
Andhra Pradesh Cinemas Regulation Act, 1955

4 of 1955

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Andhra Pradesh Cinemas Regulation Act, 1955

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An Act to provide for the regulation of exhibitions by means of Cinematograph in the State of Andhra Pradesh Be it enacted in the Fifth Year of the Republic of India as follows :--

1. Short Title, Extent And Commencement :-

- (1) This Act may be called the Andhra Pradesh Cinemas (Regulation) Act, 1955.
- (2) It extends to the whole of the State of Andhra Pradesh.
- (3) It shall come into force on such date as the State Government may, by notification, appoint.

2. Definitions :-

In this Act, unless the context otherwise requires--

- (1) "cinematograph" includes any apparatus for the representation of moving pictures or series of pictures ;
- (1-A) "District Collector" in relation to the cities of Hyderabad and Secunderabad means the Commissioner of Police ; clause (1-A) was inserted by Act XXIII of 1958.
- (2) "Government" means the State Government.
- (3) "notification" means a notification published in the Andhra Pradesh Gazette ;
- (4) "place" includes a house, building, tent and any description of transport whether by water, land or air ;
- (5) "prescribed" means prescribed by rules under this Act.

3. Cinematograph Exhibition To Be Licensed :-

Save as otherwise provided in this Act no person shall give an exhibition by means of a cinematograph elsewhere than in a place licensed under this Act, or otherwise than in compliance with any conditions and restrictions imposed by such licence.

4. Licensing Authority :-

The authority having power to grant licence under this Act (hereinafter referred to as the licensing authority) shall be the District Collector :

Provided that the Government may, by notification, constitute for the whole or any part of the State such other authority as it may specify in the notification to be the licensing authority for the purpose of this Act.

5. Restrictions On Powers Of Licensing Authority :-

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

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

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

(2) Subject to the foregoing provisions of this section and to the control of the Government, the licensing authority may grant licences under this Act to such persons as that authority thinks fit and on such terms and conditions and subject to such restrictions as it may determine.

(3) The Government may, from time to time, issue directions to licensees generally or to any licensee in particular for the purpose of regulating the exhibition of any film or class of films, so that scientific films, films intended for educational purposes, films dealing with news and current events, documentary films¹[indigenous films, or such other films having special value for the public, produced by the Andhra Pradesh State Film Development Corporation Limited and approved by the Government in that behalf from time to time, and the films approved by the Central Government on the recommendations of the Central Film Advisory Board] secure an adequate opportunity of being exhibited and where any such directions have been issued, those directions shall be deemed to be additional conditions and restrictions subject to which the licence has been granted.

2[Provided that no direction issued under this section shall require the licensee to exhibit any such film or films for a duration not exceeding twenty minutes of the time taken for the entire show.]

1. Substituted by A.P. Act 18 of 1995, Section 2 (w.e.f. 2-8-1995), for the words "or indigenous films".

2. Added by A.P. Act 18 of 1995, Section 2 (w.e.f. 2-8-1995).

6. Special Provisions For Buildings Constructed Or Reconstructed Solely For Cinematograph Exhibitions :-

(1) Nothing contained in the Hyderabad Municipal Corporation Act, 1955 (Act 11 of 1956), or in the Andhra Pradesh (Andhra Area) Places of Public Resort Act, 1888 (Act 11 of 1888), or in the¹[Andhra Pradesh (Andhra Area) District Municipalities Act, 1920 (Act V of 1920)], or in the Andhra Pradesh (Andhra Area) Town Planning Act, 1920 (Act VII of 1920), or in the Andhra Pradesh (Andhra Area) District Boards Act, 1920 (Act XIV of 1920), or in the²[Andhra Pradesh (Andhra Area) Village Panchayats Act, 1950 (Act X of 1950)] in regard to--(Refer the Andhra Pradesh Municipalities Act, 1965 and the Andhra Pradesh Gram Panchayats Act, 1964.

(a) the grant of permission for the construction or reconstruction of a building, or

(b) the grant of licence for the use of any place or building for any purpose for which such licence is required under those Acts, or

(c) the grant of permission to instal any machinery in any place or building, shall apply to the construction or reconstruction of, or the use of, or the installation of any machinery in, any place or building

to be used exclusively for the holding of cinematograph exhibitions ; and in every such case, an application for licence or permission referred to in any of the clauses (a) to (c) above shall be made to the licensing authority under this Act, in accordance with the rules made in this behalf under this Act.

(2) Subject to the control of the Government and to any rules made in this behalf, the licensing authority, after making such inquiry as it deems fit and consulting the Chief Executive Officer (by whatever designation he may be known) of the local authority concerned, may, for reasons to be recorded either grant or refuse to grant the licence or permission applied for.

1. Now A.P. Municipality Act, 1965 (6 of 1965).

2. Now A.P. Panchayat Raj Act, 1994 (13 of 1994).

7. Appeal :-

(1) Any person aggrieved by the decision of the licensing authority, refusing to grant any licence or permission under this Act may, within such time as may be prescribed, appeal to the Government, or to such officer or authority as the Government may specify in this behalf, and the Government or the officer or the authority, as the case may be, make such order as it deemed fit.

(2) The Government or the officer or the authority as the case may be, may stay the execution of any such decision, pending the exercise of the power under sub-section (1) in respect thereof.

7A. Review :-

(1) The Government may, either suo motu at any time, or on an application received from any person interested within ninety days of the passing of an order under Section 5 or Section 7 or Section 10 or Sec. 12 review any such order if it was passed by them under any mistake whether of fact or of law or in ignorance of any material fact :

Provided that the Government shall not pass any order adversely affecting any person unless such person has had an opportunity of making a representation.

(2) The Government may stay the execution of any such order, pending the exercise of the powers under sub-section (1) in respect thereof.]

1. Inserted by A.P. Act 21 of 1984, Section 2, (w.e.f. 20-5-1984).

8. Power Of Government Or District Collector To Suspend

Exhibition Of Films In Certain Cases :-

(1) The Government in respect of the whole of the State or any part thereof, and the District Collector in respect of any area within the local limits of his jurisdiction may, if it or he is of 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, and during such suspension, no person shall exhibit such film or permit it to be exhibited in the State or in such part thereof, or in such area, as the case may be.

(2) Where an order under sub-section (1) has been issued by the District Collector, a copy thereof together with statement of reasons therefor, shall forthwith be forwarded by him to the Government and the Government may on consideration of all the facts of the case confirm, modify or cancel the order.

(3) An order made under this section shall remain in force for a period of two months from the date thereof, but the Government may, if it is of opinion that the order should continue in force, direct that the period of suspension shall be extended by such further period as it thinks fit.

9. Penalties :-

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

9A. Penalty For Black-Marketing In The Sale Of Tickets For Admission To Cinematograph Exhibition :-

(1) If the owner or person incharge of a cinematograph exhibition either directly or through any other person,--

(i) sells or allows to be sold, the tickets for admission to cinematograph exhibition at any place other than the place licensed under this Act ; or

(ii) sells or allows to be sold, such tickets at rates higher than the maximum rates fixed therefor ; or

(iii) re-sells or allows to be re-sold such tickets at rates higher than

the maximum rates fixed therefor, either at the licensed premises or elsewhere,

he shall be punished with simple imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees or with both.

(2) Whoever,--

(a) with a view to re-sell at rates higher than the maximum rates fixed therefor, purchase, or keeps in his possession, the tickets for admission to cinematograph exhibition in excess of the number normally required for use by his family members and not more than four of his guests ; or

(b) sells or allows to be sold such tickets at rates higher than the maximum rates fixed therefor either at the licensed premises or elsewhere,

shall be punished with simple imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees or with both.

(3) Notwithstanding anything in the Code of Criminal Procedure, 1973, an offence punishable under the section shall be cognizable.]

1. Inserted by A.P. Act 18 of 1995, Section 3, (w.e.f. 2-8-1995).

10. Power To Revoke Or Suspend Licence :-

(1) Where the holder of a licence has been convicted of an offence under Section 7 of the Cinematograph Act, 1952 (XXXVII of 1952), or Section 9 of this Act, the licence may be revoked by the licensing authority.

(2) If the licensing authority is satisfied, either on a reference made to it in this behalf or otherwise, that--

(a) a licence granted under this Act has been obtained by misrepresentation or fraud as to an essential fact, or

(b) the licensee has, without reasonable cause failed to comply with any of the provisions of this Act or of the rules made thereunder, or any of the conditions or restrictions upon or subject to, which the licence has been granted,

then, without prejudice to any other penalty to which the licensee may be liable under this Act, the licensing authority may, after giving the licensee an opportunity of showing cause, revoke or suspend the licence.

(2-A) Where a licence is liable to be revoked or suspended under sub-section (2), the licensing authority may, notwithstanding

anything in sub-section (2) and for good and sufficient reasons to be recorded in writing, impose on the licensee a sum not exceeding rupees ten thousand by way of penalty in lieu of such revocation or suspension.

(3) Where the licensing authority revokes or suspends any licence under sub-section (2), it shall do so by an order communicated to the licensee giving the reasons in writing for such revocation or suspension.

(4) Any person aggrieved by the decision of the licensing authority revoking or suspending a licence under sub-section (2) or imposing penalty under sub-section (2-A) may, within such time as may be prescribed, appeal to the Government, and the Government may make such order as they may think fit :

Provided that no appeal against the decision of the licensing authority under¹[sub-section (2-A)] shall be entertained unless the licensee deposits the sum of penalty specified in the decision aforesaid with such authority and in such manner as may be prescribed.

(5) The Government may stay the execution of any such decision, pending the exercise of their powers under sub-section (4) in respect thereof.

1. Substituted by A.P. Act 18 of 1995, Section 4, (w.e.f. 2-8-1995).

11. Power To Make Rules :-

(1) The Government may, by notification, make rules carrying out the purpose of this Act.

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

(a) the terms, conditions and restrictions, if any, subject to which licences and permissions may be granted under this Act, the fees for such licence and permissions, and the apportionment of such fees between the Government and the local authority concerned;

(b) the regulation of cinematograph exhibition for securing the public safety ;

(c) the time within which and the conditions subject to which an appeal under Section 7 or Section 10 may be preferred and fees to be paid in respect of such appeal;

(d) the regulation of the construction or reconstruction of buildings for cinematograph exhibition ;

¹[(e) the procedure for approval of films for the purposes of sub-section (3) of Section 5.]

2[(3) Every rule made under this Act, shall immediately after it is made, be laid before the Legislative Assembly of the State, if it is in session and if it is not in session in the session immediately following for a total period of fourteen days which may be comprised in one session, or in two successive sessions and if, before the expiration of the session in which it is so laid or the session immediately following, the Legislative Assembly agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form, or stand annulled, 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.]

1. Added by A.P. Act 18 of 1995, Section 5 (a) (w.e.f. 2-8-1995).

2. Added by A.P. Act 18 of 1995, Section 5 (b) (w.e.f. 2-8-1995).

12. Power To Exempt :-

Where in the opinion of the Government reasonable grounds exist for doing so, the Government may, by order in writing exempt subject to such conditions and restrictions as it may impose, any cinematograph exhibition or class of cinematograph exhibitions from any of the provisions of this Act or of any rules made thereunder.

13. Repeal :-

The Cinematograph Act, 1918 (II of 1918), in so far as it relates to matters other than the sanctioning of cinematograph films for exhibitions, is hereby repealed:

Provided that any appointment, notification, order, scheme, rule, form or bye-law, made or issued under the repealed Act, shall so far as it is not inconsistent with the provisions of this Act, continue in force and be deemed to have been made or issued under the provisions of this Act, unless and until it is superseded by any appointment, notification, order, scheme, rule, form or bye-law made or issued under this Act.