

(“The Cinematograph Censorship Rules, 1922.”)

No. 164

The 26th June 1922.

No.164. - In exercise of the power conferred by section 8 of the Cinematograph Act, 1918, as amended by the Cinematograph (Amendment) Act, 1919, and the Devolution Act, 1920, and in supersession of this department Notification No. 165, dated the 26th May 1920, the Local Government is pleased to make the following rules to regulate the procedure, powers and duties of the examining and certifying Board constituted in this department Notification No. 158, dated the 21st May 1920, and the fees to be levied for the issue of the certificates by the Board.

RULES.

I. - Preliminary.

1. These rules may be called “The Cinematograph Censorship Rules, 1922.”
2. In these rules-
 - (a) “Act” means the Cinematograph Act, 1918, as amended by subsequent enactments;
 - (b) “Board” means the Board of Censors constituted under sub-section (1) of section 7 of the Act;
 - (c) “President” means the President of the Board or, in his absence, the Chairman elected under Rule 13.

II. - Constitution of Cinematograph Act Fund.

3. There shall be a Local Fund constituted under article 226, clause (i), of the Civil Account Code, Volume I, to be called the “Cinematograph Act Fund” into which all sums recoverable under the Act shall be credited and from which all expenditure incurred in carrying out the purposes of the Act shall be met. Any deficit in the receipts of the Fund may be made good by a grant from the Budget of the Rangoon Town Police.

III. - Constitution and Management of the Board.

4. The Commissioner of Police shall be the President of the Board, which shall consist of not more than ten members appointed by the Local Government, of whom not less than 60 per cent, shall be non-officials.
5. The office of the Board shall be attached to the Office of the Commissioner of Police, Rangoon.
6. The strength and remuneration of the establishment maintained by the Board for carrying out the purposes of the Act shall be subject to the sanction of the Local Government, but the Board shall in all other respects have full powers with regard to the members thereof.

7. The Board shall-

- (a) submit an annual budget to the Local Government showing the estimated receipts and disbursements of the Board for the ensuing year, and
- (b) submit an annual report to the Local Government reviewing the work done by the Board during the past calendar year.

IV. - Meetings of the Board.

- 8. The Board shall ordinarily meet once a week on a fixed day and at a fixed hour to be notified to the public by the President, but may meet more often if required.
- 9. (1) An extraordinary meeting may be convened by the President of his own motion, and shall be so convened on a written requisition signed by not less than two members of the Board. Notice shall be issued to every member not less than three days (or, in cases of great urgency only, one clear day) before the date fixed for the meeting.
- (2) The notice shall state the business to be transacted at the meeting, and no business other than that so stated shall be transacted except with the consent of the majority of the members present.
- 10. Any urgent matter may, if the President thinks fit, be circulated at any time to the members for their opinion.
- 11. At every meeting of the Board five members shall form a quorum.
- 12. A representative of the Burma Cinema Trade Association shall be permitted to be present at every meeting and to be heard thereat.

V. - Procedure at Meetings.

- 13. Every meeting shall be presided over by the President of the Board or, in his absence, by a Chairman elected at the meeting.
- 14. In the case of an equality of votes, the President shall have a second or casting vote.
- 15. At each meeting the Board shall-
 - (1) consider the business placed by the President before the meeting, and any other business under the Act that the members present may agree to consider;
 - (2) pass orders on the reports of films examined;
 - (3) hear any representations from the importers of films or their authorized agents, or from the members of the public in respect of the Board's decision or examine any matter in regard to a film already certified as suitable for public exhibition; and

- (4) record their proceedings in such form as may seem advisable.

VI. - Powers and Duties of Members with regard to places licensed under the Act.

16. (a) A member of the Board shall have power to enter any place licensed under the Act the purpose of seeing that the provisions of these rules are being carried out.
- (b) All places licensed under the Act in Rangoon shall be visited at least once in three months by a member of the Board during the time of public exhibition of films, and any contravention of the Act or the rules thereunder or of the conditions and restrictions subject to which any license or certificate has been granted under the Act shall be brought to the notice of the President.

VII. - Remuneration of Members of the Board.

17. The members of the Board shall be paid a fee of Rs.30 each for every meeting of the Board which they attend, and such charge shall be debited to the “Cinematograph Act Fund.”

VIII. - Certification of Films.

18. When the importer of a film or his authorized agent, or the proprietor or manager of any place, whether licensed under the Act or not, proposes to exhibit a film, he shall submit a statement in writing to the President of the Board giving the following particulars:-
- (a) The length of the film.
- (b) The name and class of the film (e.g. drama, comic, scientific, topical, advertisement).
- (c) The name of the person or company by whom the film is produced.
- (d) The place where he desires to exhibit the film.
- (e) If the film has previously been certified by an authority in British India, the name of such authority, and the number and date of the certificate.
19. In the case of any drama film which has previously been certified by an authority in British India, he shall attach to the application a typed or printed copy of the synopsis or of a description of the subject of the film, and a copy of the certificate granted by that authority and may proceed to exhibit the film as soon as he receives the permission of the President to do so.
20. In the case of an animated cartoon film advertisement the President will issue a certificate without examination, and the film may be forthwith exhibited.
21. If the film, not being an animated cartoon film advertisement, has not been examined and certified by any other authority, the applicant shall state in his application the time when it would be most suitable to

have the film examined, and shall enclose the fee prescribed in these rules for the examination and certification of a film.

22. In the case of a film which is a copy of one for which a certificate has previously been issued under this Act to another applicant, or of one which was certified by the Voluntary Board which certified films before this Act came into force, the Committee may at its discretion dispense with examination, in which case a certificate may issue forthwith and the difference between the fee for examination and certification and the fee for a certificate issued without examination shall be returned to the applicant.
23. In all other cases not falling under Rule 20 or 22, where a film has not previously been certified by an authority in British India a sub-committee consisting of not less than two members shall be appointed to examine the film on the date and time stated in the application or on the earliest date convenient to the sub-committee appointed, and the applicant shall be informed of the date and time so fixed.
24. In the case of a film which is examined under Rule 23 the result of the examination shall be reported to the President of the Board as soon as possible, and if the report is favourable, the President shall issue a certificate.
25. If the sub-committee are unable to recommend that the film shall be certified as it stands the President shall cause the report to be placed before the Board at its next meeting for the decision of the Board.
26. The Board may decide either that the film shall not be exhibited at all or that it may be exhibited after certain parts have been deleted. In the former case it shall inform the applicant of its decision, and the applicant may appeal to the Local Government within thirty days. In the latter case, a certificate will be issued after the parts objected to have been deleted from the film and from all copies of the film in the applicant's possession. The deleted parts shall be handed over to the Board by whom they shall be kept for one year, and then destroyed.
27. When a certificate has been issued for a film, the certificate shall be valid for all copies of the film which may be in the possession of the applicant to whom the certificate is granted.
28. Where a film is certified after parts of it have been deleted, the certificate shall be endorsed with a description of the parts required to be omitted and with a statement of the exact length or lengths cut out. A clearly visible triangle shall be drawn in the left hand bottom corner of every certificate bearing such an endorsement.
29. If the Board deems it necessary to require the exhibition of any film which has been previously certified by any authority in British India, the film shall be examined by the Board in the manner prescribed in Rule

23. After such examination the Board may at its discretion permit the film to be exhibited as it stands or after the applicant has made any deletions, which the Board may consider necessary, or the Board may suspend exhibition pending the orders of the local Government.
30. When a film has been notified as uncertified either under section 7, sub-section (6), or under section 7, sub-section (7), of the Act, the owner of the film may apply anew for certification after excising the objectionable parts or fulfilling such conditions as the Board or the Local Government may require. In all such cases the usual examination fee shall be charged.
31. If the Board is of opinion that a film is not suitable for public exhibition, the person applying for the certificate shall be informed within a period of three days of the decision of the Board.
32. All certificates granted by the Board shall bear the signature of the President. The prescribed mark of the Board shall be a film copy, “trailer certificate” of this certificate long enough to be clearly legible; such trailer shall be affixed to the film certified and always exhibited with it. In the case of a serial, if passed clear, one trailer certificate shall serve for the whole serial and need only be exhibited at the beginning of the first episode; but, if in the whole serial a single scene, part of a scene or title has to be removed, in addition to the first episode each episode from which any portion or title has been removed shall have a separate trailer certificate and every such trailer certificate shall bear the triangle.
33. In exceptional and urgent cases provisional certificates may be granted by the President on his own authority subject to confirmation by the Board at the first meeting following the date on which such certificate was granted.

IX. - Fees for Certification.

34. The ordinary fee for the examination and certification of a film shall be at the rate of Rs. 5 for every thousand feet or fraction of a thousand feet.
35. No separate fees shall be charged for the certificate, but a fee of Re. 1 shall be charged for each duplicate issued.
36. A fee of Rs. 5 shall be leviable for the certification of a film which is certified without examination except in the case of an animated cartoon film advertisement, for which no charge shall be made.
37. In addition to the ordinary fee, a supplement of Rs. 5 per thousand feet or fraction of a thousand feet, shall be charged at the discretion of the Board in the case of provisional certificates granted under Rule 33 subject to a maximum of Rs. 25.

38. No fee shall be charged for the re-examination of a film certified by another Board constituted under the Act.

NOTE. - An applicant for the certification of a film may receive credit for fees paid by him previously for the certification of excerpts of the same film.

X. - Register of Films examined.

39. The Board shall maintain a register in which shall be entered the following particulars, viz:-

- (a) the name of every film examined under the Act;
- (b) the name of the person applying for the certificate;
- (c) the name of the person or company producing or releasing the film;
- (d) the date of examination;
- (e) the order of the Board on the report of such examination; and
- (f) the number and date of certificate issued, if any, together with a copy of any endorsement made on such certificate.

Copies of the entries in this register shall be sent monthly to all other authorities constituted under the Act for the examination and certification of films in British India.

F. LEWISOHN,
Chief Secretary to the Govt. of Burma.