

The Censorship of Films Act, 1963

THE CENSORSHIP OF FILMS ACT, 1963.

Act No. XVIII of 1963

[As amended by President's Order No 41 of 1972]

AN ACT

To provide for the censorship of cinematograph films and for the decertification of certified films on certain grounds.

WHEREAS it is expedient to provide for the censorship of cinematograph films and for the decertification of certified films in the interest of law and order, or in the interest of local film industry, or in any other national interest and matters incidental thereto or connected therewith;

AND WHEREAS the national interest of in relation to planning and co-ordination and the achievement of uniformity as are referred to in paragraph (5) and (c) of clause (2) of Article 131 of the constitution requires Central legislation in the matter.

It is hereby enacted as follows:

1. Short title, extent and commencement.- (1) This Act may be called the Censorship of Films Act, 1963.

2. It extends to the whole of 1 [Bangladesh].

3. It shall come into force at once.

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

(a) 2["Board" means the Board constituted under section 3;]

(b) "certificate" means a certificate granted under sub-section (2) of section 4;

(c) "certified film" means a film in respect of which a certificate is granted under

sub-section (2) of section 4, or has, at anytime before the commencement of this Act, been granted under sub-section (2) of section 7 of the Cinematograph Act, 1918 (II of 1918);

3[(cc) "Chairman" means Chairman of the Board;]

4[(ccc) "Cinematograph" has the same meaning as assigned to it under section 2 of the

Cinematograph Act, 1918 (II of 1918);]

5[(cccc)"Deputy Commissioner" includes any other officer of the district authorized by

the Deputy Commissioner to exercise any power conferred, or to perform any duty imposed, on the Deputy Commissioner by or under this Act;"]

(d) "film" means a cinematograph film;

(e) "Government" means Government of the People's Republic of Bangladesh.

6[(ee) "member" means member of the Board;]

(f) "prescribed" means prescribed by rules made under section 10; and

7[(ff) "publicity materials" means publicity materials of a film as specified in sub-

section(1) of section 6A.]

(g) "uncertified film" means a film in respect of which no certificate has been granted, and includes a film which is deemed to be uncertified film under any provision of this Act 8[and rules made thereunder.]

1. Substituted for the word 'Pakistan' by Article 2 of P.O.No 41 of 1972.

2. Substituted for 'clause (a)' by article 2 of The Censorship of Films (Amendment) Act, 2006. (Act No I of 2006)

3. Inserted by article 2, ibid.

4. Ditto.

5. Ditto.
6. Ditto.
7. Ditto.
8. Ditto

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9[3. Constitution of Board.- The Government may, by notification in the Official Gazette, constitute a Board to be called Bangladesh Film Censor Board, which shall consist of a Chairman and such number of members, not exceeding fourteen, appointed by the Government for the purpose of examining and certifying films for public exhibition in Bangladesh.]

10[4. Certification of films.- (1) A person may submit a film to the [Board], together with an application in the prescribed form, for granting a certificate that the film is suitable for public exhibition:

Provided that the 11[Board] shall not accept any features film, not being a foreign film, for the purpose of examining its suitability for public exhibition if the total length thereof exceeds fourteen thousand feet, except where, on a request from the film producer, the Government has, for any special reason, previously agreed to relax the said limit, and]

(2) If the 12[Board] after examination considers that a film is suitable for public exhibition, it shall grant a certificate to that effect to the person applying for the same and cause the film to be marked in such manner as may be prescribed.

(3) A certificate granted under sub-section (2) shall subject to the provisions of this Act, be valid for the whole of Bangladesh for such period, if any, as may be specified in the certificate.

(4) Where any period is specified under sub-section (2) the 13[Board] may, on application in this behalf, extend such period, or the period so extended, or dispense with the period so specified or extended.

14[(5) If the Board, after examination under section 4A, considers that-

(a) a film is not suitable as per Rules framed under this Act for public exhibition in Bangladesh, it shall refuse to grant the certificate of the film for public exhibition and shall inform the decision of refusal to the person applying for the certificate within fifteen days from the date of its decision;

(b) a film is not suitable for such public exhibition but may be suitable-

(i) if made restricted to the members of any profession or any class of persons; or

(ii) only for a specific period; or

(iii) if a specified portion thereof is excised ;

it shall inform the person applying for the certificate within fifteen days from the date of its decision.;

15[(6)] * * * * *

4A. (1) The 16[Board] shall examine films in such manner as may be prescribed.

(2) Where the 17[Board] consists of more than one member, the examination of a film shall be made by such number of members as may be prescribed and such examination shall be deemed to be the examination by the Board.

(3) In examining and certifying films for public exhibition the 18[Board] shall follow such principles as may be prescribed..]

9. Substituted for Section 3 by article 3 of The Censorship of Films (Amendment) Act, 2006. (Act No I of 2006).

10. Substituted for sub-Section 1 of Section 4 by article 3 of The Censorship of Films (Amendment) Ordinance, 1982 (Ordinance No. LVIII of 1982)

11. Substituted for the word 'authority' by article 4 of The Censorship of Films (Amendment) Act, 2006. (Act No I of 2006)

12. Ditto.

13. Ditto.

14. Substituted for Sub-Section 5 of Section 4 by article 4 of The Censorship of Films (Amendment) Act, 2006. (Act No I of 2006).

15. Substituted for the word 'authority' by article 4 of The Censorship of Films (Amendment) Act, 2006. (Act No I of 2006).

17. Omitted by article 4, *ibid*.

18. Substituted for the word 'authority' by article 5 of The Censorship of Films (Amendment) Act, 2006. (Act No I of 2006).

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19[4B. Appeal.- (1) Any person who is aggrieved by any decision of the Board under this Act may, within thirty days of the date of receipt of such decision, prefer an appeal to the Government.

(2) An appeal preferred under sub-section (1) shall be disposed of in the prescribed manner.

(3) If an appeal is preferred against the decision-

(a) under sub-section (4) of section 4, the Government shall direct, by order in writing, that the certificate granted under sub-section (2) of section 4 shall be valid only for the period specified therein, or for the period extended under sub-section (4) of section 4, or for such period as may be specified in the order;

(b) under clause (a) of sub-section (5) of section 4, and if the appeal is rejected, the Government shall, by notification in the Official Gazette, declare that the film to which the appeal relates shall be deemed to be an uncertified film in respect of the whole of Bangladesh;

(c) under clause (b) of sub-section (5) of section 4, and if the appeal is rejected, the Government shall inform the person applying for the certificate within seven days from the date of its decision.

(4) No appeal under this section shall be disposed of without giving an opportunity

to the appellant for representing his views in the matter.

(5) The decision of the Government under this section shall be final.]

5. Suspension of Certificate.-

(1) Notwithstanding anything contained in sub-section (3) of section 4, the 20[Chairman may, if he is] of opinion that a certified film should not be publicly exhibited, by order, suspend, pending the orders of the Government under sub-section (4), the certificate in respect of that film.

(2) If a 21[Deputy Commissioner] is of the opinion that a certified film should not be publicly exhibited within his district, he may, by order, suspend, pending the orders of the Government under sub-section (4) the certificate in respect of that film.

(3) A certified film shall, during the period of suspension of its certificate under sub-section (1) or sub-section (2), be deemed to be an uncertified film in respect of the whole of Bangladesh or, as the case may be, the district concerned.

19. Inserted by article 6 of The Censorship of Films (Amendment) Act, 2006. (Act No I of 2006)

20. Substituted for the word 'the authority may if it is' of Sub-Section 1 of Section 5 by article 7, *ibid*.

21. Substituted for the word 'District Magistrate' of sub-Section 1 of Section 5 by article 4 of The Censorship of Films (Amendment) Ordinance, 1982 (Ordinance No. LVIII of 1982)

(4) A copy of any order of suspension made under sub-section (1) or sub-section (2), together with a statement of the reasons therefore, shall forthwith be forwarded to the Government by the 22[Chairman] or the 23 [Deputy Commissioner] making the order, and the Government may either discharge the order or, by notification in the official Gazette, direct that the film shall be deemed to be an uncertified film in respect of the whole of Bangladesh:

Provide that where the Government makes no order under this sub-section within the period of sixty days from the date of making of the order of suspension, the order of suspension shall on the expiry of such period be deemed to have been discharged.

6. Exhibition of certified films, etc.- (1) Notwithstanding anything in the Cinematograph Act 1918 (II of 1918) or in any other law for the time being in force the Government shall prescribe the places or class of places licensed for the exhibition of cinematograph films where, and the period or periods for which, any certified films or class of certified films may be exhibited.

(2) In respect of places prescribed under sub-section (1), the Government may by rules provide for the regulation of proper seating, sanitary booking and other arrangements.

24[6A. Publicity Materials of Certified Films.-](1) Any publicity materials, such as still photographs, diagrams, sketches, posters, hand bills and Bangla translation of the names of films of foreign origin, shall not be displayed before a licensed place or on publicity boards or otherwise or advertised through print and electronic media unless such materials are approved in a manner prescribed by the Board.

(2) Any person advertising a film certified for public exhibition restricted to members of any profession or any class of persons only or publicising such films by means of insertions in newspapers, posters or hand-bills shall, after the date of its certification, indicate in such insertions that the film has been certified for public exhibition restricted to the members of profession or class of persons only.

(3) The name and address of the producer and director of the film and the approval number of the Board shall be shown clearly on the publicity materials.

(4) Notwithstanding anything contained in Cinematograph Act, 1918 (II of 1918), if an unapproved publicity material is exhibited or displayed in any licensed place, the license of the licensed place shall be liable to suspension or revocation.

Explanation.- For the purpose of this section "licensed place" means a place licensed under section 3 of the Cinematograph Act, 1918 (II of 1918) for the exhibition of film.]

7. Power to decertify certified films.- Where the Government is of the opinion that a certified film, or class of certified films, should in the interest of law and order, or in the interest of local film industry, or in any other national interest, be decertified in respect of the whole or any part of Bangladesh, it may, of its own motion, by notification in the official Gazette, direct that such film or class of films shall be deemed to be uncertified film or films in respect of the whole of Bangladesh or such area or areas as may be specified in the notification.

22. Substituted for the word 'authority' by article 7 of The Censorship of Films (Amendment) Act, 2006. (Act No I of 2006).

23. Substituted for the word 'District Magistrate' by article 4 of The Censorship of Films (Amendment) Ordinance, 1982 (Ordinance No. LVIII of 1982) .

24. Inserted by article 8 of The Censorship of Films (Amendment) Act, 2006. (Act No I of 2006).

:-05: -

25[7A. "(1) Where the Board has reason to believe that a film or publicity materials are being exhibited in any place in contravention of any provision of this Act or any rule made thereunder, it may, by order in writing, authorize any police officer not below the rank of Sub-Inspector or any District Information Officer to search the place and seize the film and the publicity materials, if any, of that film.

(2) A Police Officer or District Information Officer who has seized a film or any publicity materials under sub-section (1) shall forthwith forward it to the Court.;

(3) On receipt of a film or any publicity materials under sub-section (2) the Board shall take such action under the Act as it deems proper.

8. Penalty.- 27 [(1) whoever -

- (a) exhibits or causes or permits to be exhibited in any place, or abets the exhibition of, an uncertified film, or a certified film which does not show the mark of the Board;
- (b) without lawful authority alters or tampers with, in any way, any film after it has been certified or since such mark was affixed thereto;
- (c) exhibits an unapproved publicity materials;
- (d) without lawful authority alters or tampers with, in any way, any publicity materials after it has been approved;
- (e) contravenes any other provision of this Act or rules made there under;

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

(2) Where a person is convicted of an offence punishable under sub-section (1) in respect of any film²⁸[or publicity materials], the court passing the sentence may further direct that the film shall be forfeited to the Government.

(3) Where a person is convicted of an offence punishable under sub-section (1) in respect of a place licensed for the exhibition of cinematograph films, the court passing the sentence may further direct that, notwithstanding anything in the license relating to such place, no cinematograph film shall be exhibited in that place for such period, not exceeding three months, as may be specified by the court,

9. Procedure.- 29[(1)] * * * * *

(2) Where a person guilty of an offence punishable under this Act is a company or other body corporate, every managing director, director, manager, secretary or other officer or agent thereof shall, unless he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent its commission, be deemed to be guilty of such offence.

25. Substituted for Sub-Section (1) & (2) of Section 7A by article 9, of The Censorship of Films (Amendment) Act, 2006. (Act No I of 2006).
26. Substituted for the words ' film under sub-section (2) the authority ' of Sub-Section 3 of 7A by article 9, ibid.
27. Substituted for Sub-Section (1) of Section 8 by article 10, ibid.
28. Inserted by article 10, ibid
29. Omitted by article 7 of The Censorship of Films (Amendment) Ordinance, 1982 (Ordinance No. LVIII of 1982)

-.06:-

30[(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1898(Act V of 1898),

- (a) the provisions of the said Code shall be applicable in the case of trial of an offence punishable under this Act;
- (b) an offence punishable under this Act may be tried summarily in accordance with, as far as possible, the provisions laid down in Chapter XXII of the said Code.]

10. Power to make rules.- (1) The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, rules made under this section may provide for-

- (a) the manner in which films in respect of which certificates are granted shall be marked;
- (b) the manner in which appeals shall be disposed of;
- (c) the procedure of the 31 [Board], and all matters ancillary thereto and the fees to be charged by them;

- (d) the appointment of officers subordinate to the 32[Board] and the regulation of the powers and duties of such officers; and
- (e) any other matter which by this Act is to be prescribed.

11. Power to exempt.- The Government may, by order in writing, exempt, subject to such conditions and restrictions, if any, as it may impose, any film from all or any of the provisions of this Act.

12. Delegation of powers.- The Government may, by notification in the official Gazette, delegate all or any of the powers exercisable by it under this Act to such authority or other person as may be specified in the notification.

33[13.] * * * * *

34[14.] * * * * *

35[15. Bar to Legal Proceedings. - No suit, prosecution or other legal proceedings shall lie against the Government, Board, Chairman, Member and any other officer of the Board, as the case may be, in respect of anything which is done or intended to be done in good faith under this Act.

16. No Order of Injunction, etc. without hearing the Board. - Notwithstanding anything contained in any other law for the time being in force, no court shall grant an injunction or make any interim order in respect of any order passed under section 4, 5 or 7 without giving the Board an opportunity of being heard.]

30. Inserted by article 11 of The Censorship of Films (Amendment) Act, 2006. (Act No I of 2006).

31. Substituted for the word ' authority ' of clause (c) of Sub-Section 2 of Section 10 by article 12,ibid.

32. Substituted for the word ' authority ' of clause (d) of Sub-Section 2 of Section 10 by article 12,ibid.

33. Omitted by article 16 of P.O. NO.41 of 1972.

34. Omitted by article 17 of P.O. NO.41 of 1972.

35. Inserted by article 12 of The Censorship of Films (Amendment) Act, 2006. (Act No I of 2006).