

# The Maharashtra Cinemas (Regulation) Act, 1953

MAHARASHTRA

India

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### Act 11 of 1953

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The Maharashtra Cinemas (Regulation) Act, 1953 Act No. 11 of 1953 For Statement of Objects and Reasons, see Bombay Government Gazette, 1952, Part 5, page 225. (This Act received the assent of the Governor on 15th April, 1953; assent was first published in the Bombay Government Gazette, Part IV, on the 17th April, 1953.) An Act to provide for regulating exhibition by means of cinematographs and the licensing of places in which cinematograph films are exhibited in the [State of Maharashtra] [These words were substituted for the words 'State of Bombay' by Maharashtra 12 of 1960, Section 3.]. Whereas it is expedient to provide for regulating exhibition by means of cinematographs and the licensing of places in which cinematograph films are exhibited in the [State of Maharashtra] [These words were substituted for the words 'State of Bombay' by Maharashtra 12 of 1960, Section 3.]; It is hereby enacted as follows :-

### 1. Short title, extent and commencement.

(1) This Act may be called [the Maharashtra Cinemas (Regulation) Act] [This short title was substituted for the short title 'the Bombay Cinemas (Regulation) Act, 1953' by Maharashtra 24 of 2012, Schedule entry No. 47, (w.r.e.f. 1-5-1960).]. (2) [It extends to the whole of, the State of Maharashtra] [Sub-section (2) was substituted for the original by Maharashtra 12 of 1960, Section 4(i).]. (3) It shall come into force [in the pre-Reorganisation State of Bombay] [These words were inserted by Maharashtra 12 of 1960, Section 4.(ii).] on such date as the State Government may, by notification in the Official Gazette, [appoint; and in the remaining part of the State of Maharashtra it shall come into force on the commencement of the Bombay Cinemas (Regulation) (Extension and Amendment) Act, 1960] [This portion was substituted for the word 'appoint', by Maharashtra 12 of 1960.].

### 2. Definition.

- In this Act, unless there is anything repugnant in the subject or context, -(a) "cinematograph" includes any apparatus for the representation of moving pictures or series of pictures; (b) "licensing

authority" means the authority empowered to grant licences under section 4;(c)"place" includes a house, building, tent and any description of transport, whether by sea, land or air;(d)"prescribed" means prescribed by rules made under this Act.

### **3. Cinematograph exhibition to be licensed.**

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

### **4. Licensing Authority.**

- The authority having power to grant licences under this Act, shall be-(i)in Greater Bombay, the Commissioner of Police, Greater Bombay;(ii)in other areas for which a Commissioner of Police is appointed under section 7 of the Bombay Police Act, 1951, such Commissioner; and(iii)elsewhere, the District Magistrate:Provided that the State Government may, by notification in the Official Gazette, constitute for the whole or any part of the [state of Maharashtra] [These words were substituted for the words 'Bombay area of the State of Maharashtra' by Maharashtra 12 of 1960.] such other authority as it may specify in the notification to be licensing authority for the purposes of this Act.

### **5. Restrictions on powers of licensing authority.**

(1)The licensing authority shall not grant a licence under this Act unless it is satisfied that-(a)the rules made under this Act have been substantially complied with; and(b)adequate precaution have been taken in the place, in respect of v the licence is to be given, to provide for the safety of persons attending exhibit'^ therein.(2)Subject to the provision of sub-section (1), the licensing authority may [with the previous sanction of the State Government] [These words were inserted by Maharashtra 2 of 1973, Section 2.] grant licences under this Act to such persons as that authority thinks fit [on payment of such fees,] [These words were inserted by Maharashtra 19 of 1961, Section 2.] and on such terms and conditions and subject to such restrictions as may be prescribed [or may, after recording in writing its reasons therefor, refuse to grant any such licence.] [These words were added by Maharashtra 12 of 1960, Section 6 (ii).](3)The State Government may, from time to time, issue direction to licensees generally or to any licensee in particular for the purpose of regulating the exhibition of any film or class of films so that scientific films, films intended for educational purposes, films dealing with news and current events, documentary films or indigenous films secure an adequate opportunity of being exhibited, and where any such directions have been issued, those directions shall be deemed to be additional conditions and restrictions subject to which the licence has been granted.

### **6. Power of State Government or licensing authority to suspend exhibition of films in certain cases.**

(1)The State Government in respect of the whole [of the [State of Maharashtra] [These words were substituted for the words 'of the State' by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956, Schedule.] ] or any part thereof or the licensing authority in respect of the area within its jurisdiction, may, if it is of opinion that any film which is being publicly exhibited is likely to cause a breach of public order, by order, suspend the exhibition of the film and during such suspension such film shall be deemed to be an uncertified film [in the area specified in the order.] [These words were substituted for the words 'in the State, part or area as the case may be' by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order. 1956, Schedule.](2)When an order under sub-section (1) has been issued by the licensing authority a copy thereof together with a statement of reasons therefor shall forthwith be forwarded by the licensing authority to the State Government and' the State Government may either confirm or annul the order.(3)An order made under sub-section (1) shall, unless it is annulled by the State Government under sub-section (2), remain in force for a period of two months from the date thereof but the State Government may, if it is of opinion that the order should continue in force, extend the period of suspension from time to time for such further period as it thinks fit.

## **7. [ Penalties for contravention of Act. [Section 7 was substituted for the original by Maharashtra 19 of 1961, Section 3.]**

- [(1)] If a cinematograph, or any placed licensed under this Act, is used in contravention of the provisions of this Act, or of the rules made thereunder, or of the conditions and restrictions upon or subject to which any licence has been granted under this Act, [or if a cinematograph is used by any person in any place of which a licence granted under this Act is revoked or suspended under section 8,] [This portion was inserted by Maharashtra 12 of 1960, Section 2(a).] or if any person in charge of a cinematograph contravenes any of the conditions or restrictions imposed by an order of exemption made under section 10, then the owner, or person in charge of the cinematograph, or the occupier of the place, as well as the managers, servants or agents of the person to whom the licence is granted, shall be guilty of an offence; and shall, on conviction, [shall be punished with imprisonment for a term which may extended to three months or with fine which may extend to five thousand rupees or with both; and in the case of a continuing offence, a further fine which may extend to five hundred rupees for each day during which the offence continues after conviction for the first such offence:] [This portion was substituted for the portion beginning with the words 'be punished with fine' and ending with the words 'first such offence' by Maharashtra 34 of 1975, Section 2.] Provided that, a person to whom a licence is granted shall not be guilty of an offence as aforesaid, if he proves that any offence committed by any person in his employ or on his behalf took place without his knowledge and consent, and that the employee or agent was not acting with his express or implied permission, and that he exercised all due diligence to prevent the commission of the offence or its continuation.](2)[ If it appears to the court taking cognizance of an offence, under this Act, on taking such evidence as it may deem necessary, that the accused person is giving an exhibition in or at any place by means of a cinematograph without a licence granted under this Act, or in contravention of any conditions and restrictions imposed by such licence or by an order made under section 10, or when a licence is revoked or suspended under section 8, the court may order-(a)that the place in or at which such exhibition is being given shall be sealed and(b)that a cinematograph together with the machinery, appliances and apparatus, if any, be seized and kept in the custody of

the licensing authority, until the complaint is finally disposed of.(3)Where under sub-section (2), the court makes an order to seal the place and seize the cinematograph and the machinery, appliances and apparatus, it may, in that order, direct that the police shall render necessary help to the licensing authority in complying with the order so made.(4)Where any such accused person has been convicted for contravention of the provisions of the Act, the cinematograph and the machinery, appliances and apparatus seized under sub-section (2) may be forfeited to the State Government, and in case where such person is acquitted or discharged, the licensing authority shall remove the seal of the place sealed under sub-section (1) and the cinematograph and the machinery, appliances and apparatus seized and kept in the custody of the licensing authority, shall be returned to him.] [Sub-sections (2), (3) and (4) were added by Maharashtra 20 of 1991, Section 2(b).]

## **8. Power to revoke or suspend licence.**

- In the event of any contravention by the holder of a licence of any of the provisions, of this Act or the rules made thereunder or of any of the conditions or restrictions upon or subject to which the licence has been granted to him under this Act [or of any of the conditions or restrictions imposed by an order of exemption made under section 10] [These words and figures were inserted by Bombay 38 of 1955, Section 3.], or in the event of his conviction of/an offence under section 7 of this Act or section 7 of the Cinematograph Act, 1952, [or on receipt of recommendation from the Collector under section 9D of the Bombay Entertainments Duty Act, 1923,] [These words, figures and letter were inserted by Maharashtra 7 of 1987, Section 15.] [the licensing authority may by order revoke the licence] [These words were substituted for the words 'the licensing authority may revoke the licence' by Maharashtra 34 of 1975, Section 3(a).] or suspend it for such period as it may think fit [but such order shall not take effect until the period of appeal prescribed against such order has expired:] [These words were added by Maharashtra 12 of 1960, Section 3(b).][Provided that, no licence shall be revoked or suspended, unless the holder thereof has been given reasonable opportunity to show cause.] [This proviso was added by Maharashtra 12 of 1960, Section 8.]

### **8A. [ Appeal. [This proviso was added by Maharashtra 12 of 1960, Section 8.]**

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

### **8B. Revision.**

- The State Government may, either of its own motion or, upon an application made by an aggrieved person within such period as may be prescribed call for and examine the record of any order made by a licensing authority under this Act, and pass such order thereon as it thinks just and proper:Provided that,-(i)when rejecting an application for revision under this section, the State Government shall record its reasons for such rejection; and(ii)before any order is passed under this section, which is likely to affect any person adversely, such person shall be given a reasonable opportunity of being heard.

## **8C. Delegation of powers.**

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

## **9. Power to make rules.**

(1)The State Government may, by notification in the Official Gazette, make rules for the purposes of carrying into effect the provisions of this Act.(2)In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely :- (a)prescribing the procedure in accordance with which a licence may be obtained and the terms, conditions and restrictions, if any subject to which licences may be granted under this Act;[(a-i) prescribing the period within which an appeal may be made under section 8A, or a revision application under section 8B;] [Clause (a-i) was inserted by Maharashtra 12 of 1960, Section 10(1).](b)providing for the regulation of cinematograph exhibition for securing the public safety;(c)regulating the means of entrance and exit it places licensed under this Act; and providing for prevention of disturbances thereat;(d)regulating or prohibiting the sale of any ticket or pass for admission by whatever name called to a place licensed under this Act.(3)[ In making rules under this section the State Government may provide that any person failing to comply with or contravening the provision of any rule [shall, on conviction in respect of an offence not falling under section 7, be punished with imprisonment for a term which may extend to three months or with fine which may extend to five thousand rupees or with both; and in the case of a continuing offence, a further fine which may extend to five hundred rupees for each day during which the offence continues after conviction for the first such offence.] [These sub-sections were added by Bombay 38 of 1955, Section 4.] [A failure to comply with, or a contravention of the provision of a rule made under clause (d) of sub-section (2) or a contravention of the provision of a rule made under clause (d) of sub-section (2) shall be a cognizable offence within the meaning of the Now read the [Code of Criminal Procedure, 1898] [This portion was added by Maharashtra 19 of 1961, Section 4.] .](4)The power to make rules under this section shall be subject to the condition of previous publication.](5)[ All rules made under this section shall be laid for not less than thirty days before each House of the State Legislature as soon as possible after they are made, and shall be subject to such modification as the State Legislature may make, during the session in which they are so laid or the session immediately following, and publish in the Official Gazette.] [Sub-section (5) was added by Maharashtra 12 of 1960, Section 10(2).]

## **10. Power to exempt.**

- The State Government [or the Commissioner] may by order in writing exempt, subject to such conditions and restrictions as it [or he] [These words were inserted by Bombay 8 of 1958, Section 3, Schedule.] 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 II of 1918.

- The Cinematograph Act, 1918, in its application to the [Pre-Reorganisation [State of Bombay] [These words were substituted for the words 'State of Bombay' by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.] and in so far as it relates to the regulation of exhibition by means of cinematograph (including licensing of places in which cinematograph films are exhibited), is hereby repealed.

## 12. [ Further repeal and savings. [Section 12 was added by Maharashtra 12 of 1960, Section 11.]

- On the commencement of this Act in the Vidarbha and Hyderabad areas of the State of Maharashtra to which it is extended by the Bombay Cinemas (Regulation) (Extension and Amendment) Act, 1960 the following laws that is to say, - (i) The Madhya Pradesh Cinemas (Regulation) Act, 1952; (ii) The Hyderabad Cinemas (Regulation) Act, 1952; shall stand repealed: Provided that such repeal shall not affect - (a) the previous operation of any laws so repealed or anything duly done or suffered thereunder; or (b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed; or (c) any penalty incurred in respect of anything done against any law so repealed; and any investigation, proceedings or remedy in respect of such right, privilege, obligation, liability or penalty as aforesaid may be instituted continued or enforced and any such penalty may be imposed as if the Bombay Cinemas (Regulation) (Extension and Amendment) Act, 1960 had not been passed: Provided further that, subject to the preceding proviso, anything done or action taken (including any appointment made, notification, order or direction issued, licence granted or rules made) by or under the laws so repealed, shall be deemed to be done or taken under the corresponding provisions of this Act, and shall continue in force accordingly, unless and until superseded by anything done or any action taken under this Act]. Notifications G. N., H. D. (Special) No. BCR. 5399/104/SPL-5, dated the 15th November, 1999 (M.G. Part 4-B. Ext page 1503) - In pursuance of the Provisions of instruction 4 of the Instructions issued under rule 15 of the Rules of Business made under clause (3) of Article 166 of the constitution of India by the Governor of Maharashtra, read with rule 6 of the said Rules and in supersession of the Order, Home Department, No. BCR. 5399/82/SPL-5, dated the 27th September 1999, the Government of Maharashtra hereby empowers the Principal Secretary (Appeals and Security) to the Government, Home Department to exercise all the powers of the State Government under sections 8-A and 8-B of the Bombay Cinemas (Regulation) Act, 1953 (Bombay XI of 1953). G.N., H.D., No. BCR. 0772/2/L-79-11, dated 17th April, 1973 (M.G., Part 4-B, page 867) - In pursuance of sub-rule (5-A) of rule 9 of the Maharashtra Cinemas (Regulation) Rules, 1966, the Government of Maharashtra hereby notifies the town Sailu (District Parbhani) to be the local area for the purpose of the said sub-rule (5-A). G. N., H. D., No. BCR. 1163-XVI, dated 7th June, 1967 (M. G., Part 4-B, page 1682) - In pursuance of sub-rule (5A) of rule 9 of the Maharashtra Cinemas (Regulation) Rules, 1966, the Government of Maharashtra hereby notifies the following local areas for the purpose of the said sub-rule (5A), namely: - (1) Greater Bombay. (2) Poona City. (3) Nagpur City. G. N., H. D., No. BCR. 1268-XVI, dated 24th February, 1969 (M. G., Part 4-B, page 342) - In pursuance of sub-rule (5A) of rule 9 of the Maharashtra Cinemas (Regulation) Rules, 1966, the Government of Maharashtra hereby notifies the following local areas for the purpose of the said sub-rule (5A), viz.

:- (1) Ahmednagar City. (2) Akola City. (3) Amravati City. (4) Kolhapur City. (5) Malegaon City. (6) Nasik City. (7) Sholapur City. (8) Thana City. (9) Ulhasnagar Township. G. N., H. D., No. BCR. 1268-XVI, dated 19th May, 1969 (M. G., Part 4-B, page 708) - In pursuance of sub-rule (5A) of rule 9 of the Maharashtra Cinemas (Regulation) Rules, 1966, the Government of Maharashtra hereby notifies the Panchgani Hill Station Municipal area within the jurisdiction of the Panchgani Hill Station Municipal Council in the Satara District to be the local area for the purpose of the said sub-rule (5A). G. N., H. D., No. BCR. 4269/G-198-XVI, dated 17th October, 1969 (M. G., Part 4-B, page 1600) - In exercise of the powers conferred by section 10 of the Bombay Cinemas (Regulation) Act, 1953 (XI of 1953), the Government of Maharashtra hereby exempts the Cinema Exhibitors in the State from the directions contained in Government Notification, Home Department, No. BCR. 5059/28848-XVI, dated the 20th February 1969, regarding the compulsory exhibition of approved films at each show on those days on which they will show one of the following nine extra lengthy shorts (exceeding 2000 feet) on Mahatma Gandhi at one or more of the day's shows:-

Serial No.	Title	Length
1	Birth of Satyagraha	.. .. . 3,224 feet.
2	Emergence of Gandhi	.. .. . 2,018 feet.
3	The Great Trial	.. .. . 2,075 feet.
4	The Epic March	.. .. . 3,682 feet.
5	The Nation's Representative	.. .. . 4,012 feet.
6	Call of the villages	.. .. . 2,113 feet.
7	Quit India	.. .. . 3,029 feet.
8	Hour of Destiny	.. .. . 2,080 feet.
9	India Liberated	.. .. . 2,011 feet.

**2. Government also exempts the Cinema Exhibitors from the operation of condition No. 24 of Cinema Licence on all those days on which the above extra lengthy shorts are shown at one or more shows and permits the exhibition of films upto to 1 a. m. on those days only.**

G. N., H. D., No. BCR-1074-XXVI, dated 19th November, 1975 (M. G., Part 4-B, page 1183) - In exercise of the powers conferred by sub-section (2) of section 1 of the Bombay Cinemas (Regulation) (Amendment) Act, 1975 (Maharashtra XXXIV of 1975), the Government of Maharashtra hereby appoints the 1st day of December 1975 to be the date on which the said Act shall come into force. G. N., H. D., (Poll), No 671/7-1, dated 14th December, 1953 (M. G., Part 4-B, page 2565) - In exercise of the powers conferred by sub-section (3) of section 1 of the Bombay Cinemas (Regulation) Act, 1953 (Bombay XI of 1953), the Government of Bombay is pleased to appoint the 1st January 1954 as the date on which the said Act shall come into force. Amended by G. N., H. D., (Special), No. BCR-5377/2247-SPL-5, dated 24th October, 1980 (M. G., Part 4-B, page 1071). G. N., H. D., No. BCR-5067/55163-XVI, dated 7th November, 1967 (M. G., Part 4-B, page 2370) - In exercise of the powers conferred by sub-section (3) of section 5 and section 9 of the Bombay Cinemas (Regulation) Act, 1953 (Bombay XI of 1953), and in supersession of all the directions now in force in this behalf, the Government of Maharashtra hereby issues to every person holding a licence under the said Act

in the State of Maharashtra the following directions, namely:-

**1. The licensee shall so regulate the exhibition of cinematograph films that, at every performance open to the public [approved films are exhibited in entirety, that is to say, from the beginning to the end, after the advertisement shorts and immediately before the main film] the approved films to be exhibited in relation to other films at every such performance being in the same proportion as one is to five or the nearest lower or higher approximation thereto.**

**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 licensee-**

(a) to exhibit at any performance more than 2,000 feet of approved films of 35mm. 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 of sufficient number of length of approved films not being available for the time being.

**4. For the purpose of computing 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 films of 35 mm. size.**

**5. The licensee, shall produce a certificate from the Films Division that he has made arrangement with the office of the films Division for supply of approved films.**

G.O., H. D., No. BCR-6563/53483-XVI, dated 6th March, 1968 (M. G., Part IV-B, page 361) - 1. In exercise of the powers conferred by sub section (3) of section 5 of the Bombay Cinemas (Regulation) Act, 1953 (Bombay XI of 1953), the Government of Maharashtra hereby directs that, subject to sufficient number of Marathi films being available for exhibition, every licensee shall reserve not less than four weeks in a year for the exhibition of Marathi films in his cinema theatre licensed under the said Act; and the licensee shall, not less than sixty days before the expiry of the year, report to the licensing authority the number of weeks during which Marathi films were exhibited in



his cinema theatre.

**2. If the licensee fails to reserve four weeks for exhibition of Marathi films, till such report is made, he shall, within fifteen days from the date of his report, explain in writing to the licensing authority his reasons for not reserving the cinema theatre for the minimum number of weeks; and then act according to the orders of the licensing authority.**

Explanation. - if any question arises, whether sufficient number of Marathi films are available for exhibition, the licensing authority shall decide the question, regard being had to the position of distribution of Marathi films in the State, and the explanation of the licensee in writing for his failure to exhibit Marathi films or for his rejection of available Marathi films. G. N., H. D., No. BCR-5383/PH/SPL-5, dated 25th October, 1983 (M. G., Part 4-B, page 1482) - Whereas Government of Maharashtra in exercise of the powers conferred by sub-section (3) of section 5 and section 9 of the Bombay cinemas (Regulation) Act, 1953 (Bombay XI of 1953), by Government Notification, Home Department, No.BCR.5067/55163-XVI, dated the 7th November 1967 (hereinafter referred to as "the said notification"), issued certain directions to every person holding a licence under the said Act in the State of Maharashtra; And whereas it is expedient to issue certain additional directions to such persons; Now, therefore, in exercise of the powers conferred by sub-section (3) of section 5 of the Bombay Cinemas (Regulation) Act, 1953 (Bombay XI of 1953), the Government of Maharashtra hereby issues the following additional directions to every person holding a licence under the said Act in the State of Maharashtra, namely:-(1) Every licensee shall exhibit one approved film on public health in addition to the approved film to be exhibited in pursuance of the directions issued under the said notification free of charge within the screening time mentioned in direction No. 1 in the said notification, at the beginning of each show in his cinema theatre licenced under the said Act.(2) The length of the approved film on public health shall be approximately 300 metres in 35 mm. size with the screening time of not more than 10 minutes.(3) The licensee shall exhibit the said approved film at the beginning of each show.(4) Notwithstanding anything contained in clauses (b) and (c) of condition No. 3 mentioned in the said notification, the approved film on public health shall be exhibited by the licensee till another approved film on public health is supplied in its place to him.