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## **ANDHRA PRADESH CINEMAS (REGULATION) RULES, 1970**

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**ANDHRA PRADESH CINEMAS (REGULATION) RULES, 1970**

In exercise of the powers conferred by Section 6 and sub-section (1) of Section II of the Andhra Pradesh Cinemas (Regulation) Act, 1955 (President's Act 4 of 1955) and in supersession of the Andhra Pradesh Cinemas (Regulation) Rules, 1962 published with Home Department's Notification No.28 dated the 26th July, 1962 at pages 294 to 339 of the Rules Supplement to Part I of the Andhra Pradesh Gazette, dated the 26th July, 1962, as amended from time to time, the Governor of Andhra Pradesh hereby makes the following rules, namely:-

**CHAPTER 1 General**

**1. Short title and commencement :-**

These rules may be called the Andhra Pradesh Cinemas (Regulation) Rules, 1970 , They shall take effect from the date of issue and shall apply to all cinema premises in the State of Andhra Pradesh.

**2. Definitions :-**

(1) In these rules, unless the context otherwise requires,

(a) Act means the Andhra Pradesh Cinemas (Regulation) Act, 1955 (President's Act 4 of 1955);

(b) auditorium means the portion of licensed place in which accommodation is provided for the public to view the cinematograph exhibitions;

(c) building means,

(i) in relation to a permanent cinema, a building which is constructed for permanent use with stone, mud, brick, mortar, cement or such other non-inflammable material as is generally used for the construction of pucca buildings and as may be permitted by the licensing authority.

Provided that the existing permanent cinema buildings, which were treated and licensed as such under the rules in force immediately before these rules take effect shall be deemed to be permanent cinema building within the meaning of this definition.

Explanation: - Where the floor, roof, side walls, galleries, staircases of a building are made of non-inflammable material permitted by the licensing authority, the building shall, for the purposes of these rules, be deemed to be a permanent building and if any question arises as to whether a building is or is not a permanent building, the question shall be decided by the licensing authority in consultation with Executive Engineer or the Superintending Engineer of the Roads and Buildings Department, having jurisdiction over the area, and such decision of the licensing authority shall be final.

(ii) in relation to a semi-permanent cinema, a building which is constructed of non-inflammable materials, as is generally used for the construction of pucca building with side-walls of 1.05 metres height, built with lime, mortar or mud and durable black canvass or tarpaulin curtains over them so as to cover light and afford shelter from rain and as may be permitted by licensing authority; and

(iii) in relation to a temporary cinema, a building which is not a permanent building and which is constructed of non-inflammable materials, having galvanised zinc or asbestos sheets and the like for roofing, or which is constructed of inflammable materials, having zinc or asbestos sheets, tent or tarpaulin and the like for roofing;

(d) cinema operator means a person holding a valid licence granted by the Electrical Inspector on the strength of a competency

certificate issued by the Electrical Inspector to Government {in accordance with the instructions in Appendix VIII}

(dd) "drive-in-cinema" means a cinema with an open-air-theatre premises into which admission may be given to persons desiring to view the cinema while sitting in motor cars only. Admission of persons other than those desiring to view the cinema while sitting in motor cars shall not be allowed in a "drive-in cinema" premises}

(e) Electrical Inspector means a person appointed by the Government as such under sub-section (1) of Section 36 of the Indian Electricity Act, 1910 (central Act 9 of 1910) and includes any person authorised or deputed by him.}

(f) enclosure means the portion of the licensed place in which the cinematograph apparatus is erected;

(g) form means form annexed to these rules.

(h) Government means the Government of Andhra Pradesh.

(i) health officer means the Municipal Health Officer in the case of a Municipality which employs a Health Officer, or the Medical Officer of Health in the case of Hyderabad Municipal Corporation and the District Health Officer in all other cases;

(j) "inspecting officer" means the licensing authority, the Electrical Inspector and the Health Officer and any officer of any department authorised by the licensing authority to inspect the theatre.

(k) licensed electrical contractor means an electrical contractor licensed by the Government.

(l) licensed surveyor or licensed architect or licensed civil engineer or licensed supervisor means a surveyor or architect or civil

engineer or supervisor licensed under any enactment relating to the local Government or any rule or bye-law made thereunder relating to the regulation of construction of buildings in the area where the cinema building is constructed.

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(mm) motor car" means a motor car as defined in clause (16) of Section 2 of the Motor Vehicles Act,1939.

(n) place means town or village (including the hamlet or hamlets attached to the village);

(o) prescribed means prescribed by order of the licensing authority;

(p) special cinematograph exhibitions means, -

(i) cinematograph exhibitions given in schools or halls for occasional public use; and

(ii) cinematograph exhibitions given in the open air or in pendals where the sides cannot be enclosed; and

(q) existing cinemas means the cinema buildings existing or those under construction prior to the commencement of these rules.

(2) Words and expressions used in these rules but not defined therein shall have the meanings assigned to them in the Act.

### **3. Interpretation of rules :-**

If any question arises as to the interpretation of these rules

otherwise than in connection with a prosecution for an offence, the question shall be referred to the Government whose decision shall be final.

#### **4. Title to obtain or hold permission or a licence :-**

Any person not below the age of twenty years, any company or firm or association of individuals whether incorporated or not, shall be entitled to obtain or hold any permission or licence under the Act.

Provided that, no permission or licence shall be issued in the name two or more person.

#### **5. Transfer of permission for construction or of licence on the death of the holder of permission/licence :-**

(1)

(a) Where the holder of the permission to construct or reconstruct a cinema building or to make additions or alterations thereto dies, the person succeeding to the possession of the said premises covered by the permission, may use it.

Provided that such person has, within thirty days of the death of the holder of the permission, informed the licensing authority of the death of the holder and makes an application along with succession certificate within ninety days of the death of the said holder, for transfer of said permission in his favour.

(b) The licensing authority may, on application made to it within three months of the death of holder of permission, transfer the permission to the person succeeding to the possession of the premises and the incomplete building or the building to be altered.}

(2)

(a) Where the holder of a cinematograph licence dies, the person succeeding to the possession of the cinema building covered by the licence of the deceased, may, for a period of three months, use the licence as if it has been granted to himself;

Provided that such person has, within thirty days of the death of the licensee, informed the licensing authority which granted the licence, of the death of the licensee and of his own intention to use the licence;

Provided further that no licence shall be used after the date on which it would have ceased to be effective without renewal in the hands of the deceased licensee.

(b) The licensing authority may, on application made to it within three months of the death of the licensee, transfer the licence to the person succeeding to the possession of the cinema building covered by the licence:

## **6. Requirements for cinema buildings :-**

The requirements as to

(i) site, specifications for construction of cinema building and other general matters ;

(ii) cinematograph apparatus and enclosure; (iii) electrical fittings and fire extinguishing appliances and equipment; and (iv) conditions regulating storage of not more than 91 kilograms of cinematograph film in any premises licensed under the Act, shall be as specified in Appendices I, II, III and V, respectively :

Provided that in the case of semi-permanent cinema buildings, these rules and the provisions in Appendices I, II and III as are

applicable to permanent cinema buildings, shall, except to the extent specified in item (ii) of clause (c) of sub-rule (i) of Rule 2, clause (b) of sub-rule (1) of Rule 7 and sub-rule (8) of Rule 13 and 1 of Appendix IV, be applicable and such buildings shall have all public conveniences and other requirements provided according to standards specified for permanent cinema buildings.

Provided further that in the case of the temporary cinemas, constructed with non-inflammable and inflammable materials only, the specifications mentioned in paras 2 and 3 of Appendix IV. as the case may be, shall apply and the licensing authority may, in consultation with the technical authorities, apply to these cinema buildings such of the specifications in Appendices I, II and III and with such modifications as may be considered necessary.

Provided also that in the case of special cinematograph exhibitions, only the specifications in para 4 in Appendix IV shall apply and the licensing authority may, in consultation with the Electrical Inspector, apply to these cinematograph exhibitions such of the specifications in Appendices I, II and III, with such modifications as may be considered necessary.

"Provided also that in the case of cinematograph exhibition given in any public place with an enclosed bulb projector with non-inflammable films not greater in width than 16 milli-metres only, the specifications in para 5 in Appendix IV shall apply and the licensing authority may, in consultation with the Electrical Inspector, apply to these cinematograph exhibitions such of the specifications specified in Appendices I, II and III and such of the rules, with such modifications as may be considered necessary.

"Provided also that in the case of Public Exhibition of films on Video at any place, the rules and the specifications in Appendix IX shall apply and the licensing authority may apply to these exhibitions such of the specifications specified in Appendices I, II and III and such of the rules, with such modifications as may be considered necessary.



"Provided further that in the case of drive-in-cinema these rules and provisions in the Appendices I, II, and III as are applicable to permanent cinema buildings shall apply subject to the specifications mentioned in Appendix X}

Provided also that in the case of Mini theatres, the rules and provisions contained in the Appendices I to VII shall be applicable as in the case of permanent cinema buildings.

Provided also that the maximum seats in a Mini theatre shall not exceed 400.

## **7. Restrictions on grounds of population and distance :-**

(1) Subject to sub-rule (5) of this rule, the number of cinema buildings allowed to function in any place on the basis of the population of such place shall be as specified below :-

(a) There shall be no restriction on the basis of population to the grant licences (i) to permanent cinemas ; and (ii) to temporary cinemas if there is no permanent cinema;

(b) Semi-permanent cinemas shall be allowed only in towns and villages having a population of less than 1,00,000 and not having more than three permanent cinemas already functioning;

(c) Where the population is 20,000 and less, only one temporary cinema shall be allowed if there is one permanent cinema and no temporary cinema shall be allowed if there are more than one permanent cinemas;

(d) Where the population is over 20,000 but less than 50,000 only two temporary cinemas shall be allowed if there are one or more permanent cinemas;

(e) Where the population is over 50,000 only three temporary cinemas shall be allowed, if there is only one permanent cinema; two temporary cinemas shall be allowed, if there are only two permanent cinemas; and no temporary cinema shall be allowed if there are three or more permanent cinemas;

(2) Subject to sub-rule (5) of this rule, the location of cinema buildings in terms of distances from each other or from any other building shall be as specified below:

(a) No restriction in regard to distance between one permanent cinema and another permanent cinema}.

(b) 800 metres between one temporary cinema and another temporary cinema;

(c) 800 metres, in between permanent or semi-permanent theatre and a temporary theatre.

(d) 6.5 metres between a cinema building and other building.

(3) The distance between any two cinema buildings or between a cinema building and any other building shall be reckoned from the main entrance of one to that of the other, along the shortest pathway, lane, street, road or any other way connecting them provided that such pathway is generally used by the members of the public.

(4) In calculating the population of a place for the purposes of subrule (1), account shall be taken not only of the permanent and floating population of the place but also of its environs within a radius of eight kilometres being calculated from the Municipal, Gram Panchayat or Revenue Village limits.

(5) licences shall not be granted for construction of permanent or

(5) licences shall not be granted for construction of permanent or semi-permanent or temporary cinema buildings within a distance of 800 metres in places where temporary cinema theatres exist on the date of applications by the applicants.

Provided that in respect of temporary theatres situated within a distance of eight hundred metres of permanent or semi-permanent cinema theatres and in respect of which licences had not been renewed {.....} on account of the restrictions contained in clause (c) of sub-rule (2) of this rule obtaining as on the 26th March, 1985, fresh licences shall be granted by following the procedure, without insisting on the said restriction.}

"(6) Exhibition of films not greater in width than 16 milli-metres with an enclosed bulb projector {.....} shall not be allowed within a distance of 8 kms. from either permanent, semi-permanent or temporary theatres screening films of 35mm. width and above}.

#### **7A. Application of rules made under the Acts mentioned in Section 6 of the Act :-**

(1) All rules made from time to time, under the Andhra Pradesh (Andhra Area) Places of Public Resort Act, 1818 (Act 1 of 1818), the Andhra Pradesh Municipalities Act, 1965 (Act VI of 1965) the Hyderabad Municipal Corporations Act, 1955 (Act II of 1956), the Andhra Pradesh (Andhra Area) District Boards Act, 1920 (Act XIV of 1920), the Andhra Pradesh (Andhra Area) Town Planning Act, 1920 (Act VII of 1920), and the Andhra Pradesh Gram Panchayats Act, 1964 (Act II of 1964), relating to the matters referred to in Section 6 of the Act and in force immediately before the publication of this notification in the Andhra Pradesh Gazette, shall so far as may be apply to the matters aforesaid.

(2) All references to a Municipal Council or the Chairman or the executive authority thereof or to the District Board or the President or the executive authority thereof or to the Panchayat or the President or the executive authority in any rule referred to in sub-

rule (1) shall be construed as references to the licensing authority under the Act for the purposes specified in Section 6 and Section 11 (2) (a) of the Act.}

**CHAPTER 2** Permission for the Construction or Re-Construction of a Cinema Building and Installation of Machinery.

**8A.** Application for issue of "No Objection Certificate" for constructing Cinema Building :-

(A) :-

(1) Any person intending to construct or reconstruct the whole building or use a building exclusively for cinematograph exhibitions and to employ steam power, electrical power or other mechanical power or to instal therein any machinery driven by steam, water, electricity or other power for the aforesaid purpose shall before, beginning such construction or reconstruction or installation make an application in writing to the licensing authority in Form A-1 and obtain "No Objection Certificate".

(2) Such application shall be accompanied by;

(a) a site plan drawn on a separate sheet to a scale of not less than 1 cm. to 500 cms. showing.

(i) the cardinal points marked thereon;

(ii) the position of the site in relation to any adjacent premises and to the public thorough- fare upon which it abuts and;

(iii) the surrounding roads and buildings like schools, hospitals, places of worship and the like, which exist upto a distance of 182 metres of the site;

Provided that in respect of the application for "Drive-in- Cinema"

the surrounding roads and buildings like schools, hospitals, places of worship and the like which exist upto a distance of one kilometre shall be shown.

(b) necessary records or certified copies thereof relating to his ownership and possession of the site if he is himself the owner thereof or those relating to his lawful possession thereof if he is not the owner:

(c) the treasury receipt relating to the payment of fees prescribed in Rule 16.

(d) five additional copies of the application and site plan and other papers mentioned in clauses (a) and (b) of this sub-rule.

**8B. Grant of "No Objection Certificate" :-**

(1) Within fifteen days of receipt of any application for grant of "No Objection Certificate", the licensing authority shall

(a) if the application is not in accordance with the rules, return the same to the applicant for re-submission within a period of sixty days failing which the application shall be treated as rejected and fresh application shall be made;

(b) If the application is in order forward a copy of the application together with its enclosures to the Chief Executive Officer of the Local authority, the Director of Town Planning in the case of areas covered by Town Planning Schemes, the Health Officer and the Police Authorities asking for their report within fifteen days from the date of receipt of the copy of the application and obtain their acknowledgement.

(c) On receipt of the reports referred to in clause (b) of sub-rule (I)

if the licensing authority is satisfied that the other requirements of these rules are fulfilled and that the applicant is in lawful possession of the site he shall within fifteen days from the date of receipt of the said reports grant "No Objection Certificate" applied for, either absolutely or subject to such conditions as it thinks fit to impose;

Provided that if the licensing authority is satisfied that the provisions of these rules have not been fulfilled, he may refuse to grant "No Objection Certificate" applied for and communicate to the applicant the reasons for such refusal.

(2) The "No Objection Certificate" shall be granted within 45 days of the receipt of the application.

Provided that No Objection Certificate for construction of theatre shall not be granted on the sites which are within 182 metres of Schools, Colleges, Hospitals and places of worship.

Provided further that if the Licensing Authority fails to send reply to the applicant either granting or rejecting the "No Objection Certificate" applied for, within the period of 45 days, the "No Objection Certificate" is deemed to have been granted provided the proposal is in conformity with the Act and the Rules made thereunder.

### **9A. Application for grant of permission to construct Cinema Building :-**

(1) Within six months after the receipt of the "No Objection Certificate" the person shall make an application to the licensing authority in Form A-1 and obtain permission.

(2) Such application shall be accompanied by:

(a) Complete plans, elevations and sections, of the premises and of all erections or buildings thereon drawn correctly to a scale of 1 cm. to 100 cms. according to the specifications in Appendices I, II, III and IV and showing the position of the electrical machinery and cinematograph apparatus along with wiring diagram which conforms as far as may be to the model wiring diagram in Appendix-VII.

Explanation (1):- All drawings shall be coloured to distinguish the material employed in the construction of buildings and erections.

Explanation (2):- The thickness of the walls and scanting of the various material used shall be clearly shown on such drawings by figured dimensions.

Explanation (3) :- The width of all stair cases, the number of steps in each such stair cases, the width of corridors, gangways, doorways together with the height of any galleries or tiers in such premises and in any of the erections or buildings in connection therewith as are more than one tier in height the floor and roof ventilation and the details of any gas or electric installation, shall be indicated on such drawings.

Explanation (4) :- (a) All plans and drawings in respect of permanent cinema buildings shall be got prepared by an Engineer holding the B.E. Degree of a University in India established or incorporated by or under a Central Act, Provincial Act or any other equivalent qualification or by a retired Executive Engineer and shall bear a certificate under his signature to the effect that the designs are sound and stable.

(b) Such particulars as to the power, machinery, plant or premises required.

(c) the treasury receipt relating to the payment of fees prescribed in Rule 16;

(d) Four additional copies of the application accompanied by copies of plans and other papers mentioned in clauses (a) and (b) of this sub-rule.

(e) any other plans, sections, elevations, designs, details, structural calculations and other particulars of the proposed or existing building and erections which the licensing authority in his discretion may consider necessary for the proper scrutiny of the application and grant of licence.

**9B. Grant of permission to construct Cinema Building :-**

(1) Within 15 days of receipt of any application for grant of permission the licensing authority shall

(a) If the application is not in accordance with the rules, return the same to the applicant for re-submission within a period of sixty days failing which the application shall be treated as rejected and fresh application shall be made;

(b) If the application is in order forward a copy each of the application together with its enclosures to the Electrical Inspector, the concerned Executive Engineer, Roads and Buildings, the Health Officer of the local authority asking for their report within thirty days from the date of receipt of the copy of the application and obtain their acknowledgement.

(c) On receipt of the report referred to in clause (b) of sub-rule (2) if the licensing authority is satisfied that the other requirements of these rules are fulfilled he shall within fifteen days from the date of receipt of the said reports grant the permission applied for, either absolutely or subject to such conditions as it thinks to impose:

Provided that if the licensing authority is satisfied that the



provisions of these rules have not been fulfilled, he may refuse to grant the permission applied for and communicate to the applicant the reasons for such refusal. Provided further that if orders either granting or rejecting the permission applied for are not passed and communicated to the applicant within the period of ninety days from the date of receipt of application, it shall be deemed that the permission applied for has been granted.

Provided further the application for construction or reconstruction of the Cinema Theatre should be in conformity with not only the Act and the Rules, but also with the provisions envisaged under Section 6 of the Act and Rules and bye laws etc., made thereunder.}

(2) The licensing authority shall, when the permission applied for is granted, affix his signature and seal of office and also endorse his approval on the plans and the other documents as approved by it and return a copy each to the applicant and also inform the Electrical Inspector concerned about the permission having been granted.

(3) The permission under sub-rule (2) shall be granted subject to the following conditions namely :

(a) If it is a permanent cinema building, all stages of construction work namely, foundation level, reinforcement of principal members of the structure (that is, raker beams, balcony main beam, balcony slab and the like) R.C. Slab or roof level or additions and alterations, shall be got executed to proper standards by a qualified licenced surveyor, licensed supervisor or licensed architect or licensed Civil Engineer and the responsibility for the structural soundness of the building shall be that of the owner.

(b) If it is a permanent cinema building;

(i) Certificates, at each stage of construction specified in clause (a) additions or alterations, to the effect that the construction of that stage of work has been done according to the approved plans and

designs and as required by these rules and a certificate in Form E at the completion of the building, addition or alterations in all respects shall be obtained from the qualified licensed engineer in charge of the construction work;

(ii) the building additions or alterations, when completed shall be inspected by the Executive Engineer (R and B) concerned for the purpose of counter signature on the certificates mentioned in sub-clause (1);

(iii) building certificate regarding structural soundness and longevity of the building shall also be obtained from the Executive Engineer (R and B) concerned after completion of construction :

(c) If it is a temporary cinema building all stages of construction/additions or alterations shall be got executed to proper standards by a qualified licensed surveyor or licensed supervisor or licensed architect or licensed Civil Engineer and the responsibility for the structural soundness of the building shall be that of owner who shall also produce a certificate in Form-E after the completion of the building;

(d) Such of the provisions of the Indian Electricity Act, 1910 (Central Act 9 of 1910) and the rules made thereunder as are applicable to cinema buildings shall be complied with and the electric wiring shall conform to the code of practice for Electrical Wiring fittings in Buildings of the Indian Standard Institution and the equipment shall bear the I.S.I. mark.

(e) The Installation and maintenance of the telephone connections required under condition No. (7) of Form-B shall be carried out at the cost of the applicant.

(f) The construction of the building shall be completed within a period of three years. The licensing authority may for valid reasons, grant extension for a further period of two years for completion of construction of the building.

## **10. Additions and alterations to cinema buildings :-**

(1) Any person intending to make additions or alterations to the cinema premises, or any portion thereof or to the electrical installations or apparatus or any part thereof shall make an application in writing, to the licensing authority along with complete plans, elevations, sections, site plans and specifications of the work and drawings and diagrams relating to such additions or alterations, in duplicate:

Provided that any temporary changes necessitated by sudden breakdowns are reported simultaneously to the licensing authority and the Electrical Inspector within 24 hours and such changes shall be subject to the approval of licensing authority.

(2) Within sixty days of receipt of any such application, the licensing authority, shall as far as may be follow the procedure laid down in Rule 9 before granting or refusing to grant the permission applied for.

## **10A. Alteration of the Seating Capacity :-**

The seating capacity fixed in "B" Form licence shall not be allowed to be reduced:

Provided that if the licensing authority is satisfied that the licensee exhibiting cinematograph exhibitions under loss, the Licensing Authority may reduce the seating capacity fixed in B Form licence on an application made by a licensee on or before (1st March, 1994), subject to the conditions that

(a) the seating capacity in the auditorium is fixed in such a way that no extra seat can be fixed in any classes of admission where the seats are fixed; and

(b) that all other classes of admission where the seats are not fixed and where there is open space, the number of seats shall be determined as per para 19 of the Appendix-I to the said rules.

### **CHAPTER 3** Licences and Certificates

#### **11A. Application for grant of a Licence :-**

Every application to the licensing authority for the grant of a licence under the Act shall be in writing and in Form-A-II and shall be accompanied by -

(a) attested copies of plans referred to in clauses (a) and (b) of sub-rule (2) of Rule 9 (A) as approved by the authorities at the time of granting permission under Rule 9(A).

(b) the treasury receipt for the payment of fees prescribed in Rule 16;

(c)

(i) Certificates obtained as required under clause (b) or (c) as the case may be of sub-rule (3) of Rule 9 (B) and, if the applicant so wishes, a certificate obtained from a licensed electrical contractor in Form-F.

(ii) Certificates obtained from a licensed surveyor or licensed architect or licensed Civil Engineer or licensed supervisor, as the case may be, and from a licensed contractor in Forms-E and F respectively, if the applicant so wishes;

(d) a declaration by the applicant to the effect that he has completed all arrangements for obtaining films certified by the Central Government with the previous approval of the Central Film Advisory Board for exhibition at each performance together with a statement for the suppliers confirming that such arrangements

have been made; and

(e) three additional copies of the application accompanied by copies of plans and other papers mentioned in clauses (a) and (c).

**11B. Grant of Licence to Cinema Buildings :-**

(1) Within fifteen days of receipt of such application, the licensing authority shall

(a) If the application is not in accordance with the rules dispose it of in accordance with clause (a) of sub-rule 9 (B)

(b) If the application is in order, forward a copy of the application together with its enclosures to the Electrical Inspector and the Executive Engineer (R and B) (in the case of permanent cinema building only) asking for their reports and certificates within thirty days from the date of receipt of the copy of the application and obtain their acknowledgements:

(2) On receipt of the reports and certificates referred to in clause (b) of sub-rule (1), or, if the same have not been received in time on consideration of the certificates referred to in clause (c) of Rule 11-A on merits, if the licensing authority is satisfied that the applicant is in lawful possession of the site, building and equipment he shall, within ten days from the date of receipt of the above reports and certificates or the due date for the receipt of above reports and certificates, grant a licence in Form-B with or without adding additional conditions thereto, consistent with the provisions of these rules, as he may deem fit in the interest of the health and safety of the public;

Provided that if the licensing authority is satisfied that the provisions of these rules have not been fulfilled and or that, in the case of temporary cinema building the provisions in Appendix -IV are not fulfilled he may refuse to grant the licence applied for and

communicate to the applicant the reasons for such refusal.

Provided also that the period of validity of a licence shall so far it may be co-relate with the period of validity of electrical and fire certificate granted in accordance with the provisions in Appendix-VI

(3)

(a) The licensing authority, while granting or renewing a licence in Form-B, shall also fix the maximum rates of payment for admission to the different classes in the licensed premises.

(b) These rates shall not be increased during the currency of the licence without an order in writing by the licensing authority permitting such increase.

(c) The order of the licensing authority is liable to be cancelled or modified by the Government, if they consider such a course just or necessary.

(d) Any person aggrieved by the order of the licensing authority may appeal to the Government who may make such order as it deemed fit.

#### **12A. Application for the Renewal of a Licence :-**

(a) Every application for renewal of a licence shall be made ninety days before the expiry of licence sought to be renewed and it shall be made in Form A-II in triplicate accompanied by the treasury receipt for the payment of fees prescribed in Rule 16, certified or xerox copies of the certificate of longevity of the building issued by the Executive Engineer (RandB) and the certificate of validity of the Electrical and Fire certificate in Form-D issued by Electrical Inspector:

Provided that if any licence is co-terminus with the period of validity of the electrical and fire certificate in Form-D the application for its renewal shall also be accompanied by the treasury challan with a certified or zerox copy thereof for payment of fees prescribed in Rule 16 for the renewal of the said certificate.

Provided further that where applications are not made before ninety days as provided in sub-rule (a), a late fee of Rs.20/- (Rupees twenty only) for each day of delay shall be paid and the challan enclosed to the renewal application.

(b) a letter of consent in writing of the original licensee whenever there is a transfer of possession of site, building and equipment to the effect that he has no objection to the licence being transferred in the name of the transferee. An affidavit may be obtained in the case of transfer of title.

### **12B. Renewal of Licences to cinema buildings :-**

:-

(1) Within fifteen days of receipt of such application, the licensing authority shall:

(a) If the application is not in accordance with the rules, dispose it of in accordance with clause (a) of sub-rule (1) of Rule 9 (B).

(b) If the application is in order, the electrical and fire certificate is valid and if the certificate of longvity of the building initially issued by the concerned Executive Engineer (R and B) is valid for the period for which the renewal of licence is applied for; the licence may be renewed for the period applied for:

Provided further that, in case of an application for renewal of a licence (in respect of a permanent cinema building), which is made three months in advance of the expiry of the licence, if the authorities concerned do not furnish their reports and certificates in

time, the respective certificates shall be deemed to have been renewed.

Provided that if the licensing authority is satisfied that the provisions of these rules have not been fulfilled he may refuse to grant the renewal applied for and communicate to the applicant the reasons for such refusal.

Provided further that the period of validity of a licence shall correlate with the period of validity of electrical and fire certificate granted in accordance with the provisions in Appendix-VI.

Provided also that in respect of a permanent cinema building, if the licensing authority does not either renew or refuse to renew or return for reasons to be recorded in writing before the date of expiry of the licence, he shall grant a temporary permit in Form C provided that the Electrical Inspectors Certificate continues to remain valid or has been deemed to have been renewed under the first proviso to sub-rule (1) or the licensed contractors certificate furnished by the applicant is accepted, and that the fees prescribed under Rule 16 has been paid and the application have has been made three months before the expiry of the Electrical Inspectors Certificate.

(2) Certificates for renewals are dispensed with If Electrical and Fire certificate is required it will be obtained by the Licensing Authority within the period prescribed by him. The required fee for such certificate shall be collected from the licensee by the licensing authority. The Inspecting Officers shall report to the Licensing Authority for imposition of penalty or revocation or suspension of licence if any defect notified during inspection is a source of danger to the public or to the building.

### **13. Licences and temporary permit and their periods :-**

(1) Licences granted under the Act shall be either for {five} years,



or for one year or temporary.

(2) Temporary licences may be granted for a period not exceeding six months at a time:

(3)

(a) {A licence for five years or for a lesser period applied for shall be granted only in respect of permanent cinema building, provided that in case the licence valid for a period less than five years is granted, the licensing authority shall collect only the proportionate licence fee.}

(b) Temporary licences may also be granted in respect of permanent cinema buildings if they are required only for occasional use for cinematograph shows or exhibitions.

(4) A licence for one year or a temporary licence may be granted in respect of \* {Bamboo tatty or} walled enclosures which have no roof or superstructure.

(5) Temporary licences may only be granted in respect of temporary cinema buildings.

(6) Any licence granted may from time to time, to renewed at the discretion of the licensing authority

(a) in the case of a licence for {five} years, for further periods of \* {five} years at a time; and

(b) in the case of an annual licence for further period of one year at a time; and

(c) in the case of a temporary licence, for such further periods as

the licensing authority may think fit but not exceeding at a time the period specified in sub-rule (7), as the case may be.

(6-A) A renewed licence {when submitted before the expiry of licence} shall be deemed to be a continuation of the original licence.

{

(7)

(a) {.....}

(b) In case no such permit or order of refusal is received before the date of the expiry of the licence, the licensee shall be deemed to be a valid holder of licence.

(c) Such temporary permit shall be subject to the conditions of the licence sought to be renewed and shall be valid for a period of one month from the date of the grant thereof and may be renewed by the licensing authority for further periods of one month at a time;

Provided that the temporary permit shall cease to be valid and shall be surrendered to the licensing authority on the applicant receiving the licence duly renewed or on his receiving an order refusing to renew the licence;

Provided further that the temporary permit shall be surrendered to the licensing authority on demand made at any time in that behalf.

(d) The temporary permit shall, during the period of its validity, be deemed to be a licence for the purpose of these rules.

(8) No semi-permanent cinema building shall be licenced to exhibit shows in any town or village specified in clause (b) of sub-rule (1) of Rule 7 for a period exceeding five years from the date of grant of

the first licence;

Provided that at the expiry of the said period of five years the building shall be converted into a permanent cinema building conforming to the rules and if it is not converted into permanent cinema building it shall be continued as temporary cinema building.

(9) No temporary cinema building, constructed of non-inflammable materials shall be licensed to exhibit shows in any place for a period exceeding two years:

Provided that the said period of two years may, on application by the previous licensee, be further extended { x x x} upto another two years and in like manner, as often as may be, if the licensing authority is satisfied that the site and the building continues to conform to the relevant rules:

(10) No temporary cinema building, constructed of inflammable material shall be licensed to exhibit shows in any place for a period exceeding one year:

Provided that the said period of one year may on application by the previous licensee be further extended upto another one year without the need for any gap if the licensing authority is satisfied that the site and the building continue to conform to the relevant rules:

Provided further that the said period of two years may on application by the previous licensee be further extended {.....} upto another one year and in like manner, as often as may be, if the licensing authority is satisfied that the site and the building continues to conform to the relevant rules.

(11) {.....}

#### **14. Certificates :-**

(1)

(a) The Electrical Inspector or the officer deputed by him shall issue an electrical and fire certificate in Form-D to the effect that the enclosure, the cinematograph apparatus and plant, the electrical installation and fire extinguishing appliances and equipment are suitable and in order and fulfil the requirements of these rules; and that the provisions of these rules relating to precautions against the outbreak and spread to fire have been complied with, {and also a certificate as to the life of the electrical equipment and fitting used thereat}.

(b) {x x x}

(2) The certificates referred to in clauses (a) and (c) of sub-rule (1) shall be valid for a period of five years in the case of permanent cinema buildings and for three years in the case of temporary cinema buildings or for such shorter periods as may be applied for.}  
{.....}

Provided further that, in the case of temporary cinema buildings the electrical certificate shall cease to be valid when the cinematograph apparatus and plant are shifted to a different theatre or hall.

(3) {x x x}

#### **15. Date and month of expiry of electrical and fire certificates :-**

The electrical and fire certificates shall be issued so as to take effect from the first day of the month specified for each district in Appendix VI:

Provided that where any such certificate is issued so as to take effect from any other date the period of its validity shall be restricted so as to fall in line with the programme prescribed in the aforesaid Appendix.

**CHAPTER 4** Fee payable for Inspections, Certificates, Licences and Appeals under the Act

**16. Fee payable for Inspections, Certificates, Licences and Appeals under the Act :-**

(1) Fees for the general approval of plans and designs by the Executive Engineer (Roads and Buildings) in respect of the permanent cinema buildings shall be Rupees three thousand in the case of new construction either in the ground floor or in the first floor and Rupees one thousand in the case of additions or alterations.

(2) Fees for the original approval of the plans and designs by the Executive Engineer (Roads and Buildings) in respect of Semi-permanent and Temporary Cinema Buildings shall be rupees one thousand four hundred and rupees one thousand respectively.

(3)

(A) The fees payable per annum in respect of permanent Cinemas, Semi-permanent Cinemas and Temporary Cinemas constructed with non-inflammable material or grant of an Electrical and Fire Certificate in Form-D shall be as follows :

(a) For installation comprising of any or all for ordinary Projectors including Slide Projectors (total not more than three in number), Rectifiers or Converters, Step-down Transformers, Amplifiers, Motor Engines, Fire Extinguishers and Electrical wiring installation in the premises .. Rs.450/-

(b)

(i) For air-cooling equipment upto and including 45 HP installed capacity motors .. Rs.60/-

(ii) For air-cooling equipment comprising of motor of installed capacity above 45 HP ..Rs.100/-

(c) For air conditioning plant complete i.e., water-pump motors, blowers or weather maker motors and compressor motors etc., ..Rs.150/-

(d) Arrangement for projecting 35 mm or 70 mm films or both : For each projector over and above three projectors (two normal projectors plus one slide projector) ..Rs.60/-

(e) For each Lift or Escalator ..Rs.60/-

(f) For each neon sign and other luminous tube sign installation ..Rs.100/-

(g) For each generator ..Rs.100/-

(B) The fees payable per annum in respect of temporary Cinemas constructed with inflammable materials for grant of an Electrical and Fire Certificate in Form-D shall be as follows :

(a) For installations comprising of any or all for ordinary Projectors including Slide Projector total not more than 3 in number, Rectifiers or Converters, Step-down transformers, Amplifiers, Motors, Engines, Fire Extinguishers and Electrical Wiring installation in the premises ..Rs.300/-

(b) Generator ..Rs.100/-

(c) Neon and luminous tube signs..Rs.50/-

(C) Other Miscellaneous fees payable :

(a) Check inspection fees.

(i) In respect of permanent cinemas, semi permanent cinemas and temporary cinemas constructed with non-inflammable materials ..Rs.200/-

(ii) In respect of temporary cinemas constructed with inflammable materials ..Rs.100/-

(b) Fees for making any additions or alterations :

(i) In respect of permanent cinemas, semi permanent cinemas and temporary cinemas constructed with non-inflammable materials ..Rs.200/-

(ii) In respect of temporary cinemas constructed with inflammable materials Rs.100/-

(4) The Electrical Inspector or a person authorised by him may conduct a check inspection to ensure rectification of defects pointed out during periodical inspection, by the Licensee and for the check inspection the fees as prescribed in sub-rule (3) shall be payable, such check inspection fee shall also be payable by him in respect of check inspections made for any other reason : Provided that the Licensee shall be informed in writing about the intention of conducting such a check inspection in advance.

(5) Fees for the grant of duplicate of the Electrical and Fire Certificate in Form D shall be Rs.20/- in advance.

(6) Fees for the grant or renewal of a licence shall be--

(a) for a year in respect of a licence granted to a permanent cinema building--

(i) Rs.500/- upto 500 seats;

(ii) Rs.1,000/- for over 500 seats.

(b) for a period of not less than six months in respect of temporary licence granted to a permanent cinema building--

(i) Rs.300/- upto 900 seats;

(ii) Rs.600/- for over 900 seats.

(c) in respect of a drive-in-cinema--

(i) for a period not exceeding one year ..Rs.3,000/-

(ii) for a period not exceeding six months ..Rs.2,000/-

(iii) for a period not exceeding three months ..Rs.1,000/-

(d) for a month or portion thereof for a temporary licence in respect of a temporary cinema building Rs.25/- for an area of 95 Square Metres or less and Rs.15/- for every 45 square metres or fraction thereof in excess of 95 Square Metres.

(e) for a temporary licence in respect of an enclosure without any roof or superstructure thereon--



(i) for a year Rs.15/- and for a month or portion thereof Rs.5/- or at half the rate if used solely by day without lights in the auditorium for an area of 200 Square Metres or less; and

(ii) for a year Rs.5/- and for a month or portion thereof Rs.3/- or at half the rate if used solely by day without lights in the auditorium, for every 100 Square Metres or fraction thereof in excess of 200 Square Metres.

Explanation :--For the purpose of this rule, area shall mean the area of the main structure and other structure excluding the entrances, passages, stage, stair-case and all spaces or such portions of the building to which the public are not admitted;

(f) Fees for transfer of assignment of licence shall be Rs.300/- The fee shall be paid into Government Treasury or in any branch of the State Bank of India doing treasury business, to the credit of the Government to the head of the account. 0070 - Other Administrative Services 60 - Other Services M.H. 800 - Other Receipts S.H. (20) - Fees Collected for issue of licence to Cinemas (To be opened).

(g) fees for the grant of a duplicate of a licence shall be Rs.15/-

(h) Fees for grant of a No Objection Certificate shall be Rs.200/-

(7)

(a) Notwithstanding anything contained in clauses (d) and (e) of sub-rule (6) where a temporary licence is granted or renewed under sub-rule (2) of Rule 13 on payment of the prescribed fee, no further fee shall be charged in respect of subsequent renewals for keeping the licence in force for a period of one month from the date on which the grant or renewal took effect.

(b) No fees shall be chargeable for any licence granted in respect of any enclosure or building which is to be used exclusively for one or more of the following classes of Cinematograph shows, namely :

(i) entertainments, the proceeds of which are devoted to philanthropic, religious or charitable purposes;

(ii) entertainments which are of a wholly educational character;

(iii) entertainments which are provided for purposes which are partly educational, cultural or scientific by institutions not conducted or established for profit;

(iv) entertainments which are provided by institutions not conducted for profit and established solely for the purpose of promoting the public health or the interest of agriculture or of a manufacturing industry and consist solely of exhibitions of articles which are of a material interest for the promotion of the above object or of the materials, machinery, appliances or food-stuffs used in the production of these products relevant to them; and

(v) any other class of entertainments which the Government may specify by general or special order.

(c) No fees shall be levied for the grant or renewal of a temporary permit.

(8) Fees for an appeal to Government filed under the Act shall be Rs.200/-

(9) Where an application for the grant or renewal of licence is refused by the Licensing Authority or where an application for the grant or renewal of a licence or permission is withdrawn, a refund of one half of the fees paid by the applicant for the purpose shall be made provided the applicant has made an application for such

refund within one month from the date of receipt of the orders of rejection or has made an application for withdrawals and refunds before final orders are passed on the application so withdrawn, as the case may be.

(10) The fees for licences collected under the rules shall be apportioned between the State Government and the local authority concerned in the ratio of 1:1 in the case of a permanent cinemas and 1:3 in the case of temporary cinemas.

## **CHAPTER 5** Powers and Functions of the Licensing Authority and the Inspecting Officers

### **17. Powers and functions of the licensing authority and the inspecting officers :-**

(1) The officers mentioned in clause (j) of sub-rule (1) of Rule 2 shall examine the applications referred to them under Chapters II and III and make necessary inspection and send their reports as to the desirability of granting the permission or licence, or renewal of licence, applied for;

(2) The Electrical Inspector or any officer, deputed by him shall

(a) inspect the enclosure, Cinematograph apparatus and plant, the electrical installation and fire extinguishing appliances and equipment when first erected,

(b) Once a validity certificate is issued for electricity and fire, within the validity period inspection at random may be made but not annually. If any defects are noticed during the inspection, a notice may be issued to the licensee for rectification of those defects. In case of failure to rectify any defects which are considered to be a source of danger to the public and property, he may report to the Licensing Authority to cancel the licence or to impose the penalty.

(c) Inspection is not a condition precedent for renewal of licence}

(3) The Executive Engineer (Roads and Buildings) {in respect of a permanent cinema building} shall

(a) accord general approval of the design and the like by ensuring that all the rules have been complied with.

Explanation:- This general approval of the design, which will be limited to get at the correct appreciation of things, shall not absolve the owner of the structure of his obligation to get the work executed to proper standards.

(b) inspect the newly constructed cinema buildings, additions or alterations when completed and check up before countersigning the certificates mentioned in sub-clause (1) of Cl.(b) of sub- rule (3) of Rule 9-B whether the construction work has been executed to proper standards and in accordance with these rules and whether the building is structurally sound";

(c) have the while making an inspection of a cinema building in connection with the grant of a building certificate, to probe any portion of the structure and to call upon the applicant to furnish such details regarding the quality, quantity and proportion of the materials used in the construction of the building as may be necessary.

(d) issue appropriate orders to the owner/licensee if necessary to do so, if any deviation or defect is noticed during any inspection of cinema building and report the matter to the licensing authority with such recommendations as he may deem fit.

(e) report at once to the licensing authority, with full details, for such action as may be considered necessary, if any defect is noticed during inspection of a cinema building caused due to structural instability, such as the walls being out of plumb or cracked and the

like, and if it requires urgent repairs and the closing down of the cinema in the interest of the public safety till such repairs are carried out.

(4)

(a) The licensing authority or an officer deputed by him shall inspect every cinema building, enclosure, cinematograph apparatus and plant, electrical installation and fire extinguishing appliances and equipment when first erected and thereafter at least once in every year in order to ensure that they are maintained and are functioning in accordance with these rules.

(b) The licensing authority shall by order direct the licensee-

(i) to close down the cinema building till the repairs to the buildings are carried out to the satisfaction of the Executive Engineer (Roads and Buildings) in any case reported by him under clause (e) of sub-rule (3) in respect of a permanent cinema building or of any other authority in any case reported by such authority in respect of temporary cinema building, as the case may be:

(ii) to close down the cinema building or any licensed enclosed space till such period as may be specified in the order in case of any outbreak of an epidemic or contagious disease in the locality where without such closure the epidemic or contagious disease is likely to spread.

(iii) to rectify the defects reported by the Executive Engineer (Road and Buildings) under clause (d) of sub-rule (3), or by any other authority, in accordance with the approved specifications or as may be directed by the Executive Engineer/such other authority within a reasonable time, making it clear in such an order that non-compliance will entail revocation of the permission or licence previously granted}.

(c) The licensing authority may for valid reasons, grant further extension in the period fixed under this rule for the completion of construction of the building.

(5) The inspecting officers shall issue such written orders or prescribe such safety measures, in addition to the conditions of Form-B as may be necessary for the safety or convenience of the public or for the preservation of order and public peace and require compliance of such orders on pain of suspension or cancellation of licence by the licensing authority and where such an order has been passed the matter shall also be reported to the licensing authority with such recommendation as may be deemed fit.

(6) Any inspecting officer may at any time enter any cinema building for the purpose of satisfying himself that the provisions of the Act and these Rules have been complied with by the licensee and in case any defect or breach thereof is noticed during such inspection he shall immediately report the same to the licensing authority and make such recommendations as he may deem fit in regard to the action to be taken against the licensee:

Provided that such entry and inspection shall be without inconvenience to the running of the shows.

## **CHAPTER 6** Appeals

### **18. Appeals :-**

(1) Any appeal to the Govt. under Section 7 or sub- section (4) of Section 10 or clause (d) of sub-rule (3) of Rule 12 shall be preferred with thirty days from the date of receipt of the order appealed against.

Provided that an appeal may be admitted after the expiry of the thirty days, if the appellant satisfies the Government that he had

sufficient cause for not preferring the appeal within the said thirty days.

(2) It shall be submitted in triplicate in the form of a memorandum setting forth concisely the grounds of objection to the order appealed against.

(3) It shall be accompanied by the original or the certified copy of the order appealed against.

(4) It shall also be accompanied by a treasury receipt evidencing the payment of the fees prescribed under Rule 16.

(5) It shall be signed by the appellant or by his authorised agent and presented to the appellate authority in person or by agent at any time during the office hours on any working day or sent by registered post acknowledgment due.

(6) It shall be accompanied by the written authorisation of the agent to present the appeal unless the agent holds a power of attorney.

(7) An appeal preferred against the orders passed under sub-section (2A) of Section 10 of the Andhra Pradesh Cinema (Regulation) Act, 1955 shall be entertained only after the amount of penalty imposed is deposited under Sub-Head "Deposits under Andhra Pradesh Cinemas (Regulation) Act, 1955 and Andhra Pradesh Cinemas (Regulation) Rules 1970 under Head "K. Deposits and Advances (b) Deposits not bearing interest-843 Civil Deposits - (k) Deposits under various Central and State Acts".