

THE CINEMATOGRAPH BILL 2013

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THE CINEMATOGRAPH BILL 2013

A

BILL

to provide for the certification of cinematograph films for exhibition and for regulating exhibition by means of cinematograph and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Sixty-Fourth Year of the Republic of India as follows:-

CHAPTER I

PRELIMINARY

1. Scope and Operation-

- (1) This Act may be called the Cinematograph Act, 2013
- (2) It shall extend to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

2. Definitions-

- (1) In this Act, unless the context otherwise requires-
 - a) "adult" means a person who has completed his eighteenth year;
 - b) "advertising material" is any material in a cinematograph medium that is intended primarily to promote a film to the public and shall include trailers, exclusive content, clips and footage, pre-show advertising and audio –visual displays.
 - c) "applicant" means a person applying for certification of a film for exhibition under section 18;
 - d) "appointed day" means the date on which the Board is constituted under sub section (1) of section 5;
 - e) "authorized officer" means –
 - i) A District Magistrate, or
 - ii) A Sub Divisional Magistrate or
 - iii) Commissioner of Police,
 within his local limits of jurisdiction and includes any other officer notified by the Central Government or the State Government to be an authorized officer for such local limits of jurisdiction as may, by notification, be specified by that Government;
 - f) "Board" means the Central Board of Film Certification constituted by the Central Government under sub section (1) of Section 5;
 - g) "certificate" means the certificate granted by the Board under section 22;
 - h) "Chairperson" means the Chairperson of the Board;
 - i) "Chief Executive Officer" means the Chief Executive officer appointed under sub section (1) of section 14;
 - j) "cinematograph" means any medium, apparatus, product or device, analogue or digital or any other technology, used for representation of moving pictures or series of pictures:

Provided that the Central Government may, by notification in the Official Gazette, include or exclude any such medium, apparatus, product or device or technology;

- k) "Examining Committee" means the Examining Committee constituted by the Regional Officer under sub section (1) of Section 19;
- l) "exhibit" or "exhibition" shall include the audio or visual dissemination of a film or part thereof or making available a film or part thereof, through use of a public medium, to persons not directly connected with the production, distribution, promotion or certification of that film;
- m) "film" means a cinematograph film and includes its songs, lyrics thereof and advertising material related thereto;
- n) "married print" is a copy or print of a film which has both moving visual images and an optical sound track and which is in a format ready for public exhibition.
- o) "Member" means a member of the Board and includes its Chairperson;
- p) "notification" means notification published in the official Gazette and the expression "notified" with its grammatical variations shall be construed accordingly;
- q) "person" includes any company or an association or body of persons whether incorporated or not the Board or the appropriate government;
- r) "place" includes a house, building tent and any description of transport, whether by sea, land or air;
- s) "prescribed" means prescribed by Rules made under this Act;
- t) "public medium" includes a medium forum or place to which members of the general public have access to with or without the payment of a fee or charge ;
- u) "regional office" means the regional office of the Board established by the Central Government under section 14;
- v) "Regional officer" means a Regional Officer appointed by the Central Government under sub section (1) of section 16 and includes an Additional Regional Officer and an Assistant Regional Officer;
- w) "Revising Committee" means the Revising Committee as constituted by the Chairperson under sub section (i) of section 20
- x) "Secretary" means the Secretary of the Appellate Tribunal appointed under sub section (1) of section 37 ;
- y) "screening panel" means the screening panel constituted under sub section (2) of Section 15;
- z) "Appellate Tribunal" means the Film Certification Appellate Tribunal constituted under section 32.

2. **Construction of references to any law not in force or any functionary not in existence in the State of Jammu and Kashmir-** Any reference in this Act to any law which is not in force, or any functionary not in existence, in the State of Jammu and Kashmir, shall, in relation to that State, be construed as a reference to the corresponding law in force, or to the corresponding functionary in existence, in that State.

CHAPTER II

PROHIBITION ON EXHIBITION OF FILMS

4. Prohibition on exhibition -

- (1) Save as otherwise provided in this Act, no person shall exhibit or cause the exhibition of any film or any part thereof-
- a) which has not been certified by the Board under section 22; or;
 - b) which is deemed to be an uncertified film under the provisions of this Act,

Provided that exhibition caused by the producer of the film, by invitation, to a select class of members of the public for the purpose of ascertaining their opinions on or reactions to the film shall not be exhibition in terms of this Act, where prior permission has been taken from the Chairperson.

CHAPTER –III

BOARD OF FILM CERTIFICATION

5 Board of Certification -

- (1) For the purpose of certification of films for exhibition, the Central Government shall, by notification, constitute a Board to be called the Central Board of Film Certification, which shall consist of a Chairperson and not less than twelve and not more than twenty –five other members to be appointed by the Central Government;

Provided that at least one third of the total number of members of the Board shall be women.

- 2) The Chairperson of the Board shall be a person of eminence in public life and who, in the opinion of the Central Government, is qualified to judge the effect of films on the public.
- 3) The other members of the Board shall be persons who, in the opinion of the Central Government, by reason of their profession, qualifications or experience, in the field of art, cinema, drama, law, literature, history, sociology, psychology, media, education or performing arts are qualified to judge the effect of films on the public,
- 4) Subject to fulfilment of the criteria set out in sub Section (3) above, members shall be appointed in such manner as to ensure due regional representation on the Board, to the extent possible.
- 5) The headquarters of the Board shall be at such place as the Central Government may, by notification, specify.

6 Term of office and other terms and conditions of the members of the Board -

- (1) Every member of the Board shall hold office during the pleasure of the Central Government.
- (2) Subject to the provisions of sub section (1):-
 - a) the Chairperson of the Board shall hold office for a period of three years and shall continue to hold office until a successor is appointed ; and
 - b) every other member of the Board shall hold office for a period not exceeding three years.

- (3) A member, including the Chairperson whose term of the office has expired shall be eligible for re appointment for a period not exceeding more than one term.
- (4) The Chairperson and the Members of the Board shall receive such fee and allowances for attending the meeting of the Board as may be prescribed.
- (5) The other terms and conditions of service of the Chairperson and members of the Board shall be such as may be prescribed.

7. Vacancy-

- (1) In the event of the occurrence of any vacancy in the office of the Chairperson by reason of death, resignation, or otherwise, the Central Government may, by notification, authorized one of the members, to act as the Chairperson until the appointment of a person to fill such vacancy is made.
- (2) 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 in the same manner as provided under section 5 who shall hold office for the remaining period of term of membership of that member.
- (3) When the Chairperson is unable to discharge his functions owing to absence on leave or otherwise, such one of the members, as the Central Government may, by notification, nominate a member in this behalf, shall discharge the functions as the Chairperson until the date on which the Chairperson resumes his duties:

Provided that where no such appointment is made, the Chief Executive Officer, and in his absence, the Regional' officer at the headquarters of the Board, as the case may be, shall, in addition to his other duties, and powers, perform the duties of the Chairperson and shall have the right to participate in the meetings of the Board but shall not be entitled to preside over in any meetings in the capacity of the Chairperson.

8. Registration and removal of Chairperson or member -

- (1) The Chairperson or any member may, by notice in writing, addressed to the Central Government, resign from office.
- (2) The Central Government may remove from office the Chairperson or any member, who –
 - a) has been adjudged an insolvent; or
 - b) is in the opinion of the Central Government, unfit to continue in office by reason of infirmity of mind or body; or
 - c) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude ; or
 - d) has so abused the position as to render the continuance in office prejudicial to public interest

Notwithstanding anything contained in this section, the Chairperson or a member shall not be removed from his office without giving him a reasonable opportunity of being heard.

9 Functions of the Board -

- (1) The Board shall-
 - a) examine or cause examination of the films in the prescribed manner for the purpose of their certification for exhibition thereof;

- b) submit an annual report to the Central Government in respect of the work done by the Board during the preceding financial year and the report shall contain a detailed analytical study of trends in film industry and such matters as may be prescribed;
 - c) maintain the registers, preserve the records of certification of films and keep the accounts of the Board for such period and in the manner as may be prescribed;
 - d) review the work of Regional officers and members of advisory panels; and
 - e) perform such other functions as may be assigned to it by the Central Government under this Act.
- (2) The Board may, with a view to determining the principles to be observed in certifying films, take such steps as it thinks fit to assist public reactions to films, and for that purpose, the Board may hold symposia or seminars of film critics, film writers, community leaders and persons engaged in the film industry, or such other persons and also undertake local or national surveys, to study the impact of various kinds of films on the public mind.
- (3) The Central Government in due consultation with the Chairperson of the Board, shall in this regard, provide all the necessary infrastructure, staff and do all other acts required to assist the Board to effectively, expeditiously and properly discharge its functions under this Section.

10 Meeting of the Board-

- (1) The Board shall ordinarily meet once in three months for the transaction of business but the Chairperson may at any time call an extraordinary meeting, if considered necessary to do so.
- (2) The meetings of the Board shall be held at such places as the Chairperson may fix for the purpose.
- (3) Subject to the provisions contained in sub section (1) and (2), the Board may regulate the procedure to be followed at its meeting including its quorum.

11. Vacancies, etc. not to invalidate proceeding - No act or proceeding of the Board shall be deemed to be invalid by reason of a vacancy in, or any defect in, the constitution of the Board.

12. Delegation of powers - The Central Government may, by general or special order, direct that any power, authority or jurisdiction exercisable by the Board under this Act shall, in relation to the certification of the 'films under this Act and subject to such conditions, if any, as may be specified in the order, be exercisable also by the Chairperson, and anything done or action taken by the Chairperson specified in the order shall be deemed to be done or action taken by the Board.

13 Chairperson's power -The Chairperson shall have the power of general superintendence, direction and control in respect of all the administrative matters of the Board:

Provided that the Chairperson may delegate by writing, such powers relating to the administrative powers of the Board as may be thought fit to any other member of the Board or to the Chief Executive Office.

14. Establishment of regional offices, appointment of the Chief Executive Officer and Regional Officers

- (1) For the purpose of enabling the Board to efficiently discharge its functions under this Act, the Central Government may, by notification, establish regional offices of the Board at such places, as it thinks fit and screening panels for such purpose.
- (2) The Central Government shall appoint a Chief Executive Officer and as many Regional Officers and such other officers, as it thinks fit to appoint, at the headquarters of the Board and at each of the regional offices, in such manner as may be prescribed.

- (3) The Central Government may provide for the association of Regional Officers in the examination of films in such manner as may be prescribed.
- (4) Every Regional Officer shall perform such duties as may be assigned to them under this Act and the rules made thereunder.

15. Constitution of screening panels -

- (1) The members of the screening panel shall be selected by a Committee comprising of 9 members constituted from the Board by the Chairperson with atleast two lady members and in such manner as to ensure due regional and language representation, to the extent possible.

Provided that it will be open to the Chairperson to invite any member of the Board as an ad hoc additional member of the screening panel to ensure regional representation.

- (2) Such Committee in consultation with the Chairperson shall draw up a panel of members to be appointed as members of the screening panel and shall consist of persons, who, in the opinion of the Committee are by reason of their profession, qualifications or experience in the field of art, cinema, drama, law, literature, history, sociology, psychology, media, education, performing arts or public administration, are fit to judge the effect of films on the public.

Explanation- For the purpose of this Section, it is clarified that 'public administration' means the study, development and implementation of public policy and functions.

- (3) Such panel of members, which shall be at least twice the number of vacancies, shall be forwarded by the Board to the Central Government who shall from such panel forwarded, appoint the members of the screening panel.

Provided that at least one third of the total number of members on a screening panel shall be women and shall as far as possible be representative of professions or areas of experience set out in sub Section (2) above.

Provided further that all the categories specified in sub section (2) would, as far as possible be represented equally in the panel formed by the Government.

- (4) A member of a screening panel shall hold office during the pleasure of the Central Government
- (5) Subject to sub section (4) above, every such member shall hold office for such period not exceeding two years and shall be eligible for re-appointment for one period not exceeding one more term.
- (6) It shall be the duty of every member of such screening 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.
- (7) The members of the screening panel shall receive such fees or allowances as may be prescribed.

16 Avoidance of conflict of interest in discharge of functions-

- (1) Any person associated with the examination of the films, including the Chairperson, the Chief Executive Officer, every member of the Board, any Regional Officer and every member of the Screening Panel, and shall, immediately after entering office and every year thereafter make a

declaration of their interest, whether direct or indirect and pecuniary or otherwise in any activity related to the direction, production or distribution of films and particulars thereof.

- (2) Any person in sub Section (1) above, having any direct or indirect interest, whether pecuniary or otherwise, in any matter coming up for consideration at a meeting of the Board or Examination Committee or other Committee under the provisions of this Act, shall disclose the nature of such interest at such meeting and shall not take any part in any deliberation or decision of the Board or such Panel with respect to that matter.
- (3) The declaration so made under sub-section (1) and the disclosure so made under sub-section (2) shall be entered in the register maintained for the same and be placed on the website of the Board.

17 Powers of the Central Government to supersede the Board

- (1) If the Central Government is of the opinion that:
 - a) on account of a grave emergency, or circumstances beyond its control, the Board is unable to discharge the functions and duties imposed on it by or under the provisions of this Act; or
 - b) that the Board has persistently made default in complying with any direction issued by the Central Government under this Act or in the discharge of the functions and duties imposed on it by or under the provisions of this Act and as a result of which default the financial position of the Board or the administration of the Board has deteriorated; or
 - c) that circumstances exist which render it necessary in overriding public interest so to do, the Central Government may, by notification in the Official Gazette, supersede the Board for such period as may be specified in the notification:

Provided that before issuing a notification under this subsection, the Central Government shall give a reasonable time to the Board to show cause why it should not be superseded and shall consider the explanation and objections, if any, of the Board and pass a reasoned order thereon.

- 2) Upon the publication of a notification under sub section (1) above superseding the Board—
 - a) all the members of the Board shall, notwithstanding the fact that their term of office has not expired, as from the date of supersession, vacate their offices as such members;
 - b) all the powers and duties which may, by or under the provision of this Act, be exercised or performed by or on behalf of the Board shall, during the period of supersession, be exercised and performed by such person or persons as the Central Government may direct;
 - c) all property vested in the Board shall, during the period of supersession, vest in the Central Government.
- 3) On the expiration of the period of supersession specified in the notification issued under sub section (1) the Central Government may:
 - d) extend the period of supersession for such further period as it may consider necessary;
 - e) reconstitute the Board in the manner provided in section 5.

CHAPTER IV

EXAMINATION AND CERTIFICATION OF FILMS AND PROCEDURE THEREFOR

18 Application for examination and certification prior to exhibition -

- (1) An application for examination and certification of a film or part thereof shall be made by way of an application to the Board in such manner and accompanied with such fee as may be prescribed for the grant of a certificate in respect thereof under section 22.
- (2) The application under sub section (1) shall be addressed to the Board and presented to such Regional Officer as the Central Government may, by rules, specify in this behalf.

19 Functions of the Examining Committee -

- (1) On receipt of an application for examination under Section 18 above, for the purpose of the examination of such film the Regional Officer shall constitute an Examining Committee , from amongst members of the Screening panel constituted under section 15 in the manner as prescribed in the Rules.
- (2) The members of the Examining Committee shall examine the film in such manner, as may be prescribed, having regard to the principles laid down for the guidance for certifying the films under section 24 by the Central Government, and shall record their opinion in respect of such film in such manner as may be prescribed.
- (3) The Regional Officer shall forward the recommendations of the Examining Committee to the Chairperson of the Board within such time and in such manner as may be prescribed.
- (4) On receipt of the recommendations of the Examining Committee in respect of a film, the Chairperson may:
 - a) examine the film in case where the members of the Examining Committee are divided in their opinion or;
 - b) refer, *suo moto* or on the request of the applicant, such film to the Revising Committee, constituted for the purpose under section 20 in the manner as may be prescribed or
 - c) direct the Chief Executive Officer or the Regional officer, as the case may be, to take further action on behalf of the Board in conformity with the recommendations of the Examining Committee.

20 Revising Committee -

- (1) Where the Chairperson has decided the refer the film to a Revising Committee under Section 19(4) (b), such Revising Committee shall be constituted by the Chairperson comprising of the Chairperson and not more than 9 members being members of the Board or members of any of the screening panels provided that 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 film.
- (2) While constituting such committee, the Chairperson shall as far as possible ensure to be specified by the Chairperson, ensuring due representation of women subject to sub Section (2) below.
- (3) The quorum of the Revising Committee shall be five members of whom atleast two members shall be women.

- (4) The manner of application for purpose of examination of the film by the Revising Committee, the proceedings of the meeting of the Revising Committee etc. shall be conducted as may be prescribed in the Rules.
- (5) 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 Chairperson 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 or the second revising committee, as the case may be, shall be final

21. Sanctioning and Classification of films by the Board -

- (1) The Board may, after examining or having caused the film examined in the manner, as may be prescribed and having regard to any material in the film, form an opinion thereon and sanction the film as suitable for exhibition—
 - a) which is unrestricted exhibition; or
 - b) to persons who have completed twelve years of age; or
 - c) to persons who have completed fifteen years of age; or
 - d) restricted to adults; or
 - e) restricted to members of any profession or any class of persons, having regard to the nature, content and theme of the film.
- (2) The Board may also:
 - a) direct the applicant to carry out such excisions or modifications in the film as it thinks necessary before classifying and sanctioning the film for certification of exhibition under any of the foregoing clauses; or
 - b) refuse to sanction the film for any type of exhibition under this Section.
- (3) While exercising powers under this Section, the Board shall be guided by the principles of natural justice for the classification and sanctioning of films for exhibition under this Section.

Provided specifically that that no action under sub Clause (b) to (e) in sub Section 1 or sub Section (2) above shall be taken by the Board without giving an opportunity of being heard to the person concerned.

22. Certification of films -

- (1) If, after examining a film or having caused it to be examined under this Act and the rules made thereunder and having regard to the material in the film the Board is of the opinion that—
 - a) the film is suitable for unrestricted exhibition, it shall grant to the person applying for a certificate in respect of such film a “U” certificate and cause the film to be so marked in the manner as may be prescribed; or
 - b) the film is suitable for exhibition to persons who have completed twelve years of age, it shall grant to the person applying for a certificate in respect of such film a “12+” certificate and cause the film to be so marked in the manner as may be prescribed; or

- c) the film is suitable for exhibition to persons who have completed fifteen years of age, it shall grant to the person applying for certificate in respect of such film a "15+" certificate and cause the film to be so marked in the manner as may be prescribed; or
- d) the film is suitable for exhibition restricted to persons who are adults, it shall grant to the person applying for certificate in respect of such film an "A" certificate and cause the film to be so marked in the manner as may be prescribed; or
- e) the film is suitable for exhibition restricted to members of any profession or any class of person, it shall grant to the person applying for a certificate in respect of such film a "S" certificate and cause the film to be so marked in the manner as may be prescribed:

Provided that the certificate granted in respect of any film by the Board before the date of commencement of this Act shall be deemed to be the certificate under this Act;

- (2) Where the Board passes any order under Section 20 or Section 21 herein, it shall record reasons in writing for doing so.
- (3) Before the issuance of a certificate granted under this section, the applicant or his authorized representative shall deposit, at his own cost, a married print of the film, in the same format in which it has been certified or in such other format, with such agency or agencies, as may be prescribed, for archival purpose and record thereof.
- (4) A certificate authorizing the public exhibition of any film shall be in such form, signed, displayed and notified in the manner as may be prescribed,
- (5) Subject to the provisions of this Act, a certificate granted for a film by the Board under this section shall be valid throughout India for all formats or gauges of that film except that a certificate issued for release of a film on video format shall be valid for its theatrical release with an endorsement to that effect.

23 Change in category of certificate- Where an applicant or any other person, to whom the rights in the film have passed, is desirous of a change in the category of certificate already granted for theatrical release into another category in video format, may apply to the Board for such purpose after revising the film, in such format and such manner along with such fee, as may be prescribed, and upon receipt of such application, the Board shall examine the same by treating it as a fresh application under Act.

24 Principles for guidance in certifying films -

- (1) While examining a film or causing a film to be examined for certification, the Board will be guided by the following principles:
 - a) The medium of the film remains responsible and sensitive to the values and standards of society and as far as possible the film is of aesthetic value and cinematically of a good standard;
 - b) Artistic expression and creative freedom are not unduly curbed and certification is responsive to social change;
 - c) The film is examined in the light of the period depicted in the film, context, content, theme and people to which the film relates and is judged from the point of view of its overall impact and the contemporary standards of the country.
- (2) Notwithstanding any contained in (1) above a film shall not be certified for exhibition if in the opinion of the Board, the film or any part of it is against the interest of the sovereignty and integrity of India, 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.

- (3) Subject to the provisions contained in sub-section (1), and (2) above the Central Government may issue such directions as it may think fit setting out the principles which shall guide the Board while granting a certificate under this Act for sanctioning films for public exhibition.

25. Obligations of certain persons-

- (1) Any person who delivers any certified film to any distributor or exhibitor shall, in such manner as may be prescribed, specify 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 conditions, if any, subject to which it has been so granted, and any other particulars as may be prescribed.
- (2) The applicant, any distributor or exhibitor or any other person to whom the rights in the film have passed, shall ensure that-
- a) the prescribed Part of the certificate along with the prescribed marks of the Board shall always be exhibited with the film for such duration as may be prescribed;
 - b) any person connected with the exhibition of a promotional film or an advertisement film granted "U" or "12+" or "15+" or "A" or "S" certificate shall mention with such promotional or advertisement film that the film has been certified for such exhibition, prominently indicating the categorization of the film.
- (3) Any violation of Sub section (2) above shall invite application of penalties under chapter VI of this Act.

26. Suspension and revocation of certificate –

- (1) Notwithstanding anything contained in this Act and in addition to the penal provisions set out in chapter VI of this Act, the Central Government may, by notification, suspend a certificate granted under section 22 for such period as it thinks fit or may revoke such certificate, if it is satisfied that-
- a) 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
 - b) the film or any part thereof is being exhibited in contravention of the provisions of this Act or any other law for the time being in force or the rules made thereunder; or
 - c) the certificate has been obtained by fraud or misrepresentation as to an essential fact
- (2) Where a notification under sub-section (1) has been published, the Central Government may require the applicant to whom the certificate was issued or any other person to whom the rights in the film have passed, or both, to deliver the original 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 without giving an opportunity of being heard to the person concerned.
- (4) During the period in which a certificate remains suspended under this section, the film shall be deemed to be an uncertified film.

27. Review of orders by Central Government-

- (1) Where an applicant or any other person to whom the rights in the film have passed, is aggrieved by any order of the Central Government under section 26 he may, within sixty days of the date of publication of the notification, 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 or that other person was prevented by sufficient cause from filing 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, confirming, modifying or reversing its decision and the Board shall dispose of the matter in conformity with such order.

- 28. Power of the Central Government to issue directions-** If in the opinion of the Central Government the provisions of sub-section (1) of section 25 have not been complied with while sanctioning of a film for exhibition by the Board, the Central Government may direct the Board to review its decisions regarding grant of certificate to that film under section 25 and upon such direction being passed by the Central Government, the Board shall review its decision within such period as may be specified by the Central Government and intimate its decision to the Central Government.

29. Re- examination of a certified film-

- (1) Where any complaint is received by the Board, in respect of a film which has been certified for public exhibition, the same shall be forwarded to the Central Government.
- (2) The Central Government, if it considers necessary so to do, direct the Chairperson of the Board to re-examine any such film, in respect of which a complaint is received by it directly or from the Board under sub-section (1), in such manner as may be prescribed.

- 30. Films deemed to be uncertified film not to be exhibited –** Where a certified film is deemed to be uncertified film the provisions of this Act, the applicant and any other person or persons to whom the rights in the film have passed shall stop the exhibition of the film forthwith and surrender the original certificate and all copies of the duplicate certificate granted in respect of that film within fifteen days from the date of the notification.

CHAPTER V

APPELLATE TRIBUNAL

31. Appeal –

- (1) Where any person is aggrieved by any order of the Board or of the Central Government, or of any other authority which affects and relates to the exhibition of a film, such person may, within a period of thirty days from the date of such order, prefer an appeal to the Appellate Tribunal.

Provided that the Appellate Tribunal may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the aforesaid period of thirty days, allow such appeal to be admitted within a further period of thirty days by passing a reasoned order.

- (2) Every appeal under this section shall be made in writing and shall be accompanied by a brief statement of the reasons for the order appealed against, where such statement has been furnished to the appellant, and by such fees, as may be prescribed.

32 Constitution of Appellate Tribunal-

- (1) For the purpose of hearing appeals against any order of the Board referred to under section 31, the Central Government shall, by notification, constitute an Appellate Tribunal to be called as the Film Certification Appellate Tribunal.

- (2) The Head office of the Appellate Tribunal shall be at New Delhi or at such other place as the Central Government may, by notification, specify.

33 Composition of the Appellant Tribunal –

- (1) The Appellate Tribunal shall consist of a Chairperson and not more than four other Members to be appointed by the Central Government.

- (2) A person shall not be qualified for appointment as the Chairperson of the Appellate Tribunal unless he is a retired Chief Justice of a High Court or a retired Judge of a High Court, or is a person who is qualified to be a Judge of a High Court.

- (3) The Central Government may appoint such persons who, by reason of having achieved eminence in the field of arts, cinema, drama, law, literature, media or social sciences, are, in its opinion, qualified to judge the effect of films on the public, to be Members of the Appellate Tribunal.

34. Term of office and other terms and conditions of Chairperson and Members of Appellate Tribunal –

- (1) The Chairperson and the other Member of the Appellate Tribunal shall hold office for a period of three years from the date on which he enters upon his office.

Provided that such Chairperson or other Member of the Appellate Tribunal shall be eligible for re-appointment:

Provided further that no Chairperson or other Member of the Appellate Tribunal shall hold office as such after he has attained, in the case of the Chairperson, the age of sixty-eight years, and in the case of the Member, the age of sixty- five years.

- (2) The salary, allowances payable to, and the other terms and conditions of service of, the Chairperson and Members shall be such as may be prescribed.

35. Resignation and removal of Chairperson and members of Appellate Tribunal-

- (1) Notwithstanding anything contained in section 34 the Chairperson or Member of the Appellate Tribunal may:
- i) relinquish office by giving in writing to the Central Government a notice of not less than three months ; or
 - ii) be removed from office, if the Chairperson or such Member-
 - a) has been adjudged as insolvent; or
 - b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or
 - c) has become physically or mentally incapable of acting as Chairperson or member; or
 - d) has acquired such financial or other interest as is likely to affect prejudicially the discharge of functions; or
 - e) has so abused the position of Chairperson or Member as to render the continuance in office prejudicial to the public interest.
- (2) The Chairperson or any Member shall not be removed under clauses (c) to (e) above of subsection (1) (ii) above unless a reasonable opportunity of being heard in the matter has been afforded.

36. Vacancy-

- (1) In the event of the occurrence of any vacancy in the office of the Chairperson of the Appellate Tribunal by reason of death, resignation or otherwise, the senior- most Member of the Appellate Tribunal shall act as the Chairperson until the date on which a new Chairperson, appointed to fill such vacancy, enters upon office.
- (2) When the Chairperson of the Appellate Tribunal is unable to discharge the functions of office owing to absence, illness or any other cause, the senior -most Member of the Appellate Tribunal shall discharge the functions of the Chairperson of the Appellate Tribunal until the Chairperson of the Appellate Tribunal resumes his duties.

37. Secretary and other employees –

- (1) 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 Appellate Tribunal under this Act in such manner as may be prescribed.
- (2) The salary and allowances and other terms and conditions of service of the Secretary and other employees of the Appellate Tribunal shall be such as may be prescribed.

38 Powers and Procedure of the Appellate Tribunal –

- (1) The Appellate Tribunal shall have power to regulate its own procedure and shall not be bound by the procedure laid down by the Code of Civil procedure, 1908.
- (2) The Appellate Tribunal shall have, for the purposes of discharging its functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit in respect of the following matters, namely:-
- a) summoning and enforcing the attendance of any person and examining him on oath;

- b) discovery and production of any document or other material object producible as evidence;
 - c) receiving evidence on affidavits;
 - d) issuing commissions for examination of witnesses or documents;
 - e) reviewing its decisions;
 - f) any other matter which may be prescribed.
- (3) The Appellate Tribunal may, after making such inquiry into the matter as it considers necessary, and after giving the parties, including the Board, an opportunity of being heard in the matter, make such order, including any interim order, in relation to such appeal, as it thinks fit, and the Board shall dispose of the matter in conformity with such order.

39. Appeal to Supreme Court

- (1) Notwithstanding anything contained in the Code of Civil Procedure, 1908 or in any other law, an appeal shall lie against any order, not being an interlocutory order, of the Appellate Tribunal to the Supreme Court on one or more of the grounds specified in section 100 of that Code.
- (2) No appeal shall lie against any decision or order made by the Appellate Tribunal with the consent of the parties.
- (3) Every appeal under this section shall be preferred within a period of ninety days from the date of the decision or order appealed against.

Provided that the Supreme Court may entertain the appeal after the expiry of the said period of ninety days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time

CHAPTER VI

OFFENCES AND PENALTIES

40. Penalty for unauthorized duplication of a Film etc.-

- (1) No person who undertakes the processing of a film, analogue or digital or in any other form using any technology, shall,
 - a) issue any negative or copy of the film to any person except one copy of the first married print of the film to the person applying for a certificate under sub-section (1) of section 18 until a certificate is granted under section 22; or
 - b) make or cause to be made an unauthorized duplicate print or a copy of the film in any form using any technology.
- (2) Any person, who contravenes the provisions contained in sub-section (1) above, shall be punishable with a fine of not less than five lakh rupees which may extend to twenty-five lakh rupees or imprisonment of not less than one year which may extend upto three years, or both.

41. Penalties for contravention of certain provisions of this Act-

(1) If any person :-

- a) exhibits or permits to be exhibited in any place
- i) any film other than a film which has not been certified by the Board for exhibition or
 - ii) without lawful authority alters or tampers or interpolates or interferes with in any way any film after it has been certified;

shall be punishable with imprisonment for a term of not less than one year which may extend to three years, or with a fine of not less than three lakh rupees which may extend to twenty five lakh rupees, or with both, and in the case of a continuing offence with a further fine of not less than twenty five thousand rupees which may extend to fifty thousand rupees for each day during which the offence continues.

- b) exhibits or permits or causes to be exhibited in any place-
- i) any film, which has been certified by the Board as suitable for exhibition restricted to adults, to any person who is not an adult; or
 - ii) any film, which has been certified by the Board as suitable for exhibition restricted to the persons who have completed fifteen years of age or above to any person who has not completed fifteen years of age; or
 - iii) any film, which has been certified by the Board as suitable for exhibition restricted to persons who have completed twelve years of age or above to any person who has not completed twelve years of age; or
 - iv) any film which has been certified by the Board as suitable for 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;
 - v) any certified film and which, when exhibited, does not display the prescribed mark of the Board and has been altered or tampered with in any way since such mark was affixed thereto; or

shall be punishable with imprisonment for a term of not less than one year which may extend to three years, or with a fine of not less than one lakh rupees which may extend to three lakh rupees, or with both, and in the case of a continuing offence with a further fine of not less than five thousand rupees which may extend to twenty thousand rupees for each day during which the offence continues:

Provided that the exhibition of a film, which has been prohibited for exhibition to children below the age of twelve years or fifteen years to such children shall not be deemed to be an offence within the meaning of this section, when such children or persons are accompanied by their parents or an adult guardian.

Further provided that the exhibition of a film 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.

- c) fails to comply with any order made by the Central Government or by the Board in the exercise of any of the powers or functions conferred on it by this Act or the rules made thereunder shall be punishable with a fine of not less than one lakh rupees which may extend to three lakh rupees and in the case of a continuing offence with a further fine of not less than five thousand rupees which may extend to twenty thousand rupees for each day during which the offence continues.

42. Penalty for failure to deposit print of film and supplying required information to distributor or exhibitor-

(1) Any person, who –

- a) fails to deposit a print of the film in accordance with the provisions contained in sub-section (3) of Section 22 or;
- b) fails to specify to any distributor or exhibitor, the title, the length of the film, the number and the nature of the certificate granted in respect thereof and the conditions, if any, subject to which it has been so granted, in accordance with the provisions contained in sub section (1) of Section 25;

shall, notwithstanding anything contained in any other Act or law in force, be punishable with a fine of not less than one lakh rupees which may extend to three lakh rupees and in the case of a continuing offence with a further fine of not less than five thousand rupees which may extend to twenty thousand rupees for each day during which the offence continues and if the same is not paid the same shall be recoverable as arrears of land revenue.

43. Penalty for failure to comply with Section 25(2)- If the applicant, any distributor or exhibitor or any other person to whom the rights in the film have passed fails to comply with the provisions of sub-section (2) of section 25 such person shall be punishable with a fine of not less than five thousand rupees which may extend to twenty thousand rupees per day for each such contravention.

44. Penalty for contravention by Companies-

- (1) Where a person committing a contravention of any of the provisions of this Act or of any rule, direction or order made thereunder is a company, every person who, at the time the contravention 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 contravention 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 punishment if he proves that the contravention took place without his knowledge or that he exercised due diligence to prevent such contravention

- (2) Notwithstanding anything contained in sub-section (1), where a contravention of any of the provisions of this Act or of any rule, direction or order made thereunder has been committed by a company and it is proved that the contravention has taken place with the consent or connivance of, or is attributable to any neglect 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 the contravention and shall be liable to be proceeded against and punished accordingly.

Explanation. - For the purposes of this Section:-

- i) "company" means anybody corporate and includes a firm or other association of individuals; and
- ii) "director", in relation to a firm, means a partner in the firm

45. Cognizance of offences-

- (1) No Court shall take cognizance of any offence punishable under this Act except upon a complaint in writing made by any authorized officer or by the holder of the certificate as the case may be.
- (2) Notwithstanding anything contained in section 29 of the Code of Criminal Procedure, 1973, 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 Act.
- (3) If any person is convicted of an offence punishable under this section committed by him in respect of any film, by the competent court, that court may further direct that the print of the film shall be forfeited to the Central Government.

CHAPTER VII

REGULATION OF EXHIBITION

46. Place of cinematograph exhibition to be licensed-

- (1) Save as otherwise provided in this Part, no person shall give an exhibition by means of a cinematograph elsewhere than in a place licensed under this Part or otherwise than in compliance with any conditions and restrictions imposed by such license.
- (2) The authority having power to grant license under this Part (hereinafter referred to as the licensing authority) shall be the District Magistrate or any other authority constituted by the State Government or the administration of the Union Territory for the whole or any part of the State or the Union territory, as the case may be.

47 Application for grant of license- Any person desiring to exhibit any film certified under this Act shall make an application to the licensing authority in such manner and accompanied with such fee as may be prescribed for the grant of a license under Section 48 by such State Government or Union Territory, as the case may be.

48. Grant of license and restrictions on powers of the licensing authority-

- (1) Subject to the provisions of sub-section (2) the licensing authority may grant licenses under this Chapter to such persons as that authority thinks fit and on such terms and conditions and subject to such restrictions as it may determine.
- (2) The licensing authority shall not grant a license under this Part, unless it is satisfied that:-
 - a) the provisions of this Act and the rules made thereunder or by the State Government or the administration of the Union Territory as the case may be have been substantially complied with, and
 - b) adequate precautions, as provided in the rules made in this behalf, 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

- (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 Union territory administration or to such officer as the Union territory administration may authorize in this behalf and the State Government or the Union territory administration or such 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 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 license has been granted.

49. Power of the Central Government to suspend the exhibition of films in certain cases-

- (1) Where the Central Government *suo moto* or at the behest of a State Government or the administration of a Union Territory, is of the opinion, that a film which is being publicly exhibited has caused or is likely to cause an imminent breach of public order, it may by order, suspend the further exhibition of such film in such State, Union Territory or part of India and during such suspension the film shall be deemed to be an uncertified film in that State, Union Territory or part as the case may be, and the provisions of section 30 relating to uncertified film shall be applicable to such film.

Provided that no order under sub-Section (1) shall be passed by the Central Government unless the person in whose name the certificate has been issued has been given a Show cause Notice in writing setting out the grounds on which it is proposed to suspend the exhibition of the film and giving him a reasonable opportunity of making a representation in writing within such time as may be specified in the notice and if that person so desires of being heard.

- (2) Notwithstanding anything contained in sub Section (1) above, if the Central Government is of the opinion, based on material before it including material furnished by the State Government or the administration of the Union Territory, as the case may be, that in the interest of public order, it is necessary so to do, it may for the reasons to be recorded in writing, summarily suspend the exhibition of the film with a view to make a further inquiry as contemplated in sub Section (1).
- (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 the 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.
- (4) Any person aggrieved by any order passed by the Central Government under this Section may prefer an appeal to the Appellate Tribunal under Section 31.
- (5) No order of suspension of exhibition of any film shall be passed by any State Government or the administration of a Union Territory save and except an order passed by the Central Government as provided for in this Section.

50. **Penalties for contravention of this Chapter** - If the owner or person in charge of a cinematograph film uses the same or allows it to be used, or if the owner or occupier of any place permits that place to be used in contravention of the provisions of this Part or of the rules made thereunder, or of the conditions and restrictions upon or subject to which any license has been granted under this Part, he shall be punishable with a fine of not less one lakh rupees which may extend to three lakh rupees and in the case of a continuing offence, with a further fine of not less than five thousand rupees which may extend to twenty thousand rupees for each day during which the offence continues.
51. **Power to revoke license** - Where the holder of a license has been convicted of an offence under any of the provisions of this Act, the licensing authority may revoke the license.

CHAPTER VIII

MISCELLANEOUS

52. **Power to direct exhibition of films**- For the purpose of exercising any of the powers conferred on it by this Act, the Central Government, the Appellate Tribunal or the Board may require any film to be exhibited before it or, before any person or authority specified by it in this behalf.
53. **Power of search and seizure-**
- (1) Where a film is exhibited in contravention of the provisions contained in this Act or rules or of any order made by the Central Government, the Appellate Tribunal or the Board in the exercise of any of the powers conferred on it, any police officer not below the rank of sub-inspector or an authorized officer may enter any place in which he has reason to believe that such a film has been or is being or is likely to be exhibited, search it and seize the film.
 - (2) All searches and seizures shall be carried out in accordance with the provisions of the Code of Criminal Procedure, 1973, relating to searches and seizures.
54. **Protection of action taken in good faith**- No suit or other legal proceedings shall lie against the Central Government, the Appellate Tribunal, the Board, advisory panel or any officer of the Central Government or member of the Appellate Tribunal or 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.
55. **Members of Appellate Tribunal, Board and Advisory Panels to be public servants** – All members of the Appellate 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 Penal Code.
56. **No punishment in respect of certified film**- The applicant, any distributor, exhibitor or any other person to whom the rights in the film have passed shall not be liable for punishment under any law relating to obscenity in respect of any matter contained in the film for which a certificate has been granted under sub-section (1) of section 23.
57. **Evidence of copyright** –Where the applicant under section 18 is the producer, as defined in clause (uu) of section 2 of the Copyright Act, 1957, the certificate granted to that applicant under section 18 shall be deemed to be the evidence of copyright owned by such applicant in respect of that cinematograph film subject to the provisions of The Copyright Act 1957 (as amended from time to time).

58. **Bar of jurisdiction-** No court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the Board or the Appellate Tribunal is empowered to determine by or under this Act and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.
- 59 **Power to make Rules -**
- (1) The Central Government may, by notification in the Official Gazette, make rules for the purposes of carrying out the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, rules made under this section may provide for all or any of the following matters, namely: -
- a) fee and allowances payable to the Chairperson and members of the Board under sub-section (4) of section 6;
 - b) other terms and conditions of service of the members of the Board under sub-section (5) of section 6;
 - c) other matters to be contained in the annual report under clause (b) of sub-section (1) of section 9;
 - d) the manner in which and the period for which registers, records and accounts of the Board are to be maintained, preserved and kept under clause (c) of sub-section (1) of section 9.
 - e) tenure of members of screening panel under section 15;
 - f) manner in which the Board is to consult the screening panel under sub-section (6) of section 15;
 - g) the fees and allowances payable to the members of the advisory panel under sub-section (7) of section 15;
 - h) manner of appointing the Chief executive Officer, Regional officers under sub-section (2) of section 14;
 - i) the manner of associating Regional Officers in the examination of films under sub-section (3) of section 14;
 - j) the manner of making an application to the Board for a certificate and the fees to be levied under sub-section (1) of section 18 and specifying of Regional Officers for delivering the application under sub-section (2) of that section;
 - k) persons to be appointed for the constitution of the Examining Committee and the manner thereof under sub-section (1),;
 - l) the manner of examination of films by the Examining Committee and recording opinion under sub-section (2), and forwarding of the recommendations of the Examination Committee under sub-section (3) of section 19
 - m) constitution of the Revising Committee under clause (c) of sub-section (4) of section 19;
 - n) manner of examination of the film by the Board under sub-section (1) of section 22;
 - o) the marking of the films under section 22;
 - p) form for depositing the print of the film before issue of the certificate and the agency or agencies under sub-section (3) of section 22;
 - q) form of the certificate authorizing public exhibition of films under sub-section (4) of section 22;
 - r) form and fee for making change in the category of film under section 23;
 - s) the manner in which the person delivering the certified film is to notify to the distributor or exhibitor the title, length of the film, etc. under sub-section (1) and duration for exhibiting the part of the certificate and mark thereof under sub-section (2) of section 25
 - t) the period within which the Board is to review its decision under section 28;

- u) manner of re-examination of films under sub-section (2) of section 29;
 - v) the fee payable by the appellant to the Appellate Tribunal in respect of matters relating to appeal under sub-section (2) of section 31;
 - w) the term of office, terms and conditions of service, of the Chairperson and the members of the Appellate Tribunal under sub-sections (1) and (2) of section 34;
 - x) the manner of appointment of Secretary and other employees under sub-section (1) of section 37;
 - y) the salary and allowances and other terms and conditions of service of the Secretary to, and other employees of, the Appellate Tribunal under sub-section (2) of section 37;
 - z) any other matters under clause (f) of sub-section (2) of section 38;
 - aa) providing for the regulation of cinematograph exhibitions for securing the safety of the public under the provisions of sub-section (1) of section 48;
 - bb) prescribing the terms, conditions and restrictions, if any, subject to which license may be granted under this Part under sub-section(2) of section 48;
 - cc) prescribing the time within which and the conditions subject to which an appeal under sub-section (3) of section 48 may be preferred.
 - dd) any other matter for which rules may be or are to be prescribed.
- (3) Every rule made under this Act 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 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.
- (4) The State Governments and the administration of the Union Territory shall have the power to make Rules for the matter specified in Chapter VII of this Act in so far as consistent with the provisions of this Act related to the States and the Union Territories respectively.

60. Power to exempt- The Central Government may, by order in writing exempt, subject to such conditions and restrictions, as it may impose:-

- a) any film or class of films from any of the provisions of this Act or of any rules made thereunder;
- b) any cinematograph exhibition or class of cinematograph exhibitions from any of the provisions of Part VII or of any rules made thereunder.

61. Power to remove difficulties-

- (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.

- (2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

62. Repeal and Savings –

- (1) The Cinematograph Act 1952 and is hereby repealed.
- (2) Notwithstanding the repeal under sub section (1)-
 - (a) anything done or action taken under any provision of the Cinematograph Act, 1952 by the Central Government shall continue to be in force and shall not affect –
 - i) the previous operation of the provisions so repealed or anything duly done or suffered thereunder ; or
 - ii) any right, privilege, obligation or liability acquired, accrued or incurred under the provisions so repealed; or
 - iii) any penalty, forfeiture or punishment incurred in respect of any offence committed under the provisions so repealed; or
 - iv) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if the said provisions had not been repealed;
 - b) anything done or any action taken including any rule, notification, order made or issue or any appointment or declaration made or any direction given or any penalty imposed shall be deemed to have been done or taken under the corresponding provisions of this Act;
 - c) any person appointed to any office by virtue of the repealed enactment shall be deemed to have been appointed to that office under or by virtue of this Act
 - d) the Regional Officers existing on the commencement of this Act for the examination of films shall continue as if they have been appointed under the provisions of this Act;
 - e) the certification of films under the repealed enactment shall continue to be valid under the provisions of this Act
 - f) all registers and records maintained under the repealed enactment shall be deemed to be registers under the corresponding provisions of this Act;
- (3) The mention of particular matters in sub-section (1) shall not be held to prejudice the general application of section 6 of the General Clauses Act, 1897 with regard to the effect of the repealed enactment.
- (4) Any law enacted by the State Government in exercise of its powers under Entry 33 of List II shall continue to be in force, in so far as the provisions of such law are not inconsistent with the provisions of this Act.

63. Dissolution of existing Board and existing Tribunal –

- (1) On and from the commencement of this Act –
 - a) the existing Board shall stand dissolved on the constitution of the Board under section 5 of this Act; and
 - b) the existing Appellate Tribunal shall stand dissolved on the constitution of the Appellate Tribunal under section 32 of this Act:

Provided that until the constitution of the Board and the Appellate Tribunal under this Act, the existing Board and the existing Appellate Tribunal shall continue to function as such and the provisions of the Cinematograph Act, 1952, in regard to the powers and functions of the existing Board and the existing Appellate Tribunal shall continue to apply as if the Cinematograph Act, 1952, had not been repealed.

- (2) On the dissolution of the existing Board and the existing Appellate Tribunal, the persons holding the respective offices of Chairman and Members therein before the appointed day shall vacate their respective offices on the constitution of the Board and the Appellate Tribunal under this Act and shall not be entitled to claim of any compensation for the premature termination of the term of office or of any contract of service, if any.
- (3) On the dissolution of the existing Board or the existing Appellate Tribunal, as the case may be, all matters or proceedings or cases pending before the existing Board or the existing Appellate Tribunal shall, on the constitution of the Board or the Appellate Tribunal, stand transferred to the Board or the Appellate Tribunal as the case may be, under this Act which shall dispose of such matters, proceedings or cases in accordance with the provisions of this Act.

64. Provisions in respect of officers and other employees of existing Board and the existing Tribunal- The Chief Executive Officer, every Regional Officer or other employee of the existing Board and Secretary and other employees of the existing Appellate Tribunal, serving as such immediately before the appointed day, shall become, as from the appointed day, the Chief Executive Officer, Regional Officer or other employee, as the case may be, of the Board, and Secretary and other employees of the Appellate Tribunal, as case may be, constituted under this Act and shall hold their offices therein by the same tenure, at the same remuneration, upon the same terms and conditions, with the same obligations and with the same rights and privileges and other benefits as would have been admissible to them as if the Cinematograph Act, 1952 had not been repealed.

65 Consequential provisions- One and from the appointed day-

- (1) any reference to the Board of Film Certification constituted under section 5 of the Cinematograph Act, 1952, (hereinafter referred to as the 'existing Board') in any law other than this Act or in any contract or other instrument shall be deemed as a reference to the Board constituted under this Act;
- (2) any reference to the Appellate Tribunal constituted under section 5D of the Cinematograph Act, 1952 (hereinafter referred to as the existing Appellate Tribunal) in any law other than this Act or in any contract or other instrument shall be deemed as a reference to the Appellate Tribunal constituted under this Act;
- (3) all properties and assets, movable and immovable, of, or belonging to, the existing Board shall vest in the Board constituted under this Act;
- (4) all rights and liabilities of the existing Board shall be transferred to, and be the rights and liabilities of the Board constituted under this Act;
- (5) without prejudice to the provisions of clause (c), all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for the existing Board immediately before that date, for or in connection with the purpose of the said existing Board shall be deemed to have been incurred, entered into, or engaged to be done by, with or, for, the Board constituted under this Act;

- (6) all sums of money due to the existing Board immediately before that date shall be deemed to be due to the Board constituted under this Act;
- (7) all suits and other legal proceedings pending or existing immediately before the appointed day by or against the existing Board may, as from the appointed day, be continued or may be instituted by or against the Board constituted under this Act, as it might have been instituted by or against the existing Board, as if this Act had not been enacted and shall cease to be enforceable by or against the existing Board.

66. General effect of vesting of assets and properties-

- (1) The properties and assets, movable and immovable, of, or belonging to the existing Board which is transferred to, and which vest in, the Board constituted under this Act, shall be deemed to include all assets, rights, powers, authorities and privileges and all properties, movable and immovable, real and personal, corporeal and incorporeal, in possession or reservation, present or contingent of whatever nature and wheresoever situate including lands, buildings, vehicles, cash balances, deposits, reserve fund, any other fund, security, loans, advances and guarantees given, and all other rights and interests arising out of such property as were immediately before the appointed day in the ownership, possession or power of the existing Board in relation to such assets and properties or specified assets or properties, as the case may be, within or without India, all books of account, registers, records and documents relating thereto and shall also be deemed to include all borrowings and liabilities, and obligations of whatever kind within or without India then subsisting of the existing Board in relation to such assets and properties, or specified assets or properties, as the case may be.
 - (2) All contracts, deeds, bonds guarantees, powers –of-attorney, other instruments and working arrangements subsisting immediately before the appointed day and affecting the existing Board shall by virtue of this Act be enforceable against the Board constituted under this Act as fully and effectually as if instead of the existing Board, the Board constituted under this Act, had been named therein or had been a party thereto.
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STATEMENT OF OBJECTS AND REASONS

NOTES ON CLAUSES

FINANCIAL MEMORANDUM

MEMORANDUM REGARDING DELEGATED LEGISLATION