

WEST BENGAL CINEMAS (REGULATION) ACT, 1954

West Bengal Act XXXIX of 1954 THE WEST BENGAL CINEMAS (REGULATION) ACT, 1954. Arq.mDE.D Act xvn or 1957. West Ben. Act xmx of 1958. West Ben. west Ben. Act XIII of 1965. west Ben. Act XLVI of 1976. west Ben. Act XVII of 1989. Act of 1992. West Ben, [29th Decentber, 1954.] An Act fo provide for lthe regulanon of cinemas in West Bengal. WHEREAS it is expedient to provide for the regulation of cinemas in west Bengal; It is hereby enacted in the Fifth Ycat of lthe Republc of India, by the Legislature of West Bengal, as follows:— (1) This Actmay becalledtheWestBengal Cinemas (Regulation) 1. Act, 1954. (2) It extends Io (he whole of West Bengal. (3) shall come into force: on such date as the State Government may by notification ia the Official Gazerre, appoint. 2. in this Act. unless there is anything repugnant in lthe subject or Short litle. extent and comrnccnce- meru. Definilions. contcxl,— I(al) (a) Ben, Act IV or 1866. Ben. Act 11 or 1866. "Bengali film" means a film cerlified Io be in Bengali language for public exhibtion undec any law for lthe time being in force; "Calcutta" means the town of Calcutta as defined in the Calcutta Police Acli together with the suburbs of Calcuua as defined by notification under seczion of the Calculla Suburban Police 1866; "cinematognph" includes any apparatus for the represenLalion of moving pictures or series of pictures; IFor Statcmem of ObjecLs Md Reasons. see the Colcnua Gazeræ, Erfuordinary, dated lthe 201b Augusl. 19.56. Pan) VA, poge 1 168; Tor proceedings of lthe West Bengal Legislative Assembly, see lbe proceedingsofthe meetings oflthe Wesl Bengal Legislative Assembly held on I-he 1.3111 and 14Lh Scpnember, 1954: and for proceedings orlthe Wesl Bengal Legisluive Council. see the proceedings of lthe mccling of the West Bengal Legislative Council held on 20th Semember. 1954. *This Act was brought into force wilheffect from the 15tFebrua.ry. 1955. vide Noüfication No. 580P.. dated the 20th January, 1955, published in lthe Calcut:a Gazeue. Lyraordinary. daled the 20th January

1955. Pan I, page 45.) was inerted bys 2(a) or lthe West Bengal Cincrnas(Rcgulation) (A mend men 1) vuvr r •non•. 496 Cinemato- exhibilions licensed. Licensing authorüy. Resuictions on powers OT aulhoriLY. Appeal and Revision. The Wesl Bengal Cinemas (Regulation) Act. 1954, [West Act (Sections 3•5.) (c) "District Magistrate" includes a Deputy Commissioner and means, in rc)alion to Calcuua, Lhe Commissioner of Polict% Calcutta; I(cc) "film" means a cinematograph film; (d) "place" includes a house, building, tent. enclosure, open space and any description of transport, whelher by land, walCt or air, (e) "prescribed" means prescribed by rules made under [his Act; (D 'ia public exhibition" means on exhibition •which persons are adrnliLcd on payment. 3. (I) Save as otherwise provided in this no person shall giyc a public exhibition by means of a cinematograph elsewhere Lhan in a place in respect of which a licence has been granted under this ACL or otherwise in compliance with any conditions or restrictions imposed by such licence, (2) The S(ate Goveemmet may, if it considers it necessary to do so. make an order ror regulating exhibilions other [han public exhibitions and prescribe 2rules and conditions for the purpose

4. The auLhority having power Io grant licences (hereinafter referred to as lthe licensing au(hority) shall be the District Magistrate within whose jurisdiction the ploee, wherc the exhibitions by means of cinemalograph arc proposed (0 be given, is siLuated: Provided that lthe State Government may, by notification in the Ojcial Gazette, consliLute for the whole of West Bengal or any part thereof, such other authority as it may specify in the notification. to be the licensing aulhoriLy for (he purposes of this Act and on such a noüficaGon being issued, the District Magistrate orlthe District Magistrates having jurisd icüon in the area or arcas in cespct of which (he notification has been issued shall cease Io be (he licensing authority or authorities for sucti area or areas. 5. (I) The licensing authority shall not grant a licence under this Act. unless it is satisfied that— (a) therulcsmadeunder Illis Achhavebeensubstancial}ycomplied with, and ICIOUse(cc) was inserted by s. 2(b) or the West Bengal Cinemas (Regulation) (Amcndnenu) Ben. Act XVII of 1989). For [ht order— (a) made undct s. 3 of lthe Act ror regulating exhibilions other than public exhibitions and the prescription of and conditions for the purpose. see lthe Wesl Beaga.l Cinemmogmph (ReguraLion of Special ExbibWon) Order. 1956, published by Order NO. 61 30P., daled the 10th Augusl, 1956. in Calcurra Gntelfe. Esrraordinary. da•cd (he 10th Augusl

1956. Part L pages 1973&1976.as subsequently amended: (b) made undet s. 3 read with 9 of lthe Act. called the West Bengal Cinematograph {Regulation or Private Exhibition) Order. 1938. see Order No.

5920P., dated 19.7.58. published in the Calcutta Gazette, Extraordinary of 1958. Pages 2582-2584, The West Bengal Cinemas (Regulation) Act, 1954. xxxix of 1954.] (Section 5.) (b) [the prescribed precautions have been taken in the place, in respect of which the licence is to be given, to provide for the safety of persons attending exhibitions therein: Provided that the licensing authority shall, before refusing to grant a licence under this Act, give the applicant an opportunity of showing cause. (2) Subject to the control of the State Government, the licensing authority may grant licences, under the provisions of this Act and the rules made thereunder, to such persons as that authority thinks fit and on such terms and conditions and subject to such restrictions as it may determine (3) The State Government may, from time to time, issue directions to licensees generally or, if in the opinion of the State Government circumstances so justify. In any licensee in particular, for the purpose of regulating the exhibition of any film or class of films and in particular the exhibition of Scientific films, films intended for educational purposes, films dealing with news and current events, documentary films or films produced in India, and where any such directions have been issued, those directions shall be deemed to be additional conditions and restrictions subject to which the licence has been granted. 2(3A) The State Government may, from time to time, prescribe guidelines for fixation of prices of admission to places of public exhibition of cinematograph films and for classification of seats in such places by licensees. and it shall be obligatory for licensees to comply with such guidelines. (4) (a) Any person aggrieved by an order of a licensing authority granting or refusing to grant a licence [or by any other order of a licensing authority which is declared by rules made under this Act to be appealable] or by the terms and conditions on which or the restrictions subject to which a licence is granted, within such time as may be prescribed, appeal— (i) where the licensing authority is the District Magistrate or any other officer of the Division comprising such district, (ii) where the licensing authority is the Commissioner of Calcutta, —to the Commissioner of the Presidency Division in West Bengal, and (iii) in any other such authority as the State Government may, by notification in the Official Gazette, specify in this behalf; 1 The words "and the terms and conditions laid down shall include the prescribing of such prices of admission to the licensing authority determined" omitted by s. 2(D) of the West Bengal Cinemas (Regulation) (Amendment) Act, 1992 (West Ben. Act XIV of 1992). 2 Sub-section (3A) was inserted by s. 3 of the West Bengal Cinemas (Regulation) (Amendment) Act* 1989 (West Ben. Act XVII of 1989). Incidentally the same was substituted by s. 2(b) of the West Bengal Cinemas (Regulation) (Amendment) Act, 1992 (West Ben. Act XIV of 1992) within the square brackets. 3 The words within the square brackets were inserted by s. 2(1) of the West Bengal Cinemas (Regulation) (Amendment) Act, 1992 (West Ben. Act XIV of 1992) within the square brackets. 4 The words "to suspend exhibition of films in certain cases. The West Bengal Cinemas (Regulation) Act, 1954. [West Ben. Act (Section 6.) (b) the State Government may, — (ii) of its own motion at any time revise,— any order passed on appeal under clause (a). or any order of a licensing authority [from which an appeal lies under clause (a), but from which no appeal has been preferred]; (c) no order shall be made on such revision without giving [the licensee] an opportunity of being heard; (d) (i) an appellate authority while hearing an appeal under clause (a), or the State Government while revising an order under clause (b), may, by order, prohibit any action being taken on the order under appeal or as the case may be, under revision, or stay the consideration of any other application in connection with the grant of a licence under this Act or may pass such other interlocutory order as it may think just and convenient; (ii) no order under this clause shall be made without giving all persons likely to be affected by such order an opportunity of being heard; Provided that where the circumstances of a case are such that immediate action is necessary an appellate authority or, as the case may be, the State Government may make any such order under this clause as it thinks fit, with notice to all persons affected to show cause against such order and may after considering the cause, if any shown by such persons, either confirm such order or vary or set it aside. 6. (1) State Government in respect of the whole of West Bengal or any part thereof, and a District Magistrate in respect of the area within his jurisdiction, may, if it or he is of opinion that any film which is being publicly exhibited or is about to be so exhibited is likely to cause a breach of the peace, by order, suspend or prohibit the exhibition of the film and during such suspension or prohibition the film shall not be exhibited in the State, or in such part thereof or in such case may be. 'Sub-clause (i) of clause (b) was omitted by s. 2(a) of the West Bengal Cinemas (Regulation) (Amendment) Act, 1976 (West Ben. Act XLVI of 1976). These words within the square brackets were substituted for the words "granting or refusing to grant a licence or determining the terms and conditions on which or the restrictions subject to which a licence is granted, where no appeal has been preferred under clause (a) from such order"

by 5, 2(2) OT West Bengal Cinemas (Regulation) (Amendment) Act. 1965 (West Ben. Act or 1965). The words within the square brackets were substituted for the words 'the applicant or the licensee' as in the case may be by s. 2(b) of the West Bengal Cinemas (Regulation) (Amendment) Act. 1976 (West Ben. Act or 1976). "Clause (d) was added by s. 2(3) of the West Bengal Cinemas Act. 1965 (West Ben. Act or 1965). The West Bengal Cinemas (Regulation) Act, 1954. XXXIX of 1954.] xxxvii of (Sections 7-9.) (2) Where an order under sub-section (1) has been issued by a District Magistrate, a copy thereof, together with a statement of the reasons therefor, shall forthwith be forwarded by the District Magistrate to the Commissioner of the Division comprising the district under the jurisdiction of the District Magistrate and such Commissioner may either confirm or discharge the order: Provided [that before confirming any such order, such Commissioner shall give to persons prevented from exhibiting the film, an opportunity of showing cause against such order, (3) An order made under this section shall remain in force for a period of two months from the date thereof, but the State Government may, in the case of an order made by itself, and the Commissioner may, in the case of an order made by a District Magistrate and confirmed by him, if it or he is of opinion that the order should continue in force, direct that the period of suspension or prohibition shall be extended by such further period or periods as it or he thinks fit

7. If the owner or person in charge of a cinematograph uses the same or allows it to be used for giving an exhibition, or if the owner or occupier of any place permits that place to be used, in contravention of the provisions of this Act or of the rules made thereunder, or of the conditions and restrictions upon or subject to which any licence has been granted under this Act, he shall be punishable with fine which may extend to one thousand rupees and, in the case of a continuing offence, with a further fine which may extend to one hundred rupees for each day during which the offence continues

8. Where the holder of a licence under this Act has been convicted of an offence under section 7 of the Cinematograph Act, 1952, or section 7 of this Act, the licence may be revoked by the licensing authority. 9. (1) The State Government may, by notification in the Official Gazette, make rules for the purpose of carrying into effect the provisions of this Act. (2) In particular and without prejudice to the generality of the foregoing power, rules made under this Act may provide for— (a) the procedure in accordance with which a licence may be obtained and the terms, conditions and restrictions, if any, subject to which a licence may be granted under this Act; (b) the rules, called West Bengal (Regulation of Public Exhibitions) Rules, 1956, made in exercise of the power conferred by this section, see Notification No. 6129P., dated the 10th August, 1956, published in the Gazette, Extraordinary, of the same date. «...h...non...d from time to time». 499 Penalties for contravention of the Act. Power to revoke licence, Power to make rules. 500 Power to discipline. Protection of Government officers of Government for acts done in faith. Validation of transitional provisions. The West Bengal Cinemas (Regulation) Act* 1954, (West Ben. Act (Sections 10-14.) (b) the regulation of cinematograph exhibitions for securing public safety; (c) the conditions subject to which, an appeal under clause (a) of sub-section (4) of section 5 or an application to the State Government for revision under sub-clause (i) of clause (b) of that sub-section may be made; (d) the procedure for appeals and revisions under sub-section (4) of section (e) the payment of fees for a licence under this Act or for a renewal of such licence or for an appeal under clause (a) of sub-section (4) of section 5 or. The State Government may, by order in writing, exempt, subject to such conditions and restrictions as it may impose, any cinematograph exhibition or class of cinematograph exhibitions from any of the provisions of this Act or of any rules made thereunder

11. No suit or proceeding shall lie against the State Government and no suit, prosecution or proceedings shall lie against any officer of Government for anything in good faith done, or intended to be done, under this Act or any rules made thereunder. 12. Any fees realised or purported to have been realised in respect of licences or renewals [hereof granted under the Cinematograph Act, 1954] shall be deemed to have always been validly realised

13. So much of the Cinematograph Act, 1952 as applies to West Bengal, is hereby repealed

14. Notwithstanding anything contained in any other law or in this Act or in the rules made under this Act or in the licence.— (a) licence which was granted or purports to have been granted, under the Cinematograph Act, at (b) a licence which was granted under that Act and purports to have been renewed under this Act but in the form provided under that Act, or words, figures and letters 'or' for an

application revision under sub- clause (i) or clause (b) or that sub-section" were omitted by s. 3 of The West Bengal Cinemas (Regulation) (Amendment) Act, 1976 (West Ben. Act XLVI of 1976), For Order exempting from the provisions of the Act all cinematograph exhibitions held by the Mobile Audio-Visual Units maintained and sponsored by this Government, see Notification No. 9520P.. dated [9.1.1958] published in the Calcutta Gazette of 1958. Part I. page 3690. The Cinematograph Act, 1918 (11 of 1918), was repealed and re-enacted by Cinematograph Act, 1952 (XXXV of 1952), Section 14 was inserted with retrospective effect by s. 2 of the West Bengal Cinemas Act, 1954. XXXIX of 1954.] (Section 15.) (c) a licence which purports to have been granted under this Act, but in the form provided under that Act, shall be deemed, for all purposes, to have been granted under this Act and the conditions and restrictions prescribed by the rules under this Act shall, until a new licence is granted under this Act and the rules made thereunder, be deemed to have been incorporated in such licence: Provided that the licensing authority may grant time, or extend the time so granted, for compliance with any such condition or restriction

115. Notwithstanding anything contained in any other law or in this Act or in the rules made under this Act or in the license, a license granted or renewed under the Bihar Cinemas (Regulation) Act, 1954 shall be deemed for all purposes to have been granted or renewed under this Act and the conditions and restrictions prescribed by the rules under this Act shall, until a new license is granted under this Act, be deemed to have been incorporated in such license: Provided that the licensing authority may grant time, or extend the time so granted, for compliance with any such condition or restriction. This Act was amended to the transferred territories with effect from the 1st July, 1959. subject to the addition of section 15 of the said Act vide s. 3(1) of the West Bengal Transferred (Assimilation of Laws) Act, 1958 (West Ben. Act XIX of 1958), 501 Transitional provisions re licenses under Bihar Act.