

Bihar Cinemas (Regulation) Act, 1954

BIHAR

India

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Act 15 of 1954

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Bihar Cinemas (Regulation) Act, 1954 Act 15 of 1954 Received assent of Governor of Bihar on 17th March, 1954 and published in Bihar Gazette, Extraordinary, dated 19th April, 1954. An Act to make provision for regulating exhibition by means of cinematographs in the State of Bihar. Whereas it is expedient to make provision for regulating exhibitions by means of cinematographs in the State of Bihar. It is hereby enacted as follows:

1. Short title, extent and commencement.

(1) This Act may be called the Bihar Cinemas (Regulation) Act, 1954. (2) It extends to the whole of the State of Bihar. (3) It shall come into force at once.

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context. (a) "adult" means a person who has completed his eighteenth year; (b) "cinematograph" includes any apparatus for the representation of moving pictures or series of pictures; (c) "District Magistrate" includes all Deputy Commissioners, [* * *] [Words 'Additional Deputy Commissioner', Dhanbad and the 'Additional District Magistrate', Saharsa, repealed by B.A.O.L.]. (d) "place" includes a house, building, tent and any description of transport whether by water, land or air; (e) "prescribed" means prescribed by rules made under this Act.

3. Cinematograph exhibition to be licensed.

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

4. Licensing authority.

- The authority having power to grant licences under this Act (hereinafter referred to as the licensing authority) shall be the District Magistrate: Provided that the State Government may, by notification in the Official Gazette, constitute for the whole or any part of the State, such other authority as it may specify in the notification to be the licensing authority for the purposes of this Act.

5. Restriction of powers of licensing authority.

(1) Licensing authority shall not grant a licence under this Act, unless it is satisfied that-(a) the rules made under this Act have been substantially complied with: and (b) adequate precautions have been taken in the place, in respect of which the licence is to give to provide for the safety of persons attending exhibition therein. (2) [Subject to the foregoing provisions of this section and to the control of the State Government, the licensing authority may grant licence under this Act to such persons as that authority thinks fit and on such terms and conditions and subject to such restrictions as it may determine and on payment of such licence fee as may be prescribed in the rule, framed under the said Act subject to a maximum of Rs. 5000.] [Substituted by Act 51 of 1982.] (3) Any person aggrieved by the decision of a licensing authority refusing to grant a licence under this Act may, within such time as may be prescribed appeal to the State Government or to such officer as State Government may specify in this behalf, and the State Government or the Officer, as the case may be, make such order in the case as it or he thinks fit. (4) The State Government may, from time to time, issue directions to licensee generally or to any licensee in particular for the purpose of regulating the exhibition of any film or films, so that scientific films intended for educational purposes, films dealing with news and current events, documentary films or indigenous films secure an adequate opportunity of being exhibited, and where any directions have been issued, those directions shall be deemed to be additional conditions and restrictions subject to which the licence has been granted.

6. Power of the State Government or District Magistrate to suspend exhibition of films in certain case.

(1) The State Government, in respect of the whole State or any part thereof, and the District Magistrate in respect of the local area within his jurisdiction, may, if it or he is of opinion that any film which is being publicly exhibited is likely to cause a breach of the peace, by order, suspend the exhibition of the film, and during such suspension the film shall not be exhibited in the State, part of the State, or local area, as the case may be. (2) Where an order under sub-section (1) has been issued by District Magistrate, a copy thereof together with a statement of reasons therefor, shall forthwith be forwarded by the District Magistrate to the State Government, and the State Government may either confirm or annul the order. (3) Any order made under sub-section (1), shall unless it is annulled by the State Government under sub-section (2) remain in force for a period of two months, by the State Government may, if it is of opinion that the order should continue in force, direct that the period of suspension shall be extended by such further period as it thinks fit.

7. [Penalties. [Substituted by Act 23 of 1992.]

(1) If the owner or person in charge of a cinematograph uses the same or allows it to be used, or if the owner or occupier of any place permits that place to be used in contravention of the provisions of this Act or of the rules made thereunder, or the conditions and restrictions subject to which any licence has been granted under this Act, he shall be liable to punishment with imprisonment of the description for a term which may extend to three years or with fine upto twenty thousand rupees or with both and in case of continuing offence with a further fine which may extend to five thousand rupees for each day during which the offence continues; (2) Any offence punishable under this Act shall be cognizable offence within the meaning of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974); (3) The Chief Judicial Magistrate or any Judicial Magistrate of the first class may try an offence under this Act; (4) No Court shall take cognizance of an offence under this Act except on a complaint made by the District Magistrate or any other officer duly authorised by him; (5) If it is found that cinematograph is being used or has been allowed to be used in contravention of the provisions of this Act or the rules made thereunder the cinematograph film, and appliances may be seized on the order of the District Magistrate; (6) Where the cinematograph, film or any other appliance used for exhibition of films is seized under sub-section (5), it shall be reported without any unreasonable delay to the District Magistrate of the District, and the District Magistrate may, if he thinks expedient so to do, inspect or cause to be inspected the seized articles and decide whether or not the prosecution will be instituted for the contravention of the provisions of this Act, and the District Magistrate, on being satisfied that there has been contravention of the order, may order confiscation of all or any of the seized articles; (7) Appeal. - Any person aggrieved by the order passed by the District Magistrate under sub-section (6) may file an appeal before the Commissioner of Division within 30 days from the date of the order passed by the District Magistrate; (8) Notwithstanding any thing contained in the Code of Criminal Procedure, 1973 (Act 2 of 1974), when the District Magistrate had made seizure under this section, no court shall entertain any application in respect of the seized articles and the jurisdiction of the District Magistrate or the Appellate Authority with regard to the disposal of the same shall be exclusive; (9) The District Magistrate shall, for the purpose of this Act, have the same power as are vested in a court, under the Code of Criminal Procedure for the purpose of making enquiries under this section in respect of- (a) receiving evidence; (b) issuing summons and enforcing attendance of any person and examining him on oath; and (c) compelling production of evidence; (10) All enquiries and proceedings under this section before the District Magistrate and the appellate Authority shall be deemed to be judicial proceeding and while discharging functions under this section, District Magistrate and the Appellate authority shall be deemed to be a court.]

8. Power to revoke or suspend licence.

(1) Where the holder of a licence has been convicted of an offence under section 7 of the Cinematograph Act, 1952 (XXXVII of 1952), or of an offence under section 7 of this Act, or acts in contravention of any of the provisions of this Act or of the rules made thereunder or of the conditions and restrictions upon or subject to which the licence has been granted, the licensing authority may revoke the licence or suspend it for such period as it may think fit. (2) Any person aggrieved by the order of the licensing authority revoking or suspending a licence may, within such

time as may be prescribed appeal to the State Government or such officer as the State Government may specify in this behalf and the State Government or the officer, as the case may be, may pass such order in the case as it or he thinks fit.

9. Power to make rules.

(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, such rules may provide for-(a)[prescribing the terms, conditions, restrictions and imposition of fees subject to which licences may be granted under this Act] [Substituted by Act 51 of 1982 (20.4.1982).];(b)regulating cinematograph exhibitions for securing the public safety;(c)regulating the means of entrance and exit at places licensed under this Act and providing for the prevention of disturbances thereat;(d)regulating or prohibiting the sale of any ticket or pass for admission, by whatever name called, to a place of licensee under this Act;(e)delegation of the power of hearing appeals under sub-section (3) of section 5 and sub-section 8 to any officer subordinate to the State Government; and(f)prescribing the time within which and the conditions subject to which such appeal may be preferred.(3)All rules made under this Act shall be published in the Official Gazette and such publication shall have effect as if enacted in this Act.

10. Power to exempt.

- 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. Repeal of Act 11 of 1918.

- The Cinematograph Act, 1918, in its applications to the State of Bihar and in so far as it relates to matter other than the sanctioning of cinematograph films for exhibition, is hereby repealed.Notifications[No. A/C8-1021/59-P.G. - 1153 the 9th May, 1959, published in Bihar Gazette (extra ordinary) dated 14-5-1959. - In exercise of the powers conferred by subsection (4) of section 5 of the Bihar Cinemas (Regulation) Act, 1954 (XV of 1954) and in supersession of this Department's notification no. I/C2-1082/54 PP-6197, dated the 24th November, 1954, the State Government hereby issues to every licensee under the said Act, the following directions which shall have effect from the date of its issue:

1. The licensee shall so regulate the exhibition of cinematograph films that every performance open to the public approved films are exhibited, the approved films to be exhibited in relation to other films at every such performance being in the same proportion as one is five or the nearest lower or higher approximation thereon.

2. Only such films produced in India as are approved by the Central Government after considering the recommendations of the Film Advisory Board, Bombay, to be scientific films, films intended for educational purposes, films dealing with news and current events or documentary films shall be deemed to be approved films for the purposes of these directions.

3. Nothing contained in these directions shall be construed as requiring the licensees-

(a) to exhibit at any performance more than 2,000 feet of approved films of 35 mm size or the corresponding footage of approved films of 16 mm. size: or (b) to exhibit any approved film for more than two weeks continuously; or (c) to re-exhibit any approved film which has been shown for two continuous weeks: or (d) to exhibit approved films to the full extent indicated hereinbefore in the event to sufficient number of length of approved films not being available for the time being.

4. For the purpose of counting the corresponding footage of films of 16 mm, size in relation to films of 35 mm. size, 400 feet of films of 16 mm, size shall be deemed to be equivalent to 1,000 feet of 35 mm, size.]

No. 1/C-104/56-P.P. - 3824 dated 12th June, 1955. - In exercise of the power conferred by Section 10 of the Bihar Cinemas (Regulation) Act, 1954 (Bihar Act XV of 1954), the State Government hereby exempt Cinematograph exhibition of films in the premises of the Administrative Training School, Ranchi/College of Civil Engineering, Muzaffarpur/Bihar Institute of Technology, Sindri, from the operation of Section 3 of the aforesaid Act with effect from the date of this order subject to the following conditions, namely:-(1) Only films of a predominantly educational nature, certified as such by the Central Board of Film Censor or a former State Board or films approved by the film advisory Board Bombay to be scientific films, films intended for educational purposes, films dealing with news and current events or documentary films shall be exhibited or permitted to be exhibited. (2) No admission fee except to the extent required to cover expenses, shall be charged. (3) No person other than students and staff of the Institutions, Members of the Managing Committees of the Institutions and any guests specially invited by the authorities or the Institutions and those enumerated under condition (8) below shall be admitted to the show. (4) Only non-inflammable films and film strips shall be exhibited or permitted to be exhibited. (5) No advertisement film shall be exhibited or permitted to be exhibited. (6) All Institutions, which avail themselves of this exemption shall maintain a register of the films exhibited and comply with any other directions that may be issued in this behalf by the State Government. The register shall be open to inspection by duly authorised officers of the State Government. (7) This exemption shall be valid for a period of one year with effect from the date of issue of this notification, unless revoked earlier. (8) Employees of the State Government, members of the Central Board of Film Censors and its Advisory Panels and Regional and Assistant Regional.

No. 1/C2-1031/56 P.P. 2734, dated 20th April, 1956. - In exercise of the powers conferred by Section 10 of the Bihar Cinemas (Regulation) Act, 1954 (Bihar Act XV of 1954), the State Government thereby exempt Cinematograph exhibition of film in the premises of

Colleges/Schools and other educational institutions recognised by the Universities/Education Department, throughout the State of Bihar from the operation of Section 3 of the aforesaid Act with effect from the date of this order subject to the following conditions namely:-

- (1) Only films of educational nature, certified as such by the Central Board of film Censors or one of the former State Boards or films approved as Scientific films, films dealing with news and current events or documentary films approved by the Film Advisory Board shall be exhibited or permitted to be exhibited.
- (2) No admission fee, except to the extent required to cover expenses, shall be charged.
- (3) No person other than students and staff of the Institution, members of the Managing Committees of the Institutions and guests specially invited by the Authorities or the Institutions and those enumerated under condition (8) below shall be admitted to the show.
- (4) Only non-inflammable films and film strips shall be exhibited or permitted to be exhibited.
- (5) No advertisement film shall be exhibited or permitted to be exhibited.
- (6) All Institutions, which avail themselves of this exemption shall maintain a register of the films exhibited and comply with any other direction that may be issued in this behalf by the State Government. The register shall be open to inspection by duly authorised officers of the State Government.
- (7) This exemption shall be valid for a period of one year with effect from the date of issue of this notification, unless revoked earlier.
- (8) Employees of the State Government, members of the Central Board of Film Censors and its Advisory Panels and Regional and Assistant Regional Officers of the Board engaged in the discharge of their official duties shall be admitted to the place where the exhibitions are held and to the films.

No A/C8-1012/56-P.G./2187 dated 25th October, 1956. - In exercise of the powers conferred by Section 10 of the Bihar Cinemas (Regulation) Act, 1954 (Bihar Act XV of 1954), the State of Government hereby exempt Cinematograph Exhibition of Films in the premises of the Central Training Institute at Bombay, Ranchi from operation of Section 3 of the aforesaid Act with effect from the date of this order subject to the following conditions, namely:-

- (1) Only films of a predominantly educational nature certified as such by the Central Board of Films Censors or a former State Board or Films approved by the Film Advisory Board, Bombay to be scientific films, intended for educational purposes, films dealing with news and current events or documentary films shall be exhibited or permitted to be exhibited.
- (2) No admission fee except to the extent required to cover expenses shall be charged.
- (3) No person other than students and staff of the Institutions, members of the Managing Committees of the Institutions and any guests specially invited by the authorities of the Institutes and those enumerated under condition (8) below shall be admitted to the show.
- (4) Only non-inflammable film and film strips shall be exhibited or permitted to be exhibited.
- (5) No advertisement films shall be exhibited or permitted to be exhibited.
- (6) All Institutes which avail themselves of this exemption shall maintain a register of the films exhibited and comply with any other directions that may be issued in this behalf by the State Government. The register shall be open to inspection by duly authorised officers of the State Government.
- (7) This exemption shall be valid for a period of one year with effect from the date of issue of this notification, unless revoked earlier.
- (8) Employees of the State Government, members of the Central Board of Films Censors and its Advisory Panels and Regional and Assistant Regional Officers of the Board engaged in the discharge of their official duties shall be admitted to the place where the exhibitions are held and to the Film shows.

[S.O.119, dated 29th December, 2005.] [Published in Bihar Gazette (Extra-ordinary) dated 29.1.2005.] - In exercise of the powers conferred by sub-section (2) of Section 10 of the Bihar Entertainment Tax Act, 1948 and upon being satisfied that it is necessary so to do in the interest of the State the Governor of Bihar is pleased to exempt, subject to the conditions

and restrictions specified in column 3 of the table appended hereto, the entertainment specified in column 2 for the period specified in column 4 thereof-Table

Sl. No.	Nature of the Entertainment	Conditions and restrictions	Period
(1)	(2)	(3)	(4)
1.	Theatres in which upgradation regarding modern sound system/Air-conditioner/generating set/furniture has been effected or theatres effecting expansion modernization.	1. The Theatre commences commercial exhibition after making incremental capital investment of a minimum of Rs. One crore upto 31.03.2010 in respect of upgradation regarding modern sound system/Air conditioner/generating set/furniture or expansion/modernization and the capital investment has been certified by the Licensing Authority. 2. The owner of the theatre shall apply for exemption to the Joint Commissioner (Admn.) in Form I one month before commencing commercial exhibition in the upgraded theatre and the Joint Commissioner (Admn.) shall issue the exemption certificate in Form II upon the production of the certificate regarding total capital investment issued by the Licensing Authority.	Two years.
2.	New Twin Digital Cinema Centres making a capital investment of minimum of Rs. 1.5 crores.	1. The New Twin Digital Cinema Centre commences commercial exhibition after making capital investment of a minimum of Rs. 1.5 crores upto 31.03.2010 and the capital investment has been certified by the Licensing Authority. 2. The owner of the theatre shall apply for exemption to the Joint Commissioner (Admn.) in Form I one month before commencing commercial exhibition in the upgraded theatre and the Joint Commissioner (Admn.) shall issue the exemption certificate in Form II upon the production of the certificate regarding total capital investment issued by the Licensing Authority.	Three years
3.	Multiplexes in which a minimum of three cinema theatres have been constructed	1. Multiplexes commencing commercial exhibition after, making capital investment of a minimum of Rs. 3 crores upto 31.03.2010 in the construction of at least three cinema	Five years.

theatres and the capital investment has been certified by the Licensing Authority. 2. The owner of the theatre shall apply for exemption to the Joint Commissioner (Admn.) in Form 1 one month before commencing commercial exhibition in the upgraded theatre and the Joint Commissioner (Admn.) shall issue the exemption certificate in Form II upon the production of the certificate regarding total capital investment issued by the Licensing Authority.

2. This notification shall come into force with effect from the date of issue.

Form I Application for exemption from tax under Notification No. S.O. dated.....

1. Name and complete address of the owner.

2. Nature of business (e.g., Proprietorship, Partnership, Hindu Undivided Family, Company, etc.).

3. Nature of entertainment.

4. Name and complete address of the Theatre/New Twin Digital Cinema Centre/Multiplex.

5. Date of commencement of upgradation of the theatre/New Twin Digital Cinema Centre/Multiplex.

6. Amount of Capital Investment.

7. Estimated date of commencement of commercial exhibition.

8. Dues in relation to the theatres (in case of upgradation).

I/We hereby declare that the information furnished above is true and correct to the best of my knowledge. I/We shall furnish the required certificate issued by the Licensing Authority within seven days of the commencement of commercial exhibition by me/us. Date _____ Place _____ Signature of the applicant _____ Status in relation to the owner (The application shall be signed by the owner of the business in case of a proprietorship firm, the Karta in the case of Hindu Undivided Family, the authorized partner in case of a partnership firm, the principle Executive Officer in case of a Company or Corporation and the In-charge in the case of a Society, Club, Association or a Department of the Government.) Form II Certificate of exemption under Notification No. S.O. Dated.....

- 1. Name and complete address of the owner.**
- 2. Nature of business (e.g. Proprietorship, Partnership, Hindu Undivided Family, Company, etc.).**
- 3. Nature of entertainment.**
- 4. Name and complete address of the Theatre/New Twin Digital Cinema Centre/Multiplex.**
- 5. Date of commencement of upgradation of the theatre/New Twin Digital Cinema Centre/Multiplex.**
- 6. Amount of Capital investment.**
- 7. Date of submission of application.**
- 8. Date of issuance of certificate by Licensing Authority.**
- 9. Period of exemption.**
- 10. Name and designation of the officer issuing the exemption certificate.**

DatePlaceOfficeSeal Joint Commissioner of Commercial Taxes
(Admn.).....Division.....[S.O.121, dated 29th December, 2005.] [Published in Bihar Gazette (Extra-ordinary) dated 29.12.2005.] - In exercise of the powers conferred by sub-section (1) of Section 3 of the Bihar Entertainment Tax Act, 1948 and upon being satisfied that it is necessary so to do in the interests of the State the Governor of Bihar is pleased to specify the rate of entertainment tax at 50 per centum.

- 2. This notification shall come into force with effect from the date of issue.**