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THE MOTION PICTURES ORDINANCE, 1979 (XLIII of 1979)

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TEXT

¹THE MOTION PICTURES ORDINANCE, 1979

(XLIII of 1979)

[3rd September, 1979]

An Ordinance

to provide for the censorship of films and the regulation of exhibition of films by means of cinematographs

WHEREAS it is expedient to provide for the censorship of films and the regulation of exhibition of films by means of cinematographs, and for matters connected therewith or incidental thereto;

AND, WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C.M.L.A Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

CHAPTER I PRELIMINARY

1. Short title, extent and commencement.— (1) This Ordinance may be called the Motion Pictures Ordinance, 1979.

(2) It extends to the whole of ²[the Punjab].

(3) It shall come into force at once.

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

(a) “Board” means a Board established under section 3;

(b) “Chairman”, in relation to a Board, means the Chairman of the Board;

(c) “cinematograph” includes any apparatus for the reproduction of moving pictures or series of pictures;

¹In pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President promulgated this Ordinance, which was published in the Gazette of Pakistan, Extraordinary Pt.1, September 3, 1979.

This Ordinance was originally in the Federal ambit, however, the subject on which this law was enacted devolved to the provinces by virtue of 18th Amendment in the Constitution, hence it was adapted, with amendments, for the province of the Punjab by the Punjab Motion Pictures (Amendment) Act 2012 (X of 2013); and published in the Punjab Gazette (Extraordinary), dated 5.1.2013, pages 2013-2014.

²Substituted for the word “Pakistan” by the Punjab Motion Pictures (Amendment) Act 2012 (X of 2013); and published in the Punjab Gazette (Extraordinary), dated 5.1.2013, pages 2013-2014, s.3.

- (d) “film” means cinematographic film or other materials used for production by cinematograph;
- ³[(dd) “Government” means Government of the Punjab];
- ⁴[(e) “place” includes a house, building, tent and any means of transport]; and
- (f) “prescribed” means prescribed by rules made under this Ordinance.

CHAPTER II ESTABLISHMENT OF THE BOARD

⁵[3. **Constitution of Board.**– (1) The Government may, by notification in the official Gazette, constitute a Board to be known as the Punjab Film Censor Board for purposes of examining and certifying the films for public exhibition.

(2) The Board shall consist of a Chairman, a Vice Chairman and not less than five but not more than ten members, of whom Secretaries to the Government Culture, Law and Home Departments or their nominees not below the rank of Additional Secretaries shall be *ex-officio* members of the Board.

(3) The Chairman, Vice Chairman and members of the Board, other than the *ex-officio* members, shall hold office during the pleasure of the Government on such terms and conditions as the Government may determine.]

4. Uncertified film not to be exhibited.– (1) No person shall made or arrange a public or private exhibition of a film by means of cinematograph unless the film has been duly certified for public exhibition by the Board, provided that nothing in this sub-section shall be deemed to apply to the exhibition, in the residential premises of any person, of a film which only records events in the life of such person or any member of his family.

(2) Any person desiring to submit any film for certification for public exhibition shall, in the prescribed manner, make an application to the Board for a certificate in respect thereof along with its re-recording, print or such equivalent material as the Board may determine, including sound tracks of speech, songs, music and effect, and the Board may, after examining the film, or having it examined, in the prescribed manner:–

- (a) sanction the film for unrestricted public exhibition; or
- (b) sanction the film for such restricted public exhibition as may be prescribed; or
- (c) direct the applicant to carry out such exhibitions in the film as the Board consider necessary before sanctioning the film for unrestricted or restricted public exhibitions; or
- (d) refuse to sanction the film for public exhibition.

³Inserted by the Punjab Motion Pictures (Amendment) Act 2012 (X of 2013); and published in the Punjab Gazette (Extraordinary), dated 5.1.2013, pages 2013-2014, s.4.

⁴Substituted by the Punjab Motion Pictures (Amendment) Act 2012 (X of 2013); and published in the Punjab Gazette (Extraordinary), dated 5.1.2013, pages 2013-2014, s.4.

⁵Substituted by the Punjab Motion Pictures (Amendment) Act 2012 (X of 2013); and published in the Punjab Gazette (Extraordinary), dated 5.1.2013, pages 2013-2014, s.5.

(3) Where the Board directs that any portion of the film be excised, the Board shall, subsequent to the rejection of appeal, if any, or the expiration of thirty days from the order, if there is no appeal, destroy or cause to be destroyed all prints of sound and picture and original exposed negatives of the excised portions.

5. Certification of films.— (1) If, after examining a film or having it examined, the Board considers that the film is suitable for unrestricted public exhibition or that, though not suitable for such exhibition, it is suitable for restricted public exhibition, it shall grant to the person applying for certification of the film a certificate of the appropriate category, and shall in all cases caused the film to be marked in the prescribed manner.

(2) An order refusing to grant a certificate, or an order suspending a certificate, or an order decertifying a certified film shall be published in the official Gazette.

(3) Subject to the other provisions of this Ordinance a certificate granted under this section shall be valid for such area and period as the Board may, by notification in the official Gazette specify in this behalf.

6. Principles of guidance in certifying films.— (1) A film shall not be certified for public exhibition if, in the opinion of the Board, the film or any part thereof is prejudicial to the glory of Islam or the integrity, security or defense of Pakistan or any part thereof, friendly relations with foreign States, public order, decency or morality or amounts to the commission of, or incitement to, an offence.

(2) Subject to the provision of sub-section (1), for the guidance of the Board in the exercise of its powers under this Ordinance, the ⁶[Government] may issue a Censorship Code and such directions as it may think fit.

7. Appeals.— Any person applying for a certificate in respect of a film who is aggrieved by any order of the Board,—

- (a) refusing to grant a certificate ; or
- (b) granting only a restricted certificate ; or
- (c) directing the applicant to carry out any excisions;

may, within thirty days of the date of such order, prefer an appeal to the ⁷[Government] and the appeal shall be disposed of in the prescribed manner and the order of the ⁸[Government] shall be final:

Provided that before passing an order under this section an opportunity shall be provided to the appellant of being heard.

8. Powers to suspend exhibition of films in certain cases.— (1) A Board may, if it has reason to believe that a film in respect of which a certificate has been granted by it under sec. 5 has been or is being exhibited in contravention of any of

⁶Substituted for the word "Federal Government" by the Punjab Motion Pictures (Amendment) Act 2012 (X of 2013); and published in the Punjab Gazette (Extraordinary), dated 5.1.2013, pages 2013-2014, s.2.

⁷Substituted by the Act ibid

⁸Substituted by the Act ibid

the conditions subject to which it has been certified, by order suspend the exhibition of the film for such period as may be specified in the order.

(2) The ⁹[District Coordination Officer], in respect of the whole or any part of the district, may, if he is of the 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 for such period not exceeding one month as may be specified in the order.

(3) While an order under sub-section (1) or sub-section (2) is in force in respect of a film, such film shall be deemed to be an uncertified film in respect of the area specified in the order.

(4) For the purpose of inspecting the exhibition of films and the proper enforcement of the provisions of this Ordinance relating to such exhibition, the Board may, by order in writing as authorize such persons as it may deem it for such area may be specified in the order.

(5) Where a film in respect of which no certificate has been granted under this Ordinance is exhibited, or a film certified as suitable for restricted public exhibition is exhibited otherwise than as certified, or a film is exhibited in contravention of any of the other provisions of this ordinance, any police officer not below the rank of Inspector may, upon a report in writing made by the Board or by a person authorized by it in this behalf, or under the orders of the ¹⁰[District Coordination Officer], enter any place licensed for the exhibition of films in which there is reason to believe that the film has been or is being exhibited, search it and seize the film and projection equipment.

¹¹[(5-a) Where the police officer mentioned in sub-section (5) is not available at the spot and there are sufficient reasons to believe that the film is being exhibited in contravention of any provision of the Ordinance, an officer authorized by the Board, may take into possession cinematograph and other exhibiting material and immediately submit a report to the Board].

(6) A copy of an order under sub-section (1) or sub-section (2), together with a statement of the reasons thereof shall forthwith be forwarded to the ¹²[Government] and the ¹³[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 such area as may be specified in the notification.

9. Revisional powers of the ¹⁴[Government].— (1) Notwithstanding anything contained in this Ordinance, the ¹⁵[Government] may at any stage call for the record

⁹The words "District Magistrate" earlier substituted by Motion Pictures (Amendment) Ordinance, 2002 (CVIII of 2002); and published in the Gazette of Pakistan (Extraordinary), dated 31.10.2002, pages 1713-1714, s.2, with words Zila Nazim, which now substituted by the Punjab Motion Pictures (Amendment) Act 2012 (X of 2013); and published in the Punjab Gazette (Extraordinary), dated 5.1.2013, pages 2013-2014, s.2.

¹⁰The words "District Magistrate" earlier substituted by Motion Pictures (Amendment) Ordinance, 2002 (CVIII of 2002); and published in the Gazette of Pakistan (Extraordinary), dated 31.10.2002, pages 1713-1714, s.2, with words Zila Nazim, which now substituted by the Punjab Motion Pictures (Amendment) Act 2012 (X of 2013) ; and published in the Punjab Gazette (Extraordinary), dated 5.1.2013, pages 2013-2014, s.2.

¹¹Inserted by the Punjab Motion Pictures (Amendment) Act 2012 (X of 2013); and published in the Punjab Gazette (Extraordinary), dated 5.1.2013, pages 2013-2014, s.6.

¹²Substituted for the words "Federal Government" by the Punjab Motion Pictures (Amendment) Act 2012 (X of 2013); and published in the Punjab Gazette (Extraordinary), dated 5.1.2013, pages 2013-2014, s.2.

¹³Substituted *ibid*.

¹⁴Substituted *ibid*.

of any proceedings in relation to any film which is pending before or has been decided by the board and, after such inquiry into the matter as it considers necessary, and without notice to the person who has applied for certification of the film or to whom a certificate in respect of the film has been granted or to the distributor or exhibitor of such film, make such order in relation thereto as it thinks fit.

(2) Without prejudice to the powers conferred on it by sub-section (1), the¹⁶[Government] may, by notification in the official Gazette, direct that—

- (a) a film or class of films in respect of which a certificate has been granted under this Ordinance or under the Censorship of Films Act, 1963 (XVIII of 1963), shall be deemed to be an uncertified film or class of films in the¹⁷[whole or any part of the Punjab]:

Provided that not such order shall be made by the¹⁸[Government] unless it is satisfied that it is necessary to do so in the interest of the glory of Islam or the integrity, security or defense of Pakistan or any part thereof, friendly relations with foreign States, public order, decency morality, or to prevent the commission of, or incitement to, an offence; or

- (b) a film which has been sanctioned for unrestricted public exhibition under Section 5 or to which a “U” certificate has been granted under the Censorship of Films Act, 1963¹⁹ shall be deemed to be a film in respect of which a restricted certificate has been granted.

10. Information and documents to be given to distributors and exhibitors with respect to certified films.— Any person who delivers any certified film to any distributor or exhibitor, shall in such manner as may be prescribed, notify to the distributor or exhibitor, as the case may be, the title and length of the film, the number and nature of the certificate granted in respect thereof and the conditions, if any, subject to which it has been granted and such other particulars as may be prescribed.

11. Powers to direct exhibition of films for examination.— For the purpose of exercising any of the powers conferred on it by this Ordinance the²⁰[Government] or the Board may require any film to be exhibited before it or before any person specified by it in this behalf.

12. Vacancies, etc., not to invalidate proceedings.— No act or proceeding of the Board shall be deemed to be invalid by reason only of the existence of a vacancy in, or defect in the constitution of the Board.

¹⁵Substituted *ibid*

¹⁶Substituted *ibid*

¹⁷Substituted for the words “whole or any part of Pakistan” by the Punjab Motion Pictures (Amendment) Act 2012 (X of 2013); and published in the Punjab Gazette (Extraordinary), dated 5.1.2013, pages 2013-2014, s.7.

¹⁸Substituted for the words “Federal Government” by the Punjab Motion Pictures (Amendment) Act 2012 (X of 2013); and published in the Punjab Gazette (Extraordinary), dated 5.1.2013, pages 2013-2014, s.2.

¹⁹XVIII of 1963

²⁰Substituted *ibid.*, for the words “Provincial Government”

CHAPTER III
REGULATION OF EXHIBITION BY MEANS
OF CINEMATOGRAPH

13. Licensing of places for exhibition of films.— (1) Save as otherwise provided in this chapter, no person shall give a public exhibition by means of cinematograph elsewhere than in a place licensed under this Ordinance or otherwise than in compliance with any conditions and restriction imposed by such license.

(2) The authority having power to grant a license under this Ordinance, hereinafter referred to as the licensing authority, shall be the ²¹[Government]:

Provided that the ²²[Government] may, by notification in the official Gazette, specify for the whole or any part of the Province such other authority as it may specify in the notification to be the licensing authority for the purposes of this Chapter.

(3) The licensing authority shall not grant a license under this Chapter in respect of any place unless it is satisfied that—

- (a) the rules made under this Chapter have been complied with; and
- (b) adequate precautions have been taken in respect of the place for which the license is to be given to provide for the safety and health of persons attending exhibition therein.

(4) Subject to the foregoing provisions of this section, the licensing authority may grant a license under this Chapter to such applicant as it deems fit and no such terms and conditions and subject to such restrictions as it may determine ²³[, including the maximum charges for the admission of persons to the exhibition of a film in a place in respect of which such license is granted].

(5) Where the authority specified by the ²⁴[Government] under the proviso to sub-section (2) to be the licensing authority consists of more persons than one, no decision of the licensing authority shall be invalid by reasons only of the existence of a vacancy in, or defect in the constitution of, the said authority.

14. Directions as to screening of documentaries, etc.— The ²⁵[Government] may, from time to time, issue to any person to whom a license has been granted under the Chapter any directions for the purpose of regulating the exhibition of any film or class of films so that scientific films, films intended for educational or cultural purposes, films dealing with news or current events, documentary films and indigenous films secure an adequate opportunity of being exhibited, and such directions shall be deemed to be additional conditions and restrictions subject to which the license has been granted.

²¹Substituted *ibid.*

²²Substituted *ibid.*

²³Added by the Motion Pictures (Amendment Ordinance) 1982 (VII of 1982); and published in the Gazette of Pakistan (Extraordinary), dated 20.4.1982, pages 41-42, s.2.

²⁴Substituted for the words "Provincial Government" by the Punjab Motion Pictures (Amendment) Act 2012 (X of 2013); and published in the Punjab Gazette (Extraordinary), dated 5.1.2013, pages 2013-2014, s.2.

²⁵Substituted *ibid.*, s.8, for the words "Federal Government or the Provincial Government".

CHAPTER IV MISCELLANEOUS

15. Delegation of powers.— The ²⁶[Government] may, by notification in the official Gazette, delegate all or any of the power exercisable by it under this Ordinance to such authority or person as may be specified in the notification.

16. Certain persons to be public servants.— The Chairman, ²⁷[Vice Chairman], members and employees of a Board and person empowered under sub-section (4) of section 8 shall, when acting or purporting to act in pursuance of any of the provisions of this Ordinance, be deemed to be public servants within the meaning of Section 21 of the Pakistan Penal Code ²⁸.

17. Bar to legal proceedings.— (1) No suit or other legal proceeding shall lie against the ²⁹[Government], a Board or any officer or member thereof, as the case may be, in respect of anything which is in good faith done or intended to be done under this Ordinance.

(2) No court shall grant an injunction or make any interim order in respect of any order passed under section 8 or section 9.

18. Penalties and procedure.— (1) Whoever—

- (a) exhibits or causes or permits to be exhibited in any place or abets the exhibition of, any film which has not been certified by the Board or which, when exhibited, does not display the prescribed mark or has been altered or tampered with since such mark was affixed thereto ; or
- (b) without lawful authority, alters or tampers with, in any way, any film after it has been certified ; or
- (c) fails to comply with the provisions of section 5 or of any order made under this Ordinance;

shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to one lac rupees, or with both, and, in the case of a continuing offence, with a further fine which may extend to ten thousand rupees for each day during which the offence continues.

(2) If the owner or person incharge of a cinematograph on any place uses it or allows it to be used in contravention of the provisions of this Ordinance or the rules made there under, or of the conditions and restrictions upon or subject to which any license has been granted under this Ordinance, he shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to ten thousand rupees, or with both, and , in the case of a continuing offence, with a further fine which may extend to two thousand rupees for each day during which the offence continues.

²⁶Substituted for the words "Federal Government" by the Punjab Motion Pictures (Amendment) Act 2012 (X of 2013); and published in the Punjab Gazette (Extraordinary), dated 5.1.2013, pages 2013-2014, s.2.

²⁷Inserted by the Punjab Motion Pictures (Amendment) Act 2012 (X of 2013); and published in the Punjab Gazette (Extraordinary), dated 5.1.2013, pages 2013-2014, s.9.

²⁸Act XLV of 1860.

²⁹Substituted for the words "Federal Government, a Provincial Government" by the Punjab Motion Pictures (Amendment) Act 2012 (X of 2013); and published in the Punjab Gazette (Extraordinary), dated 5.1.2013, pages 2013-2014, s.10.

(3) If any person is convicted of any offence punishable under sub-section (1) or sub-section (2) committed by him in respect of any film, the Court may further direct that the film and the cinematograph used for its exhibitions may be forfeited to the Board.

³⁰[(3-A)Whoever charges for the admission of any person to the exhibition of a film in a place licensed under this ordinance any amount in excess of the maximum charges fixed under sub-section (4) of Section 13, or sells to any person a ticket for such admission at a cost higher than the maximum charges so fixed shall be punished with punishment provided for in sub-section (2)].

(4) Where the person convicted of an offence under this section is the holder of a license granted under section 13, the licensing authority may revoke the license.

(5) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (V of 1898), no Court shall take cognizance of an offence punishable under this section except upon a complaint in writing made by the Board or the licensing authority or persons authorized by any of them.

19. Power to make rules.— (1) The ³¹[Government] may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

(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) the manner in which the Board may exercise its powers including the establishment of centers at different places and the delegation of any of the powers of the Board to any member nominated by the ³²[Government] in that behalf;
- (b) the procedure of the Board and all matters ancillary thereto, and the fees to be charged by it;
- (c) the conditions subject to which any certificate may be granted under Chapter II and the circumstances in which such certificate shall be refused;
- (d) the manner in which appeals under section 7 may be preferred, heard, and disposed of;
- (e) the terms, conditions and restrictions, if any, under which licenses may be granted under Chapter 11; and
- (f) any other matter which is to be or may be prescribed.

20. Power to exempt.— The ³³[Government] may, by order in writing, exempt, subject to such conditions and restrictions as it may impose, any film or class of films or cinematograph exhibition or class of cinematograph exhibitions from all or any of the provisions of this Ordinance or the rules made thereunder.

³⁰Sub-sec. (3-A) ins, by the Motion Pictures (Amendment) Ordinance VII of 1982; and published in the Gazette of Pakistan (Extraordinary), dated 20.4.1982, pages 41-42, s.2.

³¹Substituted by the Punjab Motion Pictures (Amendment) Act 2012 (X of 2013); and published in the Punjab Gazette (Extraordinary), dated 5.1.2013, pages 2013-2014, s.10.

³²Substituted *ibid.*, s.2, for the words "Federal Government"

³³Substituted *ibid.*

21. Repeals and savings.— (1) The Cinematograph Act, 1918 (II of 1918), and the Censorship of Films Act, 1963 (XVIII of 1963), are hereby repealed.

(2) Notwithstanding the repeal of any Act by sub-section (1), and without prejudice to the provisions of section 24 of the General Clauses Act, 1897 (X of 1897), everything done, order passed, action taken or obligation, liability, penalty or punishment incurred under any of the provisions of the said Act, shall, if not inconsistent with the provisions of this Ordinance, continue in force and be deemed to have been done, passed, taken or incurred under the provisions of this Ordinance.