearing the words "EXIT" painted (red) in three inch letters on translucent glass with dark black background shall be either mounted over each emergency exit door and shall be either connected with the emergency light circuit or fed independently by means of a battery or lighted either with at least two oil lamps, or with at least one gas burner. Such exit signs shall be kept continuously alight during entire period of a performance.

There shall be "NO EXIT" signs of the same dimensions as the exit signs enclosed into dark background and in white letters.

- v An efficient portable electric battery or torch with a fully protected bulb shall be kept available in one particular space and in the enclosure and also in the place used for winding film throughout the performance and during all winding or re-winding operations.

Besides the normal lighting system installed in the premises, such other lights as may be acquired by the Electric Inspector shall be provided for safe exit of the audience in emergency. Each member of the staff controlling admission to the auditorium and each operator shall be provided with an electric torch in working condition.

## **(5) Motor Room \_**

- i. The writing shall comply with the requirements of the Indian Electricity Rules, 1937, as amended from time to time ;
- ii. A shock restoration chart which may be obtained on payment from the Superintendent, Printing and Stationary, Uttar Pradesh Allahabad, shall be provided and hung in a conspicuous place.

**26. Operators.**-(I) At least two operators and one additional operator for every additional machine holding valid permits shall be engaged in manipulating each projector and no other person shall be allowed within ten feet of the machine during the exhibition except the licensee himself or any technician authorised in writing by the licensee. It shall be the sole duty of one of the operators to take charge of the films after they have passed through the machine. The other operators shall be in charge of the machine and the projection room or operating box.

- ii An operator's permit shall be granted by the Licensing Authority in the form set out in Appendix II, and a fee of Rs. 20 shall be chargeable for each such permit. No fee shall, however, be charged in respect of permits issued to operators in Government employment.
- iii A permit shall not be granted to operator unless he-
  - a. possesses a working knowledge of cinernatograph machine and in particulars a working knowledge of the type of machine which he is to operate
  - b. is thoroughly conversant with the rules and conditions imposed regarding precautions against fire ;
  - c. is conversant with the speedy and effective method of dealing with an outbreak of fire ;
  - d. is proficient in the handling, winding, repairing and cleaning of films.

**27 Period and extent of licenses to traveling cinemas.**- (I) The Licensing Authority may grant a license to traveling cinema initially for a period not exceeding six months.

(2) The license granted under sub-section (1) may be extended for a further period not exceeding six months provided the following conditions are fulfilled-

- a. during the period from April 1 to October 15 ceiling fans, in such numbers and of such size as may be approved by Licensing Authority are provided in the auditorium
- b. at least two power driven exhaust fans of not less than 24 inches size are provided in the auditorium ;
- c. on three sides of the auditorium a twelve feet high wall of a nonflammable material like tin sheets, mud or mortar or bricks is provided ;
- d. all exit doors provided in the auditorium are according to the specification 14id down in sub-rule (15) of Rule 8 and in proportion to its seating capacity that is one door for every 150 persons
- e. if the roof of the auditorium is covered by a tent or any other cloth, such cloth shall not touch the ground on any side except towards the screen. The tent shall, however, be fixed securely to pegs on the ground ;
- f. chairs or benches shall be provided for all the classes and a space of 15 inches shall be kept between the rows
- g. the screen and cinematograph apparatus shall be so maintained as to ensure satisfactory visibility and audibility.

(3) The license granted under sub-rule (1) or extended under sub-rule (2) shall be valid only within the territorial jurisdiction of the licensing authority.

(4) In granting or extending the license, preference shall be given to licensees who keep their own generators and provided coolers in the auditorium.]

**28. Grant of license for traveling cinemas.-** (1) A person desirous of obtaining a license for a traveling cinema shall apply to the District Magistrate within whose jurisdiction the exhibition is proposed to be given and shall attach to his application a plan and description of the building. The plan shall show the seating arrangement in the auditorium with exits, gangways, passages and structures (if any).

(2) If a license is granted, the plan and description aforesaid duly corrected or amplified where necessary and certified by the Licensing Authority, shall be attached to the license. The terms and conditions of the license shall be liable to modifications by the Licensing Authority at any time and this fact shall be stated in the license, which along with the plan and description shall be produced on demand by any person authorised to inspect the cinema.

**29. Enclosure for traveling cinemas or special cinematograph exhibition.**-A "Temporary enclosure" shall fulfill the following requirements:

- (i) **Construction.**-It shall consist of a smoke-proof box constructed of sheet iron or steel on a substantial framework and securely fastened together. The internal height from the floor to roof shall be at least ten feet. The floor shall be 48 square feet if one machine is operated and 24 square feet for every additional machine shall be necessary. The room shall be of such width as may allow sufficient space behind the machine for operators to pass easily. The building shall in every other respect conform to the requirements of a projection room in a permanent building : Provided that, if the temporary enclosure is kept in situ or stored on the premises and does not travel with a portable apparatus thereby avoiding risk of breakage, such enclosure may be of asbestos sheeting or other type of fire-resisting material on a substantial fire-resisting framework, the type of fire-resisting material used shall be approved by the Regional fire Officer.
- (ii) **Electrical and other necessary apparatus.**-All apparatus within a temporary enclosure shall likewise satisfy the requirements prescribed for similar apparatus in a permanent building except that such apparatus may be of a portable type.
- (iii) **General working-** The rules regarding fire-fighting appliances, prohibition of inflammable material, smoking, lights, matches, film re-winding and non-admittance of persons other than operators, the licensee or technician,



prescribed for projection rooms in permanent building shall apply to temporary enclosure.

**30. For precautions for auditorium cinemas and special cinematograph exhibition.**-Rules 16 and 17 will apply *mutatis mutandis* in the case of traveling cinemas also.

31. Inspection of traveling cinemas by Electric Inspector.-(i) No license shall be granted to traveling cinema till the Electric Inspector to Government has, after inspection, certified that the equipment is mechanically safe and is provided with adequate safety apparatus:

Provided that if the Electric Inspector is unable so to certify before the date on which it is proposed to exhibit the films, the Licensing- Authority may, after satisfying himself that the inspection fee has been deposited, that the licensee has furnished a copy of his tour programme and that the provisions of Rules 31 and 32 have been complied with, grant a provisional license. The tour programme shall forthwith be sent by the applicant to the Electric Inspector to Government and shall arrange to carry out his inspection as soon as possible thereafter.

(ii) All traveling cinemas whose stay in the district is likely to extend beyond one month, shall have their installations inspected by the Electric Inspector to Government.

(iii) The fees, as may be prescribed through notification by the State Government from time to time, shall be levied and credited to the State Government for every initial inspection by the Electric Inspector to Government and also for every subsequent inspection rendered necessary by the detection of defects at a previous inspection which in the opinion of the Electric Inspector make the installation unsafe.

**32. Refusal of license to traveling cinemas, if in dangerous proximity to other building.**-The Licensing Authority may refuse a license to a traveling cinema if in

his opinion any portion of the building or structure is in dangerous proximity to any other building.

**33. Pandal used during special cinematography exhibition or by traveling cinemas.- (i)**

In every pandal constructed of inflammable material there shall be kept on each side an opening at least seven feet high and eighteen feet wide. The opening may be closed by *tattis* fixed on split bamboo frame, fastened by twine on the inside but so as to be easily removable.

(ii) Doors and openings not ordinarily in use may be covered or closed by mats, screen or similar material so as to prevent removal by light pressure from inside the building or structure.

**34. Fencing in vicinity of temporary building.-**No external fencing shall be allowed within ten feet of a temporary building.

**35. Notice for special cinematograph exhibition.-**No cinematograph exhibition shall be given in any premises where such exhibition is not a regular feature, unless notice has been given at least ten clear days before exhibition is due, to the licensing Authority by the licensee of such premises.

**36. Exemption of special cinematograph exhibition from the provisions of the rules.-**where a special cinematograph exhibition is to be given in an institution, club or other place and it is not practicable to provide therefore a fire proof enclosure, the Licensing Authority may, for reasons to be recorded, dispense with the requirements of any of the foregoing rules by specification in the license. A space of six feet shall, however, be railed off round the cinematograph apparatus if the provisions applicable to temporary enclosure are for any reasons relaxed. No drapery and no unprotected combustible material other than film or that composed by the floor, shall be, within six feet of the cinematograph apparatus. Before granting any such license the Licensing Authority shall ensure that adequate precautions are taken against a probable outbreak of fire and for the safety of the film.

**37. Inspection of cinemas.**-(1) In addition to the initial inspection for getting a certificate referred to in Rule 5, every permanent building with electric installation shall be inspected by the Electric Inspector or his representative once every year; if at any such inspection any defects in the installation are noticed he may make

further inspections at any time of the year to satisfy himself that the management has removed defects satisfactorily.

(2) The fees, as may be prescribed through notification by the State Government from time to time, for initial and annual inspections and any subsequent inspection, rendered necessary by the existence of defects at the initial or annual inspection, by the Electric Inspector or his representative, shall be payable by the management and shall be credited to the revenues of the State.

(3) Besides the inspection made before the grant of a license, the Licensing Authority shall inspect or cause to be inspected any cinema within his jurisdiction at such intervals as it may deem necessary.

(4) An inspection book shall be maintained by the licensee in whom all such inspection notes shall be recorded.]

**38. Removal of defects.** The licensing Authority shall cause notice to be given to the licensee requiring him to remove the defects ascertained within a period which shall be prescribed in the notice.]

**39. Fees for Cinematograph license.** The fee payable by the licensee for the grant or renewal of a permanent or temporary license under the Act or for the issue- of a duplicate copy thereof shall be lived at the following rates scale viz.

(i) For the grant or renewal of a permanent license for permanent cinema in a local area having population

(a) Up to one lac - Rs. 1000/ (One thousand) per

month or part there of.

(b) More than One lac- Rs. - 15001 (One thousand Five

Hundred) per month or part thereof.

(ii) For the grant-or renewal of a temporary license for travelling cinema for a period –

	Rs.
a) Not exceeding one month	150.00
b) exceeding one month but not	
c) exceeding three months.	450.00
d) exceeding three months but not	
exceeding six months.	900.00

(iii) Fee for the issue of a duplicate copy of permanent or temporary license to the licensee shall be 75 percent of the respective fee for the original license as prescribed above.

**40.** An application for renewal of license shall be made one month before the date of expiry of the license failing which a penalty of Rs. 100 shall be livable in addition to the renewal fee. The period of validity of permanent licenses which is for years as provided in Rule 9 shall expire on March 31 each year.

**41.** Control of sound from cinemas. When granting or renewing any license the Licensing Authority may prescribe the distance beyond which sound shall not travel from the cinema. Licensees shall not cause noise outside cinemas by the use of loudspeakers, gramophones, trumpets or drums, etc.

**42. Booking office.**-Booking offices may be so situated as not to cause any overcrowding in the side of varanda and main entrance if necessary a separate window with sufficient standing space protected by rail for the use of ladies only may be provided if so required by the Licensing Authority.

#### **43. Revocation or suspension of license.**

(i) The Licensing Authority may at its discretion revoke or suspended the license granted to any cinema within its jurisdiction if it is satisfied

- a) That the licensee is responsible for a breach of one or more provisions of the Act, or these rules, or any condition of the license,
- b) That any unauthorised alteration is made in the building or the seating arrangement or enclosure, or
- c) that the building and installations are not maintained in proper order, or
- d) that the licensee has failed without sufficient cause to comply with any direction given under the Act, or under these rules by an authority competent to issue such direction, or'
- e) that the cinema is used or conducted in a manner prejudicial to the public interest.

(ii) A licensee aggrieved by an order passed under the preceding clause may appeal to the State Government within a period of thirty days from the date of service of such order.

(iii) The order shall be deemed to be duly served if it is tendered to the licensee or, where in the opinion of the Licensing Authority personal service cannot be affected, if a copy of the order is affixed at a prominent place or the premises owned or controlled by the licensee.

**44. Imposition of composition charge while granting exemption under Section 10 of the Act.**-The composition charges payable under Section 13(2) (aa) of the Uttar Pradesh Cinemas (Regulation) Act, 1955 while granting exemption from the provisions of specific rules under Section 10 of the Act. shall be under on such conditions and restrictions as may be imposed.

The exemption shall come into force only after the composition charge has been deposited in the Government treasury and the conditions and restrictions have been complied with.

## COMPOSITION CHARGES

Serial No.	Exemption from rules	Composition charge Rs.
1.	Rule 3 (3)	50,000.00
2.	Rule 8 (2)	35,000.00
3.	Rule 8 (2)	40,000.00
4.	Rule 14 (2)	45,000.00
5.	Rule 18	15,000.00

## APPENDIX I

[See Rules 2 (v) and 71]

Forms of License under the Cinematograph Act, 1918

Government (Seal) of India

No.

(a).....situated at (b).....within the District of ..... Act.  
1918 (Act II of 1918) as a place where exhibition by means of a cinema, to both days  
inclusive of.

This license has been granted to (c) ..... and shall be terminated forthwith if the said (c) ..... ceases to own, to hold on lease or to manage the said (a) .....a Conditions

The license is granted subject to the conditions set forth in the rules issued by the State Government and to the further conditions

(1) That the said (c)..... shall not exhibit, or permit to be exhibited, in the said (a).....any film other than a film which has been certified as suitable

for public exhibition by an authority constituted under Section 6 of the

Cinematograph Act, and which, when, exhibited displays the prescribed mark of that authority, and has not been altered or tampered within any way since such mark was affixed thereto.

(2) That the said (c) .....shall cause to be exhibited at each performance given after the 30th September, 1946, in the (a).....one or more approved films the total length of which is not less than one thousand feet or an approved film exceeding 750 feet in length in case of cinemas exhibiting 35 mm. films and 40 feet in case of cinemas exhibiting 16 mm. films and shall comply with any direction which the Uttar Pradesh Government may, by general or special order, give as to the manner in which 'approved' films shall be exhibited in the course of any performance.

**Note-** An 'approved films' means a cinematograph films approved by the Central Government or by the Government of Uttar Pradesh for the purpose of exhibition in compliance with condition (2) of the license.

(3) That the said (c) .....shall not exhibit or permit to be exhibited in the said (a).....t any person which is not an adult any film which has been certified by an authority constituted under Section 6 as suitable for public exhibition restricted to adults.

## NOTE

The condition shall not be construed as prohibiting exhibition of a film in respect of which an 'A' certificate has been granted to children in arms below the age of three.

(4) That the said (c)..... shall not exhibit or cause to be exhibited at any performance in the said (a) (1) any advertisement regarding sexual diseases and medicines to correct sexual disorders or purporting to assist the childless in begetting children etc., and (2) any indecent, obscene, immoral or suggestive advertisement, pictures, or posters on the premises of the said (a) .....

(5) That the said (c) shall give a preview of the film to the District Magistrate or to any other officer deputed if it is reported or it comes to the notice of the District Magistrate that the exhibition of the film or any portion thereof is able to cause breach of peace].

(6) That the said (c) shall send previous information of every film proposed for exhibition to the District Magistrate together with the synopsis at least one week or, for good and sufficient reasons accepted by the District Magistrate upon application by licensee, three days before exhibition is proposed :

'[Provided that if the said (c) .....has submitted to the District Magistrate in accordance with the provisions of this condition a programme in respect of a number of films within a specified period of one month or less it shall not be necessary for the licensee to inform the District Magistrate of any change he intends to make within that specified period in the proposed dates for exhibition of films included in the programme originally submitted.]



[(7) That the said (c)..... shall allow the following officers to inspect (a) situated at (b) in order to see that the rules issued by the State Government are being observed.

- i. the Commissioner, Deputy Commissioner, Assistant Commissioner, District Entertainment Tax Officer and Inspector of the Entertainment and Betting Tax Department,
- ii. Regional Fire Officer,
- iii. Chief Medical Officer or Regional Medical Officer nominated by him,
- iv. not exceeding two Police Officers not below the rank of Sub Inspector deputed by the District Magistrate in consultation with the Superintendent of Police, amongst whom one must be the Police Officer of that particular, and
- v. not exceeding two Magistrates as nominated by designation by the License in Authority amongst whom one must be the Magistrate of that particular area, and.

(8) That the total number of seats in the auditorium and the seats for each class shall not exceed the number specified in the Schedule thereto appended nor shall the number and description of fire appliances exhaust fans, electric fans or sanitary requirements be less than those therein specified.

(9) That it shall be open to the Licensing Authority to amend or revoke the license.

(10) That the said (c).....for the storage of cinematograph films under Rule 24 of the Uttar Pradesh Cinematograph Rules, 1951, shall comply with conditions I to 16, specified in license Form "C" as prescribed under Article I of Schedule III of the Cinematograph Films Rules, 1948, as amended from time to time.

(11) That the said (c).....shall not display or cause to be displayed any photograph, pictures or posters which depict or represent or purport to represent a scene or shot which has been excised from any film under the orders of the Central Board of Film Censors or the Central Government.

The.....19

District Magistrate.

## SCHEDULE

Class Number of seats

Description

Number Fire appliances

Location

Description and size Exhaust Fans

Number

Description and size Exhaust Fans

Number

Sanitary equipments including number

of latrine seats and places for urinating

**Remarks.**-Details of certificates and plans accompanying the application mentioned in Rule 4 should be given and a copy of the plan should be attached duly certified by the Licensing Authority to the license granted

## APPENDIX II

[Under Rule 26 (ii)]

Form of Permit for Cinematograph Operator

Permit No .....

Whereas Sri..... (Particulars).....and

(Address) has been examined and is found qualified to perform the duties of an operator he is hereby permitted under Rule 26 of the Uttar Pradesh Cinematograph

Rules, 1951, to operate a cinematograph machine within Uttar Pradesh, for a period of three years ending..... 19.

The license fee of Rs. 10 (ten) payable for this permit has been realized and credited to the State revenues.

Place .....

Dated .....

Licensing Authority