

any act in disobedience to such order, he shall be punishable on conviction before a Magistrate with imprisonment for a term which may extend to three months, or with fine, or with both.

11. * * * *

Exclusion of performances at religious festivals.

12. Nothing in this Act applies to any *jatras* or performances of a like kind at religious festivals.

THE CINEMATOGRAPH ACT.

[INDIA ACT II, 1918.] (6th March, 1918.)

1. The President of the Union may, by notification, direct that the whole or any part of this Act shall come into force in the whole or any part of the Union of Burma on such date as shall be specified in the notification.

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

“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.

Cinematograph exhibitions to be licensed.

3. 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.

Licensing authority.

4. The authority having power to grant licences under this Act (hereinafter referred to as the “licensing authority”) shall be the District Magistrate, or, in the town of Rangoon, the Commissioner of Police :

Provided that the President of the Union may, by notification in the Gazette, constitute for the whole or any part of the Union of Burma such other authority as he may specify in the notification to be the licensing authority for the purposes of this Act.

Restrictions on powers of licensing authority.

5. (1) The licensing authority shall not grant a licence under this Act, unless it is satisfied that—

(a) the rules made under the Act have been substantially complied with ; and

(b) adequate precautions have been taken in the place in respect of which the licence is to be given to provide for the safety of persons attending exhibitions therein.

(2) A condition shall be inserted in every licence 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 public exhibition by an authority constituted under section 7, and which, when exhibited, displays the prescribed mark of that authority, and has not been altered or tampered with in any way since such mark was affixed thereto.

(3) Subject to the foregoing provisions of this section, and to the control of the President of the Union, the licensing authority may grant licences 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.

¹(4) The President of the Union may, from time to time, issue directions 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 indigenous films may secure an adequate opportunity of being exhibited in such place.

¹(5) In particular, and without prejudice to the generality of the foregoing power, the President of the Union may—

(a) prescribe the minimum number of days on which a licensee is required to exhibit or permit to be exhibited indigenous films in a year in such place, or

(b) fix the maximum rate chargeable per day by a licensee, or the maximum percentage of the total daily receipts (less entertainment-tax, if any) receivable by the licensee, for exhibiting or permitting to be exhibited any indigenous film in such place.

¹(6) Where any such directions have been issued under sub-section (4) or (5) those directions shall be deemed to be additional conditions and restrictions subject to which the licence has been granted.

6. (1) If the owner or person in charge of a cinematograph uses the same or allows it to be used, or if the owner or occupier of any place permits that place to be used, in contravention of the provisions of this Act or the rules made thereunder, or of the conditions and restrictions upon, or subject to which, any licence has been granted under this Act, he shall be punishable with fine which may extend to one thousand rupees and, in the case of a continuing offence, with a further fine which may extend to one hundred rupees for each day during which [the offence continues]².

Punishment for contravention of this Act and rules made thereunder.

(2) If any person is convicted of an offence punishable under this Act committed by him in respect of any film, the convicting Court may further direct that the film shall be forfeited to [the State]³.

7. (1) The President of the Union may, by notification in the Gazette, constitute as many authorities as he may think fit for the purposes of examining and certifying films as suitable for public exhibition, and declare the area (hereinafter referred to as the "local area") within which each such authority shall exercise the powers conferred on it by this Act. Where an

Certification of films.

¹ Inserted by Act LXV, 1954.

² Substituted *ibid.*

³ Substituted by the Union of Burma (Adaptation of Laws) Order, 1948.

authority so constituted consists of a Board of two or more persons, not more than one-half of the members thereof shall be persons in the service of the Government.

(2) If any such authority 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 shall cause the film to be marked in the prescribed manner. The certificate of any such authority shall, save as hereinafter provided, be valid throughout the territories in which this Act is in force.

(3) (a) If the authority is of opinion that a film is not suitable for public exhibition in the local area, it shall inform the person applying for the certificate of its decision, and such person may, within thirty days from the date of such decision, appeal for a reconsideration of the matter by the President of the Union.

(b) If the President of the Union rejects the appeal he shall, by notification in the Gazette, direct that the film shall be deemed to be an uncertified film in that local area, and such direction shall have effect notwithstanding the subsequent grant of a certificate in respect of the film by any other such authority.

(4) Any such authority may demand the exhibition before itself of any certified film which it has reason to believe is about to be publicly exhibited in its local area, and may by order suspend the certificate of any such film pending the orders of the President of the Union, and during such suspension the film shall be deemed to be an uncertified film in that area.

(5) The District Magistrate, or in the town of Rangoon the Commissioner of Police, may by order suspend the certificate of any film pending the orders of the President of the Union, and during such suspension the film shall be deemed to be an uncertified film in that district or town.

(6) A copy of any order of suspension made under sub-section (4) or (5), together with a statement of reasons therefor, shall forthwith be forwarded by the authority or the officer making the same to the President of the Union, who may, in his discretion, either discharge the order or, by notification in the Gazette, direct that the film shall be deemed to be an uncertified film in the whole or any part of the Union of Burma.

(7) The President of the Union may, of his own motion, by notification in the Gazette, direct that a certified film shall be deemed to be an uncertified film in the whole or any part of the Union of Burma.

(8) The exhibition of a film to which any order or direction under clause (b) of sub-section (3) or sub-section (4), (5), (6) or (7) is for the time being applicable shall, in the area to which such order or direction relates, be deemed to be a contravention of the condition mentioned in sub-section (2) of section 5.

¹ 7A. Where the holder of a licence has been convicted of an offence under section 6, the licence may be revoked by the licensing authority.

Power to
revoke
licence.

¹ Inserted by Act LXXV, 1954.

8. (1) The President of the Union may make rules for the purpose of carrying into effect the provisions of this Act. Power to make rules.

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

- (a) the regulation of cinematograph exhibitions for securing the public safety ;
- (b) the procedure of the authorities constituted for examining and certifying films as suitable for public exhibition, and all matters ancillary thereto, and the fees to be levied by those authorities ;
- (bb) the appointment of officers subordinate to authorities constituted under section 7 and the regulation of the powers and duties of such officers ; and
- (c) any other matter which by this Act is to be prescribed.

(3) * * * *

(4) All rules made under this Act shall be published in the Gazette, and, on such publication, shall have effect as if enacted in this Act.

9. The President of the Union may, by order in writing, exempt, subject to such conditions and restrictions as he may impose, any cinematograph exhibition or class of cinematograph exhibitions from any of the provisions of this Act or of any rule made thereunder. Power to exempt.

လူထုပညာသင်ကြားရေးကောင်စီအက်ဥပဒေ။

[၁၉၄၈ ခုနှစ်၊အက်ဥပဒေအမှတ် ၅၉။] (၁၉၄၉ ခု၊ ဇူလိုင်လ ၁၅ ရက်။)

အောက်ပါအတိုင်း အက်ဥပဒေအဖြစ် ပြဋ္ဌာန်းလိုက်သည်။

၁။ ။ (၁) ဤအက်ဥပဒေကို၊ ၁၉၄၈ ခုနှစ်၊ လူထုပညာ သင်ကြားရေးကောင်စီ အက်ဥပဒေဟုခေါ်ရမည်။

(၂) ဤအက်ဥပဒေသည်၊ အာဏာတည်ရန် ကိစ္စအလို့ငှါ၊ နိုင်ငံတော် သမတကာအဖို့ ကြော်ငြာစာထုတ်ပြန်ကြော်ငြာ၍ သတ်မှတ်သည့် နေ့ရက် ၊ တွင် အာဏာတည်ရမည်။ * * * * *

၂။ ။ ဤအက်ဥပဒေတွင် “ကောင်စီ” ဟူသည်မှာ၊ ပုဒ်မ ၃ အရ ဖွဲ့စည်းထားသော လူထုပညာသင်ကြားရေး ကောင်စီကိုဆိုလိုသည်။

^၁ ၁၉၄၉ခု၊ ဇူလိုင်လ ၁၅ ရက်၊ မြန်မာနိုင်ငံပြန်တမ်း၊ ၁၉၄၉ ခု၊ အပိုင်း ၁၊ စာမျက်နှာ ၁၀၃ တွင်ကြည့်။

^၂ ၁၉၅၃ ခုနှစ်၊ အက်ဥပဒေအမှတ် ၁၃ အရ ပယ်ဖျက်သည်။