

**JAMMU AND KASHMIR CINEMATOGRAPH ACT,1989 (1933 A.D)**  
**[Act No. XXIV of 1989]**

[ sanctioned by His Highness the Maharaja Bhadur vide Prime Minister's letter No. P.B./798 ,dated 17<sup>th</sup> January,1933 and published in the Government Gazette dated 21<sup>st</sup> March,1989].

An act to make provision for regulating public exhibitions by means of Cinematographs within the state of Jammu and Kashmir.

Whereas it is expedient to make provisions for regulating public exhibitions by means of cinematographs; It is hereby enacted as follows :-

**1. Short Title, extent and Commencement**

(1) This Act may be called the Jammu and Kashmir Cinematograph Act,1989 and shall apply to the whole of Jammu and Kashmir state.

(2) The Government has directed that the whole or any of its provisions shall not apply to any local area within the state.

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

“Adult “ means a person who has completed his eighteenth year;

“ Board “ means the Board of Film censor constituted by the Jammu and Kashmir Government under section 6-A;

“Cinematograph” includes any apparatus for the representation of moving pictures or series of pictures ;

“place” includes also a house,building, tent or vessel; and

“prescribed” means prescribed by rules made under this Act.

**3. Cinematograph exhibitions to be licensed**

Save as otherwise provided in this Act , no person shall give a public exhibition by means of a cinematograph else where than in a place licensed under this Act, or otherwise than in compliance with any conditions or restrictions imposed by such license.

**4. Licensing Authority :** The authority having power to grant licenses under this Act(herein after referred to as the “licensing Authority”) shall be the District Magistrate :

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1. In sections 1 (2), 4 and 8 the words “the Governor” Substituted for the words “His Highness” by Act X of 1996  
2. Inserted by Act XXXIV of 2011

Provided that may , by notification in the Jammu and Kashmir Government Gazette , constitute for the whole or any part of the state such other authority as may be specified in the notification.

## **5. Restriction on powers of Licensing Authority**

- (1) The licensing Authority shall not grant a license 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 license is to be given to provide for the safety of persons attending exhibitions therein.
- (2) A condition shall be inserted in every license that the licensee will not exhibit or permit to be exhibited in such place any film other than a film which has been certified as suitable for the public exhibition by the Board of Censors constituted by the Government and which, when exhibited, displays the prescribed mark of that and has not been altered or tempered within any way since such mark was affixed there to;
- (3) A further condition shall be inserted in every license that the licensee will not exhibit or permit to be exhibited in public any advertising matter consisting of or containing any material which has not been certified as suitable for publication by the Censor.
- (4) Subject to the foregoing provisions of this section and to the control of the licensing authority may grant licenses under this Act to such persons as it thinks fit and on such terms and conditions and subject to such restrictions as it may determine;
- (5) Any person aggrieved by the decision of a licensing authority refusing to grant, a license under this Act may, within such time as may be prescribed , appeal to the Government or to such officers as the Government may specify in this behalf, and the Government or the officer, as the case may be, may make such order as it or he thinks fit.
- (6) The Government may from time to time, issue directions to licenses generally or to any license in particular for the purpose of regulating the exhibitions of any film or class of films, so that scientific films, film intend for educational purposes, film dealing with news and current events, documentary films or indigenus films secure an adequate opportunity of being exhibited, and where any such directions have been issued those directions shall be deemed to be additional restriction and conditions.

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1. Definitions of the term “police minister” deleted by Act V of 1993.  
2. substituted for “public exhibition” by Act XXXIV of 2011

6. Punishment for use of a Cinematograph in contravention of this Act and rules made there under : If the owner or person in charge of a cinematograph uses the same or allows it to be used, in contravention of the provisions of this Act or the rules made there under or of the conditions and restrictions upon or subject to which the license has been granted under this Act, he shall on conviction by a Judicial Magistrate of the first class may punishable with fine which may extent to one thousand rupees.

(A) **Board of Film censors :**

- (1) The Government may by notification in the Government Gazette constitute a Board of Film Censors consisting of such number of persons as may be fixed by the Government for the purposes of examining and certifying films as suitable for unrestricted public exhibitions or for public exhibition restricted to adults only .
- (2) If the Board , after examination finds that a film is suitable for unrestricted public exhibition , or that although not suitable for such exhibition it is suitable for public exhibition restricted to adults , it shall grant to the person applying for a certificate in respect of the film a “U” certificate in the former case and an “A” certificate in the latter case, and shall in either case cause the film to be so marked in the prescribed manner. If after the examination the Board finds that a pictorial representation is suitable for publication, it shall grant a certificate to that effect to the person applying for the same and shall cause the pictorial representation to be marked in the prescribed manner.
- (3) If the Board is of the opinion that a is neither suitable for unrestricted public exhibition nor for public restricted to adults or that a pictorial representation is not suitable for publication, it shall informs the person applying for the certificate of its decision.

(B) **Appeals :** (1) Any person applying for a certificate, who is aggrieved by the decision of the Board-

(a) refusing to grant a certificate; or

(b) Granting only an “A” certificate,

may, within thirty days from the date of such decision, appeal to the Government, and the Government may, pass such orders thereon as it thinks fit.

- (2) If the Government rejects an appeal on the ground that a film is neither suitable for unrestricted public exhibition nor for public exhibition restricted to adults or that a pictorial representation is not suitable for publication, it shall direct that the

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1. Substituted by Act V of 1993.
2. Sub-section (5) inserted by Act XXXIV of 2011
3. Sub-section (5) inserted by Act XXXIV of 2011

film or pictorial representation shall be deemed to be an uncertified film or pictorial representation of the film.

- (3) For the purpose of disposing of any appeal under this section, the Government may demand that the exhibition of any film and call for the report of such authority thereon.
- (4) Nothing in this section shall prevent the Government from calling at any time the record of any proceeding of the Board relating to the refusal to grant or grant of any certificate and in which no appeal has been preferred and make such order in the case as the Government deem fit.

**( C ) Power of Government to modify orders under section 6-(A) or 6- (B) :**

Notwithstanding anything contained in this Act, the Government may, of its own motion by notification in the Government Gazette directed that –

- (a) a Certified film or pictorial representation shall be deemed to be an uncertified film or pictorial in the whole or any part of the Jammu and Kashmir state; or
- (b) a film in respect of which a “U” certificate has been granted shall be deemed to be a film in respect of which an “A” certificate has been granted;
- (c) the exhibition of any film be suspended for such period as may be specified in the direction :

Provided that , no direction issued under clause (C ) shall remain in force for more than two months from the date of the notification.

**(D) Information and documents to be given to the 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, the length of the film, the number and the nature of the certificate granted and any other particulars respecting the film which may be prescribed.

**(E) Penalty**

(1) If any person –

- (a) exhibits or permits to be exhibited in any place
  - (i) Any film other than a film which has been certified by the Board as suitable for unrestricted public exhibition or for public exhibition restricted to adults

and which, when exhibited, displays the prescribed mark of the Board and has not been altered.

(ii) Any film which has been certified by the Board as suitable for public exhibition restricted to adults, to any person who is not adult; or

(2) If any person is convicted of an offence punishable under this section committed by him in respect of any film, the convicting court may further direct that the film shall be forfeited to the Government.

**(F) Power to revoke license:** where the holder of a license or a person in charge of a cinematograph or management thereof or an owner or partner thereof or an employee thereof, has been convicted of an offence under section 6 or section 6-(E) of this Act, or under section 15 of the Jammu and Kashmir Entertainments Duty Act, 1959.

**7. Power to make rules:**

(1) The Government may make rules for the purpose of the carrying into effect the provisions of this Act.

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

(a) The regulations of the Cinematograph exhibitions for securing the public safety.

(b) The terms, conditions and restrictions, if any subject to which licenses may be granted under this Act.

(c) Any other matter which by this Act is to be prescribed.

**8. Power to exempt :** The Government may by order, 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 rule made there under.

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