

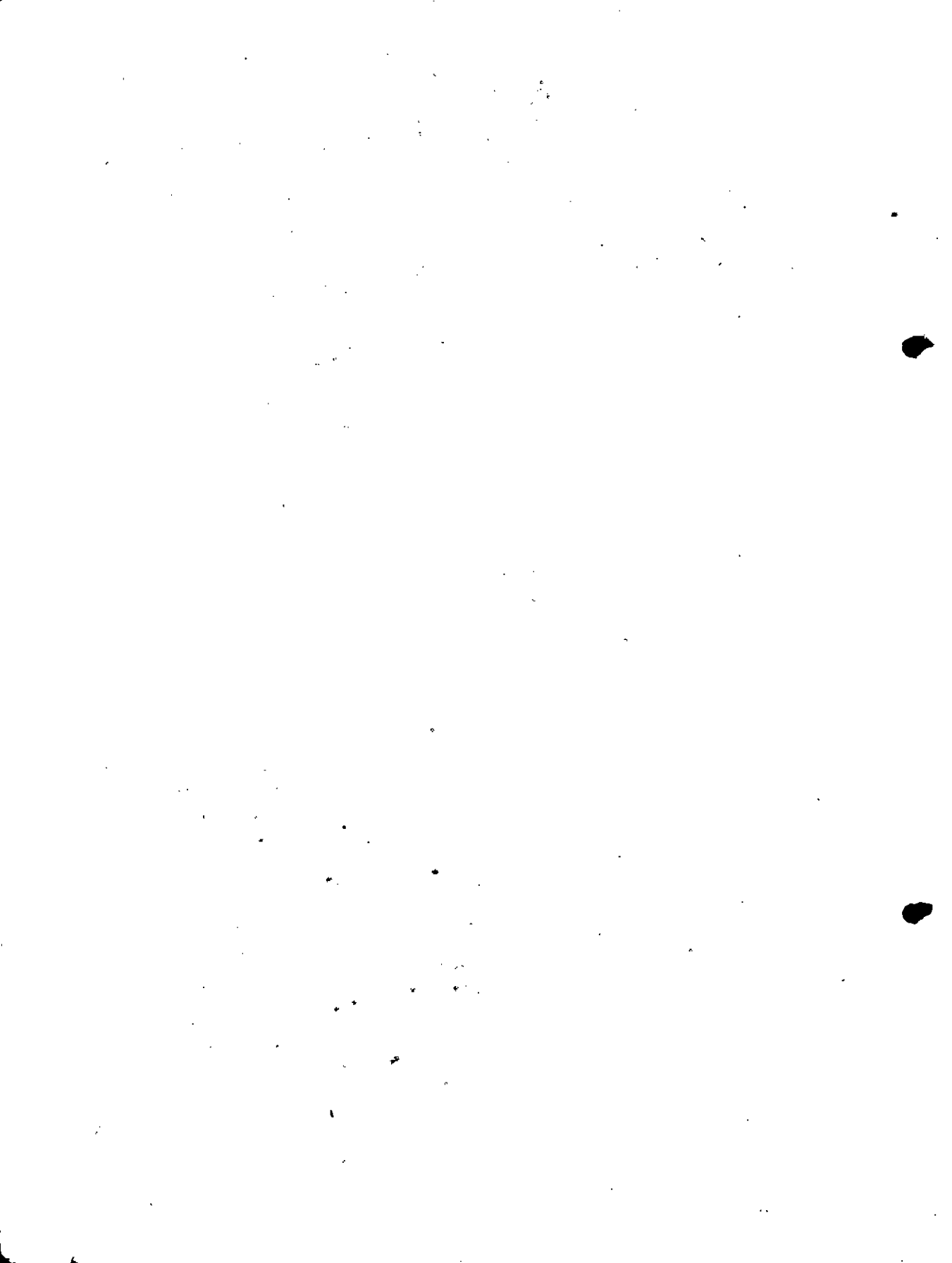
THE BOMBAY CINEMAS (REGULATION) ACT, 1953.

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BOMBAY ACT No. XI OF 1953¹

[THE BOMBAY CINEMAS (REGULATION) ACT, 1953]*

[17th April 1953]

Amended by Bom. 38 of 1955.

Adapted and modified by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

Amended by Bom. 8 of 1958.

Adapted and modified by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

Amended by Mah. 12 of 1960.

" " " 19 of 1961.

" " " 2 of 1973.

" " " 34 of 1975 (1-12-1975)†

" " " 39 of 1976 (5-8-1976)†

" " " 7 of 1987 (1-1-1987).†

" " " 20 of 1991 (26-8-1991)†.

An Act to provide for regulating exhibitions by means of cinematographs and the licensing of places in which cinematograph films are exhibited in ²[State of Maharashtra].

WHEREAS it is expedient to provide for regulating exhibitions by means of cinematographs and the licensing of places in which cinematograph films are exhibited in the ²[State of Maharashtra]; It is hereby enacted as follows :—

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

³(2) It extends to the whole of the State of Maharashtra.]

(3) It shall come into force ⁴[in the pre-Reorganisation State of Bombay] on such date as the State Government may, by notification in the *Official Gazette*, ⁵[appoint]; and in the remaining part of the State of Maharashtra it shall come into force on the commencement of the Bombay Cinemas (Regulation) (Extension and Amendment) Act, 1960.]

Mah.
XII of
1960.

Short title,
extent and
commence-
ment.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

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

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

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

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

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

Cinematograph
exhibitions
to be
licensed.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1952, Part V, page 225.

² These words were substituted for the words "State of Bombay" by Mah. 12 of 1960, s. 3.

³ Sub-section (2) was substituted for the original, *ibid.*, s. 4(I).

⁴ These words were inserted, *ibid.*, s. 4(ii).

⁵ This portion was substituted for the word "appoint", *ibid.*

* This Act was extended to, and shall by virtue of such extension be in force, in the rest of the state of Maharashtra (*vide* Mah. 12 of 1960, s. 2).

† This indicates the date of commencement of Act.

Licensing
authority.

4. The authority having powers to grant licences under this Act, shall be—

- (i) in Greater Bombay, the Commissioner of Police, Greater Bombay ;
 (ii) in other areas for which a Commissioner of Police is appointed under section 7 of the Bombay Police Act, 1951, such Commissioner ; and
 (iii) elsewhere, the District Magistrate :

Bom.
XXII
of
1951.

Provided that the State Government may, by notification in the *Official Gazette*, constitute for whole or any part of the ¹[State of Maharashtra] such other authority as it may specify in the notification to be the licensing authority for the purposes of this Act.

Restrictions
on powers of
licensing
authority.

5. (1) The licensing authority shall not grant a licence under this Act, unless it is satisfied that—

- (a) the rules made under this Act have been substantially complied with, and
 (b) adequate precautions have been taken in the place, in respect of which the licence is to be given, to provide for the safety of persons attending exhibition therein.

(2) Subject to the provisions of sub-section (1), the licensing authority may ²[with the previous sanction of the State Government] grant licences under this Act to such persons as that authority thinks fit ³[on payment of such fees,] and on such terms and conditions and subject to such restrictions as may be prescribed ⁴[or may, after recording in writing its reasons therefor, refuse to grant any such licence].

(3) The State Government may, from time to time, issue directions to licensees generally or to any licensee in particular for the purpose of regulating the exhibition of any film or class of films so that scientific films, films intended for educational purposes, films, dealing with news and current events, documentary films or indigenous films secure an adequate opportunity of being exhibited, and where any such directions have been issued, those directions shall be deemed to be additional conditions and restrictions subject to which the licence has been granted.

Power of
State
Government
to
suspend
exhibition
of films
in certain
cases.

6. (1) The State Government in respect of the whole ⁵[of the ⁶[State of Maharashtra] or any part thereof or the licensing authority in respect of the area within its jurisdiction may, if it is of opinion that any film which is being publicly exhibited is likely to cause a breach of public order, by order, suspend the exhibition of the film and during such suspension such film shall be deemed to be an uncertified film ⁷[in the area specified in the order.]

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

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

¹ These words were substituted for the words "Bombay area of the State of Maharashtra" by Mah. 12 of 1960, s. 5.

² These words were inserted by Mah. 2 of 1973, s. 2.

³ These words were inserted by Mah. 19 of 1961, s. 2.

⁴ These words were added by Mah. 12 of 1960, s. 6(ii).

⁵ These words were substituted for the words "of the State" by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

⁶ These words were substituted for the words "Bombay area of the State of Maharashtra" by Mah. 12 of 1960, s. 7.

⁷ These words were substituted for the words "in the State, part or area, as the case may be" by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

¹[7. ²(1)] If a cinematograph, or any place licensed under this Act, is used in contravention of the provisions of this Act, or of the rules made thereunder, or of the conditions and restrictions upon or subject to which any licence has been granted under this Act, ³[or if a cinematograph is used by any person in any place of which a licence granted under this Act is revoked or suspended under section 8,] or if any person in charge of a cinematograph contravenes any of the conditions or restrictions imposed by an order of exemption made under section 10, then the owner, or person in charge of the cinematograph, or the occupier of the place, as well as the managers, servants or agents of the person to whom the licence is granted, shall be guilty of an offence; and shall, on conviction, ⁴[shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to five thousand rupees or with both; and in the case of a continuing offence, a further fine which may extend to five hundred rupees for each day during which the offence continues after conviction for the first such offence :]

Penalties for
contraven-
tion of Act.

Provided that, a person to whom a licence is granted shall not be guilty of an offence as aforesaid, if he proves that any offence committed by any person in his employ or on his behalf took place without his knowledge and consent, and that the employee or agent was not acting with his express or implied permission, and that he exercised all due diligence to prevent the commission of the offence or its continuation.]

⁵(2) If it appears to the court taking cognizance of an offence under this Act, on taking such evidence as it may deem necessary, that the accused person is giving an exhibition in or at any place by means of a cinematograph without a licence granted under this Act, or in contravention of any conditions and restrictions imposed by such licence or by an order made under section 10, or when a licence is revoked or suspended under section 8, the court may order—

(a) that the place in or at which such exhibition is being given shall be sealed and

(b) that a cinematograph together with the machinery, appliances and apparatus, if any, be seized and kept in the custody of the licensing authority, until the complaint is finally disposed of.

(3) Where under sub-section (2), the court makes an order to seal the place and seize the cinematograph and the machinery, appliances and apparatus, it may, in that order, direct that the police shall render necessary help to the licensing authority in complying with the order so made.

(4) Where any such accused person has been convicted for contravention of the provisions of the Act, the cinematograph and the machinery, appliances and apparatus seized under sub-section (2) may be forfeited to the State Government, and in case where such person is acquitted or discharged, the licensing authority shall remove the seal of the place sealed under sub-section (1) and the cinematograph and the machinery, appliances and apparatus seized and kept in the custody of the licensing authority, shall be returned to him.]

¹ Section 7 was substituted for the original by Mah. 19 of 1961, s. 3.

² Section 7 was re-numbered as sub-section (1) thereof by Mah. 20 of 1991, s. 2.

³ This portion was inserted, *ibid.*, s. 2. (a).

⁴ This portion was substituted for the portion beginning with "be punished with fine" and ending with "first such offence" by Mah. 34 of 1975, s. 2.

⁵ These sub-sections were added by Mah. 20 of 1991, s. 2 (b).

Power to
revoke or
suspend
licence.

8. In the event of any contravention by the holder of a licence of any of the provisions of this Act or the rules made thereunder or of any of the conditions or restriction upon or subject to which the licence has been granted to him under this Act, ¹[or of any of the conditions or restrictions imposed by an order of exemption made under section 10], or in the event of his conviction of an offence under section 7 of this Act or section 7 of the Cinematograph Act, 1952, ²[or on receipt of recommendation from the Collector under section 9D of the Bombay Entertainments Duty Act, 1923], ³[the licensing authority may by order revoke the licence] or suspend it for such period as it may think fit⁴ [but such order shall not take effect until the period of appeal prescribed against such order has expired :]

XXXVIII
of 1952.
Bom. I of
1923.

⁵[Provided^d that, no licence shall be revoked or suspended unless the holder thereof has been given reasonable opportunity to show cause.]

Appeals. ⁶[8A. Any person aggrieved by an order of a licensing authority refusing to grant a licence, or revoking or suspending any license under section 8, may, within such period as may be prescribed, appeal to the State Government, and the State Government shall, on such appeal, make such order as it thinks just and proper, and such order shall be final.

Revision. 8B. The State Government may either of its own motion, or upon an application made by an aggrieved person within such period as may be prescribed, call for and examine the record of any order made by a licensing authority under this Act, and pass such order thereon as it thinks just and proper :

Provided that,

(i) when rejecting an application for revision under this section, the State Government shall record its reasons for such rejection; and

(ii) before any order is passed under this section, which is likely to affect any person adversely, such person shall be given a reasonable opportunity of being heard.

Delegation of powers. 8C. The State Government may, subject to such restrictions and conditions as it may impose, by notification in the *Official Gazette*, delegate to the Commissioner its powers under section 8A or 8B.]

Power to make rules. 9. (1) The State Government may, by notification in the *Official Gazette*, make rules for the purposes of carrying into effect the provisions of this Act.

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

(a) prescribing the procedure in accordance with which a licence may be obtained and the terms, conditions and restrictions, if any, subject to which licences may be granted under this Act ;

⁷[(a-i) prescribing the period within which an appeal may be made under section 8A or a revision application under section 8B;]

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

¹ These words and figures were inserted by Bom. 38 of 1955, s. 3.

² These words, figures and letters were inserted by Mah. 7 of 1987, s. 15.

³ The words were substituted for the words "the licencing authority may revoke the licenc" by Mah. 34 of 1975, s. 3(a).

⁴ These words were added, *ibid.*, s. 3(b).

⁵ This proviso was added by Mah. 12 of 1960, s. 8.

⁶ Sections 8A, 8B and 8C were inserted, *ibid.*, s. 9.

⁷ Clause (a-i) was inserted by Mah. 12 of 1960, s. 10(1).

(c) regulating the means of entrance and exit at places licensed under this Act ; and providing for prevention of disturbances there at ;

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

¹[(3) In making rules under this section, the State Government may provide that any person failing to comply with or contravening the provisions of any rule ²[shall, on conviction in respect of an offence not falling under section 7, be punished with imprisonment for a term which may extend to three months or with fine which may extend to five thousand rupees or with both; and in the case of a continuing offence, a further fine which may extend to five hundred rupees for each day during which the offence continues after conviction for the first offence]. ³[A failure to comply with, or a contravention of the provisions of a rule made under clause (d) of sub-section (2) shall be a cognizable offence within the meaning of the ⁴Code of Criminal Procedure, 1898.]

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

⁴[(5) All rules made under this section shall be laid for not less than thirty days before each House of the State Legislature as soon as possible after they are made, and shall be subject to such modifications as the State Legislature may make, during the sessions in which they are so laid or the session immediately following, and publish in the *Official Gazette*.]

10. The State Government ⁵[or the Commissioner] may, by order in writing ^{Power to exempt} subject to such conditions and restrictions as it ⁶[or he] may impose, any ^{exempt} cinematograph exhibition or class of cinematograph exhibitions from any of the provisions of this Act or of any rules made thereunder.

11. The Cinematograph Act, 1918, in its application to the ⁷[pre-Reorganisation ^{Repeal of} State of Bombay) and in so far as it relates to the regulation of exhibition by means ^{Act II} of cinematograph (including licensing of places in which cinematograph films are ^{of 1918} exhibited), is hereby repealed.

¹ These sub-sections were added by Bom. 38 of 1965, s. 4.

² This portion was substituted for the words " shall, on conviction, be punished with fine which may extend to one thousand rupees " by Mah. 39 of 1976, s. 2.

³ This portion was added by Mah. 19 of 1961, s. 4.

⁴ Sub-section (5) was added by Mah. 12 of 1960, s. 10(2).

⁵ These words were inserted by Bom. 8 of 1958, s. 3, Schedule.

⁶ These words were substituted for the words " State of Bombay " by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

⁷ See now the Code of Criminal Procedure, 1973 (2 of 1974).

^{**}The words " State of Bombay " shall stand unmodified [*vide* the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960].

Further repeal and savings. ¹[12. On the commencement of this Act in the Vidarbha and Hyderabad areas of the State of Maharashtra to which it is extended by the Bombay Cinemas (Regulation) (Extension and Amendment) Act, 1960, the following laws, that is to say,—

(i) the Madyna Pradesh Cinemas (Regulation) Act, 1952 ;

(ii) the Hyderabad Cinemas (Regulation) Act, 1952 ;

shall stand repealed :

Provided that, such repeal shall not affect,—

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

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

(c) any penalty incurred in respect of anything done against any law so repealed ; and any investigation, proceedings or remedy in respect of any such right, privilege, obligation, liability or penalty as aforesaid may be instituted, continued or enforced, and any such penalty may be imposed as if the Bombay Cinemas (Regulation) (Extension and Amendment) Act, 1960, had not been passed :

Provided further that, subject to the preceding proviso, anything done or action taken (including any appointment made, notification, order or direction issued, licence granted or rules made) by or under the laws so repealed, shall be deemed to be done or taken under the corresponding provisions of this Act, and shall continue in force accordingly unless and until superseded by anything done or any action taken under this Act.]

¹ Section 12 was added by Mah. 12 of 1960, s. 11.

Mah.
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M. P.
Act
XVII
of
1952.

Hyd.
XLVI
of
1952.

Mah.
XII of
1960.