



The Tamil Nadu Compulsory Censorship of Publicity Materials Act, 1987

Act 34 of 1987

Keyword(s):

Board, Certificate of Censorship, Chairman, Chairman, Member, Objectionable Publicity Material

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The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 27th July 1987 and is hereby published for general information :—

ACT No. 34 OF 1987.

An Act to provide for compulsory censorship of publicity materials.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Thirty-eighth Year of the Republic of India as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Tamil Nadu Compulsory Censorship of Publicity Materials Act, 1987.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It shall come into force in such areas and on such dates as the Government may, by notification, appoint and different dates may be appointed for different areas.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “Board” means the Tamil Nadu Board of Censorship constituted under section 4;

(b) “Certificate of Censorship” means a Certificate of Censorship in respect of publicity material granted under section 7;

(c) “Chairman” means the Chairman of the Board;

(d) “Government” means the State Government;

(e) “member” means a member of the Board;

(f) “objectionable publicity material” means any publicity material—

(i) which is obscene; or

(ii) which is likely to—

(A) incite any person to commit any offence involving violence; or

(B) offend against decency or morality; or

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(C) promote on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony, feelings of enmity or hatred or ill-will between different religious, racial, language or regional groups or castes or communities.

Explanation I.—A publicity material shall be deemed to be obscene if it is lascivious or appeals to the prurient interest or if its effect, or (where it comprises two or more distinct items) the effect of any one of its items, is, if taken as a whole, such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read or see the matter contained or embodied in it, or if it portrays, exhibits or shows a picture, drawing, painting or figure of a female human being of any age in such posture which is offensive to senses or which is likely to suggest any indecent or impure or immoral ideas in the minds of persons who are likely to read or see the matter contained or embodied in it.

Explanation II.—A publicity material shall not be deemed to be objectionable merely if it—

(1) expresses disapprobation or criticism of any law or of any policy or administrative action of the Government with a view to obtain its alteration or redress by lawful means; or

(2) criticises any social or religious practices without malicious intention and with an honest view to promote social or religious reform or social justice;

(g) "place open to public view" includes any private place or building, monument, statue, post, wall, fence, tree or other thing or contrivance visible to a person being in, or passing along, any public place;

(h) "public place" means any place (including a road, street or way, whether a thoroughfare or not and a landing place) to which the public are granted access or have a right to resort, or over which they have a right to pass;

(i) "publicity material" means any material which is produced in India or in any country outside India for giving publicity or anything other than publicity material relating to a cinematograph film and includes—

(i) hoarding, showcard, insert, press design and enlargement ;

(ii) poster ;

(iii) still photo ;

(iv) slide ;

(v) still for publication in newspapers and periodicals ;

and

(vi) such other material as may be prescribed.

3. *Exhibition of publicity material.*—(1) No person shall affix to or exhibit on, any place open to public view any publicity material without a Certificate of Censorship.

(2) Every publicity material exhibited shall bear in such manner as may be prescribed, the number and date of certificate of censorship granted in respect of such publicity material.

4. *Board of Censorship.*—(1) For the purpose of granting Certificate of Censorship in respect of publicity material, the Government may, by notification, constitute a Board to be called the Tamil Nadu Board of Censorship which shall consist of a Chairman and not more than five other members appointed by the Government.

(2) The Censor Officer appointed under sub-section (1) of section 5 shall be the Member-Secretary to the Board.

(3) The Chairman and the members shall hold office for such term as may be prescribed.

(4) The Chairman shall receive such remuneration as may be determined by the Government and the members, other than the Censor Officer, shall receive such allowances or fees for attending meetings of the Board as may be prescribed.

(5) The meetings of the Board shall be held at such place and time and in such manner as may be prescribed.

(6) No person shall be eligible for appointment as Chairman or member of the Board, unless he has completed the age of thirty-five years.

5. *Censor Officer and other staff.*—(1) For carrying out the purposes of this Act, the Government shall appoint a Censor Officer and may also appoint such number of Assistant Censor Officers, Inspectors and other Officers and staff as the Government may think fit to assist the Censor Officer.

(2) The Censor Officer, the Assistant Censor Officers and Inspectors may inspect any place and may call for any document relating to any publicity material from any person responsible, for the exhibition of such publicity material.

(3) The Censor Officer, Assistant Censor Officers and Inspectors shall exercise such powers and perform such other functions as may be prescribed.

6. *Application for Certificate of Censorship.*—(1) If any person wants to exhibit in any place open to public view any publicity material, he shall make an application to the Board in such form as may be prescribed, for a Certificate of Censorship and shall submit such material along with the application in such manner as may be prescribed.

(2) Every application under sub-section (1) shall be accompanied by such fee as may be prescribed.

7. *Grant of Certificate of Censorship.*—(1) The Censor Officer shall examine the publicity material submitted under section 6 and place the publicity material together with his recommendations if any, before the Board for its consideration.

(2) The Board shall, within a period of two weeks, after examining the publicity material and the recommendations of the publicity materials Censor Officer in the prescribed manner,—

(i) grant a certificate of publicity materials censorship in such form and in such manner as may be prescribed ; or

(ii) direct the applicant to carry out such alterations or modifications in the publicity materials as it thinks necessary before sanctioning the publicity materials for public exhibition ; or

(iii) refuse to grant a certificate of publicity materials censorship, for public exhibition.

(3) No action under clause (ii) and clause (iii) of sub-section (2) shall be taken by the Board except after giving an opportunity to the applicant, for representing his views in the matter.

(4) Every Certificate of Censorship shall be signed by the Censor Officer or, in his absence, by such Assistant Censor Officer as may be empowered in this behalf by the Board and the publicity material shall then be returned to the person who submitted it.

8. *Appeal.*—(1) Any person aggrieved by any decision of the Board may, within thirty days from the date of receipt of such decision, make an appeal to such authority as the Government may prescribe and such authority may, after such inquiry as it considers necessary and after giving the appellant an opportunity for representing his views in the matter, make such order in relation thereto as it thinks fit.

(2) The order of the authority referred to in sub-section (1) shall be final.

9. *Penalty.*—(1) Whoever affixes to, or exhibits on, any place open to public view any objectionable publicity material shall be punished with imprisonment of either description for a term which may extend to three years or with fine which may extend to three thousand rupees, or with both.

(2) Whoever affixes to or exhibits on, any place open to public view any publicity material in respect of which a Certificate of Censorship has not been granted by the Board under section 7, or which does not bear in the manner prescribed the number and date of the Certificate of Censorship, shall be punished with imprisonment of either description which may extend to three years or with fine which may extend to three thousand rupees or with both 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.

(3) If any person is convicted of an offence punishable under sub-section (1) or sub-section (2), the convicting court may further direct that the publicity material in respect of which the offence has been committed be forfeited to the Government.

10. *Punishment of abettor.*—Whoever in any manner whatsoever, causes, procures, counsels, aids, abets or is accessory to, the commission of any offence under sub-section (1) or sub-section (2) of section 9 shall be punished with the punishment provided for the offence.

11. *Validation.*—No act or proceeding of the Board shall be deemed to be invalid by reason only of vacancy in, or any defect in the constitution of, the Board.

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12. *Power to compound offence.*—(1) Subject to such conditions as may be prescribed, the prescribed authority by a general or special order in this behalf may, either before or after the institution of proceedings under this Act, accept from the person who has committed or is reasonably suspected of having committed an offence under this Act, by way of composition of such offence, a sum of money not exceeding two thousand rupees.

(2) On payment of such sum of money, such person shall be discharged and no further proceedings shall be taken against him in respect of such offence.

13. *Power to seize.*—It shall be lawful for any police officer not below the rank of an officer-in-charge of a police station to seize—

(a) any objectionable publicity materials ; or

(b) any publicity material—

(i) in respect of which no Certificate of Censorship has been obtained under this Act, or

(ii) which does not bear the number and date of the Certificate of Censorship.

and such police officer shall forthwith report the seizure to the Magistrate having jurisdiction and where the publicity material seized is such that it cannot be conveniently transported to the court, he may give custody thereof to any person on his executing a bond undertaking to produce the publicity material before the court as and when required and to give effect to the further orders of the court as to the disposal of the same.

14. *Chairman and members to be public servants.*—The Chairman and the members shall, when acting or purporting to act in pursuance of the provisions of this Act or the rules made thereunder, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860).

15. *Bar to legal proceeding.*—No suit or other legal proceeding shall lie against the Chairman, members and the officers and staff appointed under this Act in respect of anything which is in good faith done or intended to be done under this Act or any rules made thereunder.

16. *Offences by companies.*—(1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of and was responsible to, the

company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals ; and

(b) “director” in relation to a firm, means a partner in the firm.

17. *Power to make rules.*—(1) The Government may make rules for carrying out all or any of the purposes of this Act.

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

(a) all matters expressly required or allowed by this Act to be prescribed ;

(b) the term of office of the Chairman and the members ;

(c) the remuneration payable to the Chairman ;

(d) the allowances or fees payable to the members ;

(e) the place and time at which and the manner in which the meetings of the Board shall be held ;

(f) the powers and functions of the Censor Officer, Assistant Censor Officers and Inspectors ;

(g) the form of application for a Certificate of Censorship ;

(h) the manner of submitting publicity materials ;

(i) the fee to be paid for Certificate of Censorship ;

(j) the form and the manner in which the Certificate of Censorship shall be granted ;

(k) the authority to whom appeal shall be preferred under sub-section (1) of section 8 ; and

(l) the authority to compound the offence under section 12.

(3) In making any rule under this Act, the Government may provide that a breach thereof shall be punishable with a fine which may extend to five hundred rupees.

(4) (a) All rules made under this Act shall be published in the *Tamil Nadu Government Gazette*, and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(b) All notifications issued under this Act shall unless they are expressed to come into force on a particular day, come into force on the day on which they are published.

(5) Every rule made or notification issued under this Act shall, as soon as possible after it is made or issued, be placed on the table of the Legislative Assembly and if, before the expiry of the session in which it is so placed or the next session, the Assembly makes any modification in any such rule or notification or the Assembly decides that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

18. *Saving.*—The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force, and nothing contained herein shall exempt any person from any proceeding by way of investigation or otherwise which might, apart from this Act, be instituted against him.

(By order of the Governor)

S. VADIVELU,
Commissioner and Secretary to Government,
Law Department.