

The Censorship of Films Act, 1963

(ACT NO. XVIII OF 1963)

An Act to provide for the censorship of cinematograph films and for the decertification of certified films on certain grounds. ¹♣ ♠

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 Pakistan in relation to planning and co-ordination and the achievement of uniformity as are referred to in paragraphs (b) and (c) of clause (2) of Article 131 of the Constitution requires Central legislation in the matter;

Short title, extent and commencement 1. (1) This Act may be called the Censorship of Films Act, 1963.
(2) It extends to the whole of Bangladesh.

(3) It shall come into force at once.

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

²[(a) "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 any time before the commencement of this Act, been granted under sub-section (2) of section 7 of the Cinematograph Act, 1918;

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

(ccc) "Cinematograph" has the same meaning as assigned to it under section 2 of the Cinematograph Act, 1918 (II of 1918);

(cccc) "Deputy Commissioner" includes any other officer of the district authorised 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;

⁴[(e) "Government" means Government of the People's Republic of Bangladesh;]

⁵[(ee) "member" means member of the Board;]

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

⁶[(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 ⁷[and rules made thereunder].

Constitution of the Board

⁸[3. The Government may, by notification in the official Gazette, Constitute a Board to be called Bangladesh Films 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.]

Certification of films

4. ⁹[(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 Board shall not accept any feature 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.]

(2) If ¹⁰[the Board] after examination considers that a film is suitable for public exhibition, it shall grant a certificate to that effect to the person

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 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 (3), the Board may, on application in this behalf, extend such period, or the period so extended, or dispense with the period so specified or extended.

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

(a) a film is 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.]

(6) [Omitted by section 4 of the Censorship of Films (Amendment) Act, 2006 (Act No. I of 2006).]

**Procedure
for
examination
of films**

¹²[4A. (1) The Board shall examine films in such manner as may be prescribed.

(2) Where the 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.

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

Appeal

¹³[4B. (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.]

Suspension of certificates

5. ¹⁴[(1) Notwithstanding anything contained in sub-section (3) of section 4, ¹⁵[the 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 ¹⁶[Deputy Commissioner] is of the opinion that a certified film should not be publicly exhibited within his district, he may, by order,

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 suspend, pending the orders of ¹⁷[the] Government under sub-section (4),
 the certificate in respect of that film ¹⁸[* * *].

¹⁹[(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.]

²⁰[(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 ²¹[Chairman] or the ²²[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:

Provided 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.]

(5) [Omitted by Article 7 of the Censorship of Films (Bangladesh Amendment) Order, 1972 (President's Order No. 41 of 1972).]

Exhibition of certified films, etc.

6. (1) Notwithstanding anything in the Cinematograph Act, 1918, or in any other law for the time being in force, the ²³[* * *] 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 film or class of certified films may be exhibited.

(2) In respect of places prescribed under sub-section (1), the ²⁴[* * *] Government may by rules provide for the regulation of proper seating, sanitary, booking and other arrangements.

Publicity materials of certified films

²⁵[6A. (1) Any publicity materials, such as still photographs, diagrams, sketches, posters, handbills and Bangla translation of the names of films of foreign origin, shall not be displayed before a licensed place or on