

West Bengal Act XXXIX of 1954¹

THE WEST BENGAL CINEMAS (REGULATION) ACT, 1954.

AMENDED

West Ben. Act XVII of 1957.
West Ben. Act XIX of 1958.
West Ben. Act XIII of 1965.
West Ben. Act XLVI of 1976.
West Ben. Act XVII of 1989.
West Ben. Act XIV of 1992.

[29th December, 1954.]

An Act to provide for the regulation 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 Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. (1) This Act may be called the West Bengal Cinemas (Regulation) Act, 1954.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of West Bengal.

(3) It shall come into force² on such date as the State Government may, by notification in the *Official Gazette*, appoint.

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

Definitions.

³(a) "Bengali film" means a film certified to be in Bengali language for public exhibition under any law for the time being in force;

(a) "Calcutta" means the town of Calcutta as defined in the Calcutta Police Act, 1866, together with the suburbs of Calcutta as defined by notification under section 1 of the Calcutta Suburban Police Act, 1866;

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

Ben. Act IV
of 1866.

Ben. Act II
of 1866.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, dated the 20th August, 1956, Part IVA, page 1168; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meetings of the West Bengal Legislative Assembly held on the 13th and 14th September, 1954; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of the West Bengal Legislative Council held on the 20th September, 1954.

²This Act was brought into force with effect from the 1st February, 1955, vide Notification No. 580P., dated the 20th January, 1955, published in the *Calcutta Gazette, Extraordinary*, dated the 20th January, 1955, Part I, page 45.

³Clause (a) was inserted by s. 2(a) of the West Bengal Cinemas (Regulation) (Amendment) Act, 1992 (West Ben. Act XVII of 1992).

(Sections 3-5.)

- (c) "District Magistrate" includes a Deputy Commissioner and means, in relation to Calcutta, the Commissioner of Police, Calcutta;
- ¹(cc) "film" means a cinematograph film;
- (d) "place" includes a house, building, tent, enclosure, open space and any description of transport, whether by land, water or air;
- (e) "prescribed" means prescribed by rules made under this Act;
- (f) "a public exhibition" means an exhibition to which persons are admitted on payment.

Cinematograph exhibitions to be licensed.

3. (1) Save as otherwise provided in this Act, no person shall give a public exhibition by means of a cinematograph elsewhere than in a place in respect of which a licence has been granted under this Act or otherwise than in compliance with any conditions or restrictions imposed by such licence.

(2) The State Government may, if it considers it necessary to do so, make an order for regulating exhibitions other than public exhibitions and prescribe ²rules and conditions for the purpose.

Licensing authority.

4. The authority having power to grant licences (hereinafter referred to as the licensing authority) shall be the District Magistrate within whose jurisdiction the place, where the exhibitions by means of cinematograph are proposed to be given, is situated:

Provided that the State Government may, by notification in the *Official Gazette*, constitute for the whole of West Bengal or any part thereof, such other authority as it may specify in the notification, to be the licensing authority for the purposes of this Act and on such a notification being issued, the District Magistrate or the District Magistrates having jurisdiction in the area or areas in respect of which the notification has been issued shall cease to be the licensing authority or authorities for such area or areas.

Restrictions on powers of licensing authority. Appeal and Revision.

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

¹Clause (cc) was inserted by s.2(b) of the West Bengal Cinemas (Regulation) (Amendment) Act, 1989 (West Ben. Act XVII of 1989).

²For the order—

(a) made under s. 3 of the Act for regulating exhibitions other than public exhibitions and the prescription of rules and conditions for the purpose. *see* the West Bengal Cinematograph (Regulation of Special Exhibition) Order, 1956, published by Order No. 6130P., dated the 10th August, 1956, in the *Calcutta Gazette, Extraordinary*, dated the 10th August, 1956, Part I, pages 1973-1976, as subsequently amended;

(b) made under s. 3 read with s. 9 of the Act, called the West Bengal Cinematograph (Regulation of Private Exhibition) Order, 1958, *see* Order No. 5920P., dated 19.7.58, published in the *Calcutta Gazette, Extraordinary* of 1958, Part I, pages 2582-2584.

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, to 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 licence³[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, may, within such time as may be prescribed, appeal—

- (i) where the licensing authority is the District Magistrate of any district,—to the Commissioner of the Division comprising such district,
- (ii) where the licensing authority is the Commissioner of Police, Calcutta,—to the Commissioner of the Presidency Division in West Bengal, and
- (iii) in any other case,—to such authority as the State Government may, by notification in the *Official Gazette*, specify in this behalf;

¹The words "and the terms and conditions laid down shall include the prescribing of such prices of admission as the licensing authority may determine" were omitted by s. 2(a) of the West Bengal Cinemas (Regulation) (Amendment) Act, 1992 (West Ben. Act XIV of 1992).

²Sub-section (3A) was first inserted by s. 3 of the West Bengal Cinemas (Regulation) (Amendment) Act, 1989 (West Ben. Act XVII of 1989). Later, 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.

³These words within the square brackets were inserted by s. 2(1) of the West Bengal Cinemas (Regulation) (Amendment) Act, 1965 (West Ben. Act VIII of 1965).

(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 ²[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 ³[the licensee] an opportunity of being heard;

⁴(d) (i) an appellate authority while hearing 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.

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

6. (1) The 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 area, as the case may be.

¹Sub-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).

²These 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 restriction subject to which a licence is granted, where no appeal has been preferred under clause (a) from such order" by s. 2(2) of the West Bengal Cinemas (Regulation) (Amendment) Act, 1965 (West Ben. Act XIII of 1965).

³The words within the square brackets were substituted for the words "the applicant or the licensee, as the case may be", by s. 2(b) of the West Bengal Cinemas (Regulation) (Amendment) Act, 1976 (West Ben. Act XLVI of 1976).

⁴Clause (d) was added by s. 2(3) of the West Bengal Cinemas (Regulation) (Amendment) Act, 1965 (West Ben. Act XIII of 1965).

XXXIX of 1954.]

(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.

Penalties for contravention of the Act.

XXXVII of 1952.

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.

Power to revoke licence.

9. (1) The State Government may, by notification in the *Official Gazette*, make rules¹ for the purpose of carrying into effect the provisions of this Act.

Power to make rules.

(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;

¹For the rules, called the West Bengal Cinemas (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 *Calcutta Gazette, Extraordinary*, of the same date. Part I, pages 1040, 1077, as subsequently amended from time to time.

[West Ben. Act

(Sections 10-14.)

- (b) the regulation of cinematograph exhibitions for securing public safety;
- (c) the time within which and 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 5;
- (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 ^{1*} * * *

Power to
exempt.

10. The State Government may, by order in writing, ²exempt, 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.

Protection of
State
Government
and of
officers of
Government
for acts done
in good
faith.

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.

Validation
of fees
already
realised.

12. Any fees realised or purported to have been realised in respect of licences or renewals thereof granted under the Cinematograph Act, 1918³, shall be deemed to have always been validly realised.

II of 1918.

Repeal.

13. So much of the Cinematograph Act, 1918,³ as applies to West Bengal, is hereby repealed.

Transitional
provisions.

⁴14. Notwithstanding anything contained in any other law or in this Act or in the rules made under this Act or in the licence,—

- (a) a licence which was granted or purports to have been granted, under the Cinematograph Act, 1918, or
- (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

¹The words, brackets, figure and letter "or for an application for revision under sub-clause (i) of clause (b) of that sub-section" were omitted by s. 3 of the West Bengal Cinemas (Regulation) (Amendment) Act, 1976 (West Ben. Act XLVI of 1976).

²For 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 19.11.58, published in the *Calcutta Gazette* of 1958, Part I, page 3690.

³The Cinematograph Act, 1918 (II of 1918), was repealed and re-enacted by the Cinematograph Act, 1952 (XXXVII of 1952).

⁴Section 14 was inserted with retrospective effect by s. 2 of the West Bengal Cinemas (Regulation) (Amendment) Act, 1957 (West Ben. Act XXIII of 1957).

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.

'15. 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:

Transitional provisions for licenses under Bihar Act.

Provided that the licensing authority may grant time, or extend the time so granted, for compliance with any such condition or restriction.

¹This Act was extended to the transferred territories with effect from the 1st July, 1959, subject to the addition of section 15 to the said Act *vide* s. 3(1) of the West Bengal Transferred Territories (Assimilation of Laws) Act, 1958 (West Ben. Act XIX of 1958).