



THE MOTION PICTURES ORDINANCE, 1979



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THE MOTION PICTURES ORDINANCE, 1979.

ORDINANCE No. 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 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 Pakistan.

(3) It shall come into force at once.

2. Definitions. 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 ;

(d) “film” means cinematographic film or other materials used for projection by cinematograph ;

(e) “place” includes a house, building, tent and any means of transport, whether by sea, land or air ; and

(f) “prescribed” means prescribed by rules made under this Ordinance.

CHAPTER II

ESTABLISHMENT OF THE BOARD

3. Constitution of Board.—(1) The Federal Government may, by notification¹ in the official Gazette, constitute as many Boards as it may think fit for the purpose of examining and certifying films for public exhibition, and shall declare the area in respect of which each such Board shall exercise its powers under this Ordinance.

(2) A Board shall consist of a Chairman and not less than five members to be appointed by the Federal Government.

(3) The Chairman and members of the Board shall hold office during the pleasure of the Federal Government and receive such salary and allowances if any, as may be determined by the Federal Government.

4. Uncertified film not to be exhibited.— (1) No person shall make 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 excisions in the film as the Board considers necessary before sanctioning the film for unrestricted or restricted public exhibition; or
- (d) refuse to sanction the film for public exhibition.

(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 cause the film to be marked in the prescribed manner.

¹For such Notification see S.R.O. 181(1)/80, dated 10-2-80, Gaz. of P., 1980, Extra. Pt. II, pp. 182-185.

(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 defence 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 provisions of sub-section (1), for the guidance of the Board in the exercise of its powers under this Ordinance, the Federal 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 Federal Government and the appeal shall be disposed of in the prescribed manner and the order of the Federal 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 section 5 has been or is being exhibited in contravention of any of 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 ¹[Zila Nazim], in respect of the whole or any part of his 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.

¹Subs. by Ordinance No. 108 of 2002, s. 2.