

THE ASSAM CINEMAS (REGULATION) RULES, 1960

No. GAG 254/59/64, date the 16th December, 1960. In exercise of the powers conferred by S. 10 of the Assam Cinemas (Regulation) Act, 1953 (Assam Act XIV of 1953), the Governor of Assam hereby makes the following rules for the purposes of carrying into effect the provisions of the said Act namely:

- PART I -

Introductory

1. Short title and extent.

- (1) These rules may be called the Assam Cinemas (Regulation) Rules, 1960.
- (2) They shall apply to all exhibitions by means of cinematograph in the State of Assam.
- (3) They shall come into force at once.

2. Definition.

In these Rules, unless there is anything repugnant in the subject or context, -

- (i) “Act” means the Assam Cinemas (Regulation) Act, 1953;
- (ii) “auditorium” means the portion of the licensed place in which accommodation is provided for the audience or spectators to view the cinematograph exhibition;
- (iii) “enclosure” means that portion of the licensed place in which the cinematograph apparatus is erected;
- (iv) “exit” includes an emergency exit and any entrance useable by the public an exit;
- (v) “Government” means Government of the state of Assam;
- (vi) “licence” means a license granted under the provision of the Act;
- (vii) “licensee” means a person who has been granted a licence and includes his agent and manager;

(viii) “person” means any adult male or female individual and includes any company or association or body of individuals, whether incorporates or not.

3. Kinds of licences.

There shall be four kinds of licences, namely for -

- (i) permanent cinemas;
- (ii) temporary indoor cinemas;
- (iii) temporary open air cinemas; and
- (iv) touring cinemas.

COMMENTS

Under this rule, it has been provided that there can only 4 kinds of licences, i. e., for –

- (1) permanent cinemas;
- (2) temporary cinemas;
- (3) temporary open air cinemas; and
- (4) touring cinemas.

Under the rules hereinafter it has been specifically provided for each category of cinemas as to the procedure to be adopted for construction of the cinema building, application for the licence and also condition of the licence to be followed by the cinema owners.

4. Construction of cinema building.

(1) Any person desiring to put up a building or structure to be used as a permanent cinemas house shall make an application in writing to the Licensing Authority specifying the site where the cinema house is proposed to be put up. Each such application shall be accompanied by -

(a) *No objection certificate.* A certificate from the Municipal town Committee, Gram panchyat, district Council or Development Authority wherever such authority exists having jurisdiction over the area that there is no objection to the erection of the propose cinema building;

(b) Complete plans, elevation and sections in duplicate, of the premises and all erections or buildings thereon drawn correctly to the scale of

one-eighth of an inch to one foot and showing the width of all strait ways, and the number of steps in each, the width of corridors, gangway and door-ways, the height of the galleries or tiers and the details of the cinematograph and of the plant for the generation or conversion of electrical energy;

(c) A site I duplicate on a separate sheet drawn to the scale of one-fortieth of an inch to one foot showing the position of the premises in relation to any adjacent premises and to the public thoroughfares upon which the site of the premises abuts, and the arrangements, proposed for the parking of motor car and other vehicle;

(d) Specifications of the various materials proposed to be used in the construction of the building.

(2) On receipt of the application and the plans, the Licensing Authority shall forward the same to the Executive Engineer concerned for approval and the applicant shall be bound to carry out such additions and alternations in the plans as may be directed by the Executive Engineer concerned before the plans are finally approved by him.

After the plans are finally approved by the Executive Engineer concerned, the Licensing Authority worth the prior approval of the State Government may grant in Form 'A' appended to these Rules, a "No objection certificate" in writing to the applicant to put up the cinema house in accordance with the plans finally approved:

Provided that such a "No objection certificate" does by no means guarantee the issue of a cinema licence which depends on separate application and fulfillment of the requirement prescribed rules and instructions;

Provided further that in the case of a licence either for temporary open air cinema or for touring cinema, the condition of furnishing a "No objection certificate" as required under R. 11 (2) (ii) and R. 14 (2) (ii) respectively may be relaxed by the Licensing Authority to such extent as may be considered necessary having due regard to the safety measured for the spectators.

COMMENTS

Legislative changes. In item No. (a) to sub-R (4) the words, "Municipality, Town Committee, Gram Panchayat,

District Council or Development Authority whenever such authority exist”, were substituted vide Notification no. GCN/13/62/5, dated 17-12-62.

Under R. 4, whenever any person desires to put up a building or structure to be used as a permanent cinema house, he is required to make an application in writing to the Licensing Authority, specifying the site where the cinema house proposed to be put up and along with such an application. –

- (a) “No objection certificate” from the Municipal or Panchayat authority, specifying therein that they have no objection to the erection of the proposed cinema building;
- (b) complete plan of the building;
- (c) a site plan as provided therein; and
- (d) the specifications of various materials to be used in the constructions;

are to be enclosed.

This application is to be given when the actual construction of the cinema house has not been started and on receiving the said application along with the plan, the Licensing Authority shall forward the same to the Executive

Engineer for approval, and after the plan is finally approved by the Executive Engineer, the Licensing Authority with the prior approval of the State Government may grant a “No objection certificate” in writing to the applicant to put up the cinema house in accordance with the plans so finally approved.

Issue of “no objection certificate”- construction work not completed within time allowed- Fresh “no objection certificate” or extension of time refused. “No objection certificate” was granted for the construction of a cinema house by the District Magistrate after approval of the plan by the executive Engineer and approval of the Government, the validity of the certificate being one year. Construction being not completed within the time given, fresh “no objection certificate” or extension of time was applied for, which was refused by the Magistrate on the ground that the same shall be violative of R. 6 (2) of the Rules as it appeared to the District Magistrate that there was a Masjid within the radius of one furlong and objection had been received. Order of refusal being challenged it was held that in such a situation it was not open to the turn round and pass an order to the prejudice for the petitioner who has invested such a huge sum of money in pursuance of the order passed by the authority which order cannot be said to suffer from any infirmity or being without any authority of law. Therefore the impugned order was quashed. [*Mrs., Reena Sarma v. District Magistrate. Kamrup* (1983) 2 GLR 240]

5. Application for licence.

- (1) Every application for the grant or renewal of licence shall be in writing and shall be signed by the applicant and submitted to the Licensing Authority.
- (2) *Procedure for application.* Application for the grant as distinct from the renewal of a permanent cinema licence shall be accompanied by -
 - (a) full particulars regarding the ownership of, and all rights in, the premises and in the cinematograph apparatus to be used therein;
 - (b) a true copy of the "No objection certificate" under sub-R. (2) of R.4;
 - (c) certificate from the Executive Engineer, P.W.D. of the area that the rules relating to the structural features of the building have been duly complied with;
 - (d) Certificate from the Electricity Department of the Government that the Electrical installations conform to the required standard and the existing rules;
 - (e) certificate from the District officer or any other competent authority of Public Health Department that the arrangements for

sanitation conform to the requirements of the rules;

- (f) an “Approved Films Exhibition Certificate” from the Officer-in-charge of the Distribution, Film Division, Ministry of Information and Broadcasting, Government of India to the effect that the arrangements have been made for getting regular supply of approved films’ for the duration of the period for which licence is applied for;
- (g) a treasury receipt for the payment of fees for licence at the rate prescribed;
- (h) a clearance certificate from the Superintendent of Taxes of the area concerned to the effect that no amount of tax due under the Assam Amusement and Betting Tax Act, 1939, has reminded unpaid.

COMMENTS

Under R.5, the applicant can be given for grant or renewal of a cinema licence to be submitted to the Licensing Authority and while giving such application, the applicant is

sticky required to annex with the application all the particulars and certificate as mentioned under this rules.

6. Licence for permanent cinema.

- (1) A licence for a permanent cinema may be granted by the Licensing Authority with the prior approval of the State Government in Form 'B' appended to these Rules.
- (2) No permanent cinema house shall be allowed within a radius of one furlong from any existing hospital, educational institution, place of public worship, cremation ground, grave yard, cemetery or other standing permanent cinema house.
- (3) The licence granted shall be valid for three years unless renewed earlier by the licensing Authority. It may be renewed on the expiry of the validity of the existing licence each time for a period not exceeding three years at a time, on receipt of any application in writing from the licensee for such renewal accompanied by a fee as provided in R. 7, and the certificate mentioned in R. 5. Application for renewal shall be submitted to the licensing Authority at least one month before the date of expiry of the existing licence.

- (4) Any licensee who fails to apply for renewal of his licence with the requisite fee and certificates within fifteen days of the expiry of the term of the licence, shall, at the time of his renewal be required to pay a fine of Rs. 50.

COMMENTS

Legislative changes. In sub-R. (2) for the words “two furlongs” the words “one furlong” were substituted, vide Notification No. GCN 13/62/12/15, dated 17-12-1962.

This rule was substituted vide Notification No. GCN 14/89/19, dated 15-7-1989.

Under this rule, the Licensing Authority may grant licence for a permanent cinema house with the approval of the State Government.

“No objection certificate” issued for construction of a cinema house near church- Whether could be challenged on the ground that the serenity of church will be distributed. Rule 6 (2) provides that no permanent cinema house shall be allowed within such a distance from a place of worship as the State Government considers necessary and not in the context of any easementary right to natural serenity. It was held that the grievance of the church must be considered in

the context of R. 6 (2) but the church has no right to demand of its neighboring land and building owners to maintain serenity and tranquility. [*D. Khawlhiring v. Deputy Commissioner, Aizwal*, (1981) 1 GLR 344]

Certiorari jurisdiction - locus standi to invoke-
“*Aggrieved person*” – *concept of*. Where a writ of certiorari is filled to oppose the grant of “no objection certificate” for the construction of a cinema house, its scope and meaning depends on diverse variable factors such as the context and intent of the status of which a contravention is alleged. Rule 6 (2) amounts to the creation of an easementary right and that should be strictly defined right. [ibid].

7. Fee for payment cinema licence.

A fee Rs. 1000 shall be levied for the grant of every licence permanent cinema for the initial term of three years and subsequent each year perennial term, the year being calculated from the date of the licence. A fee of Rs. 100 shall be payable for a duplicate copy of the licence.

COMMENTS

Legislative changes. The words “initial term of three years and subsequent each year perennial term” have been substituted *vide* Notification No. GCN/14/88/19,

dated 15-7-1989. Under this rule, fee is prescribed for the permanent cinema licence.

8. Application for temporary indoor cinema licence.

Any person decision of obtaining a licence for temporary indoor cinema shall apply in writing with the particulars and certificates mentioned in Cls. (a), (c), (e), (f), (g) and (h) of R. 5 to the Licensing Authority.

9. License for temporary indoor cinema.

(1) A licence for a temporary indoor cinema may be granted by the Licensing Authority, with the prior approval of the State Government on form 'C' appended to these Rules for a period not exceeding three months. This period may, however, be extended for a further period of three months on application being made , before the expiry of the current licence, fulfilling the requirements of R. 8.

(2) No licence for temporary indoor cinemas shall be issued in respect of any structure which is situated within a radius of one furlong from an existing

hospital, education institution place of public worship,
cremation ground, grave yard, cemetery. [* * * * *]

COMMENTS

The words “or other standing cinema house” at the end of sub-R. (2) were deleted *vide* Notification No. GCN 13/62/15, dated 17-12-1962. This has been done with the object that more cinema houses may come into existence.

10. Fees for temporary indoor cinema licence.

A fee of Rs. 100 shall be levied for every month or part thereof for the period for which each temporary indoor cinema licence is valid.

A fee of Rs. 10 shall be payable for a duplicate copy of the licence.

COMMENTS

Rules 8, 9 and 10 are in respect of application and grant of cinema licence for temporary indoor cinema licence.

11. Application for temporary open air cinemas.

- (1) A person desirous of holding a licence for a temporary open air cinema shall apply to the Licensing Authority of the District within which it is proposed to hold the open air shows.

- (2) Every application for a temporary open air cinema licence shall be accompanied by -
 - (i) full particulars regarding the ownership of, and all rights in the cinematograph to be used;

 - (ii) a true copy of the “No objection certificate” under sub-R. (2) of R. 4;

 - (iii) a treasury receipt for the payment of fees for licence at the rate prescribed;

 - (iv) a clearance certificate from the Superintendent of Taxes of the area concerned to the effect that no amount of tax due under the Assam Amusement and Betting Tax Act, 1939, has reminded unpaid.

12. Licence for temporary open air cinemas.

A licence for a temporary open air cinema may be granted by the Licensing Authority with the prior approval of the state Government, in Form 'D' appended to these Rules, for a period not exceeding six months.

Provided that no such cinemas shows shall be allowed within a radius of one furlong from an education institution or place of public worship unless shows are held as a part of any function or festival of such educational institution or place of public worship.

13. Fees for temporary open air cinema.

A fee of Rs. 50 shall be levied for every month or part thereof for the period for which each temporary open air cinema is valid.

A fee of Rs. 5 shall be payable for a duplicate copy of the licence.

COMMENTS

Rules 11, 12 and 13 are in connection with the application and grant of licence for open air cinemas.

14. Application for touring cinemas.

- (1) A person desirous of holding a licence for a touring cinema shall apply to the Licensing Authority of the areas in which it is proposed to hold the touring cinemas.

- (2) Every application for a touring cinema licence shall be accompanied by -
 - (i) full particulars regarding the ownership of, and all rights in the cinematograph to be used;

 - (ii) a true copy of the 'No objection certificate' under sub-R. (2) of R. 4;

 - (iii) a treasury receipt for the payment of fees for licence at the rate prescribed;

 - (iv) a clearance certificate from the Superintendent of Taxes of the area concerned to the effect that no amount of tax due under the Assam Amusement and Betting Tax Act, 1939, has reminded unpaid.

15. Licence for touring cinemas.

A licence for touring cinemas may be granted by the Licensing Authority with the prior approval of the State Government, in Form 'D' appended to these Rules, for a period not exceeding six months.

Provided that no such cinema shows shall be allowed within a radius of one furlong from any existing hospital, cemetery, grave yard or cremation ground or from an educational institution or place of public worship unless shows are held as a part of any function or festivals of such educational institution or place of public worship.

16. Fees for touring cinema licence.

A fee of Rs. 50 shall be levied for every month or part thereof for which each touring cinema is valid:

Provided that where licence for a touring cinema is for holding shows for the benefit of labour in industrial concern or by academic or cultural institution or for exhibiting only educational films or for the benefit of the public and not for making any profit or gain, the State Government may exempt the levy of this licence fee.

COMMENTS

Rules 14, 15 and 16 are in respect of application and grant of licence for touring cinemas.

17. Intimation for charge of venue of exhibition.

The holder of a licence for a touring cinema may shift the venue of the exhibition from the place to place within the district of issue, after giving the intimation of his programme and itinerary in advance to the Licensing Authority:

Provided that all the rules and safety requirements for holding cinema shows shall be duly observed and in case where it is proposed to install a touring cinema in a building, the provision of R. 8 shall be duly complied with by the licensee.

Provided further that a touring cinema shall not be held for more than 15 days in any particular place where no other licence is being operated and a licence cannot be operated in more than one place at a time.

COMMENTS

Under this rule, if the holder of a licence for a touring cinema desires to shift the venue of the exhibition from one place to another, then he is required to give advance intimation of his programme to the Licensing Authority and is also required to observe all the rules and safety requirements for holding cinema shows and also comply with all the provisions as are provided under this rule.

18. Recommendation to State Government.

If the Licensing Authority to whom an application for a licence is made, is satisfied that all the prescribed requirements of the rules have been fulfilled and the economy of the place justifies a cinema licence like the one applied for and there is no objection of any kind to the grant of a licence, it may forward the application to the State Government with its recommendation stating the period for which and any particular conditions or restrictions under which approval to the grant of a licence is recommended by it.

COMMENTS

Under this rule, where an application is made for the grant of a licence, the Licensing Authority, if satisfied that all

the prescribed requirements under the Rules herein have been fulfilled and the economy of the place justifies a cinema licence like the one applied for and there is no objection of any kind to grant of a licence, then the Licensing Authority may forward the application to the State Government with its recommendations, stating the period for which and any particular conditions or restrictions under which the approval to the grant of a cinema licence is recommended by it.

19. Inspection.

- (1) The competent officers of the P. W. D., the Electricity Department and the Public Health Department having jurisdiction in the area shall make necessary inspections of the premises and the building in their respective sphere of duty for the purposes of giving the prescribed certificates.
- (2) Defects revealed by such inspection shall be brought to the notice of the applicant of licence and of the Licensing Authority which may refuse to grant or renew the licence unless and until they are remedied to its satisfaction.
- (3) Fees of Rs. 50, Rs. 25 and Rs. 20 shall be payable respectively for each of the prescribed certificates by the Department of Electricity, Public Health and Public

Works. A duplicate copy of these certificates may be granted on payment of a fee of Rs. 2.

COMMENTS

Under this rule, the competent officers of P.W.D., the Electricity Department and the Public Health Department are empowered to make necessary inspection of the premises and the building for the purposes of giving the prescribed certificates, if while inspecting as such, they find any defect, the same is to be brought to the notice of the applicant and of the Licensing Authority, which may refuse to grant or renew the licence unless and until such defects are rectified.

20. Free access to Inspecting officers.

- (1) The licence shall give free access to the cinema at all hours to the officers mentioned below:
 - (a) The Licensing Authority or any officer nominated by it for the purpose of carrying out the duties of the Licensing Authority under the Act and the rules and for checking that the provisions of the Act, the rules framed thereunder and the conditions of the licence are being duly complied with.

- (b) Any Police officer who is required by a general or special order the Licensing Authority or the District Superintendent of police to attend the same;
 - (c) The officers of competent jurisdiction of the Department of Public Health, Public Works and Electricity for the purpose of seeing that the provision of these Rules are being duly observed; and
 - (d) Regional Officer under the Central Board of films Censors or an officer authorised by him in writing.
- (2) The licence and the plan and description, if any, attached thereto shall be produced on demand by the Licensing Authority or by any officer authorised by it or by these Rules to enter a place licensed under S. 5 of the Act.

The licensee, his servants and agents shall comply with orders issued by the Licensing Authority or by the Inspector officer from time to time or as occasion arises, for the safety or convinces of the public or for the preservation of order or of public peace.

21. Additions and Alternations.

- (1) No addition to or alternation in any portion of any premises licensed under S,.5 of the Act, necessitated by fire, any other calamity or any other cause shall be made without the sanction of the Licensing Authority.
- (2) The licensee shall give notice in writing to the Licensing Authority of his intention to make any such addition or alternation and such notice shall be accompanied by complete plans, elevations and sections and qualification of the work proposed to be executed in the manner prescribed in R. 4.
- (3) The work shall not be accompanied until the consent of the licensing Authority has been obtained and the Licensing Authority shall not give consent unless the Executive Engineer, P.W.D., certifies that the proposed addition or alternation is in accordance with these Rules.
- (4) No addition to or alternation of any part of the cinematograph apparatus and its appurtenances or of the lighting or other electric arrangement shall be made within the sanction of the Licensing Authority;

The licensee shall give notice in writing to the Licensing Authority of his intention to make any such

addition or alternation and the Licensing Authority shall not give sanction there to unless an officer of competent jurisdiction of the department of electricity certifies that the addition of alternation is in accordance with the provisions of these Rules.

COMMENTS

Under this rule, it has been provided that if any addition or alternation is necessitated in any premises licensed under S.5 of this Act because of fire, any other calamity or any other cause, then the licence-holder is required to obtain the sanction of the Licensing Authority before making such addition or alternation in any portion of the premises.

- PART II -

Rules for the licensing of permanent cinemas

- 22.** All buildings or other regulations for observance at places of public amusement imposed by the municipal bye-laws or by any other law, or rules made under any other law, for the time being in force, shall be strictly adhered to, so far as they are not inconsistent with these Rules.

COMMENTS

Rules 22 to 62 prescribe the rules for the licence of permanent cinemas.

Under R. 22 the buildings or other regulations for observances at place of public amusement imposed by Municipal by-laws or by any other by-laws or rules made under any other law for the time being in force shall be strictly followed so far as they are not inconsistent with these rules.

- 23.** A permanent licence shall only be granted or renewed in respect of a building which as regards its location, structure,

fittings, electrical and other equipment complies with the provision of the rules in this part.

COMMENTS

A permanent cinema licence shall not be granted or renewed unless and until the provisions of the rules in this Part are strictly complied with.

24. Constructions.

The floor, roof, private boxes, balconies, galleries, tiers, partitions, ventilators and every room, lobby, corridor, staircase and passage devoted to the use of the public shall be constructed of fire resisting materials.

- 25.** No portion of the place licensed shall be occupied or used as a hotel, boarding or lodging house, factory, workshop or manufacture or for storage purposes, except as the Licensing Authority may for the time being, allow, nor shall such place be used for residential purpose by day or night.

COMMENTS

Rules 24 and 25 deal with the construction of cinema house.

26. Smoking prohibited.

- (a) No person shall smoke and no holder of a cinema licence or his agent or manager shall permit smoking in the auditorium [* * * *]

- (b) The number of persons admitted at any time into any part of the place licensed shall not exceed such number as may be specified in the licence. No person shall be permitted to remain in any of the interesting gangways.

In order to ensure that the maximum number is not exceeded, and more particularly to facilitate checking at nay time, the licence shall issue tickets bearing serial numbers and the date and the number of the performance on the foils and counterfoils. After each performance the ticket books shall be marked 'Closed' on the last counterfoil issued.

COMMENTS

Legislative changes. The words "during a performance" occurring at the end the sub-R. (a) were deleted *vide* Notification No. GCN 13/62/15, dated 17-12-1962.

Under this rule, smoking inside the auditorium is prohibited.

In this connection the relevant provisions of the Assam Prohibition of smoking in Show Houses Act, 1951 may also be referred.

27. Sale of tickets.

- (a) The licensee shall make arrangements to the satisfaction of the Licensing Authority for the sale of ticket for admission. Tickets shall be numbered to correspond to the number of the respective seat(s) in the auditorium and no more tickets shall be sold for any performance than there are seats available.
- (b) The licensee shall also make arrangements to the satisfaction of the Licensing Authority for the orderly marshalling of persons desirous of purchasing tickets at the licensed place. Such number of booking office windows shall be provided in cinema house for the sale of tickets to the public as the Licensing Authority may determine in order to prevent congestion of entrances.
- (c) The licensee shall cause to be affixed and displayed in a conspicuous manner in the cinema premises or at the booking office a price-list showing the various rates charged for tickets of different classes which are

kept, offered or exposed by him for sale and also the hours of business during which such sale will be effected and no sale shall be effected except during the hours notified.

Provided that advance booking seats shall be allowed on receipt of a reservation fee at the rate of 5 nP. for each ticket of lowest classes and 10 nP. for ticket for upper classes and arrangements therefore shall be made by the licensee during the hours 9 a.m to 6 p.m. in the booking counter or any other notified place in the cinemas house.

- (d) Every licensee shall print or cause to be printed on the face of every ticket, pass or other evidence of the right of admission to be sold or kept, offered or exposed for sale, the price charged therefore plus entertainment tax, if any, and he shall at no time charge for any such ticket, pass or evidence of the right of admission a price in excess of what is printed therein.

The rates of payment for admission to the different classes in the licensed premises shall be determined by the Licensing Authority and those rates shall not be increased without an order in writing by the Licensing Authority permitting such increase.

- (e) Every ticket shall be torn into two parts at the time of admission one part therefore shall be retained by the gate-keeper, the other part remaining with the holder.

COMMENTS

Legislative changes. In the proviso to sub-R. (c) the words “at the rate of 5 nP. for the ticket of lowest classes and to 10 nP. for ticket for the upper classes” were substituted for the words, “of annas two per ticket” and for the figure and letters “9 p.m.” the figure and letters “6 p.m.” were substituted vide Notification No, GCN 13/62/15, dated 17-12-1962.

This rule prescribes the procedure in connection with the sale of thicketts for admission, for the orderly marshalling of persons desirous of purchasing tickets, number of booking office windows, displaying of a price-list showing the various rates charged for tickets of different classes and also for printing of such tickets. This rule also provides that the rates of payment for admission to the different classes in the licensed premises shall be determined by the licensing authority and those rates shall not be increased without the prior approval of the Licensing Authority.

28. Maintenance of records.

Every licensee shall, at all times, keep and maintain full and up-to-date sets of records showing sale of tickets in each shows and their rates showing separately, the taxes and fees realised and shall produce on demand all such records for inspection by an officer deputed for the purpose by the Licensing Authority.

29. Deputation of responsible person.

(a) In order to secure the safety of the audience, the licensee or some responsible agent or manager, duly conversant with the rules and nominated by him in writing for the purpose shall be specially instructed by the licensee or such agent or manager as to their requirements of these Rules.

Sufficient number of attendants shall remain on duty during the whole time that the premises are open to the public.

(b) All persons responsible for or employed in connection with the exhibition shall take all due precautions for the prevention of accidents and shall abstain from any act whatever which tends to cause fire and is not reasonably necessary for the purposes of the

exhibition. The licensee or the agent or manager nominated by him in writing a aforesaid shall see that the operators and every other persons who may be called upon to handle inflammable film within the building for any purpose are fully instructed as to the dangers arising from the use of inflammable film, the precautions to be observed to prevent risk of ignition and the steps to be taken in the event of a film smouldering or catching fire.

30. Exits.

- (a) In addition to the normal means of entrance to the auditorium, emergency exits shall be provided to the satisfaction of the Licensing Authority. There shall at least one such emergency exit.
- (b) Two separate exits shall be provided to every floor or gallery and no stairway shall discharge into a passage or corridor against or across the direction of the exit; provided that the Licensing Authority may accept any other arrangements which are likely to ensure adequate safety.
- (c) Every exit from the auditorium shall provide a clear opening space of not less than 7 feet high and 5 feet wide.

- (d) All doors shall open outwards and there shall be no type of fastening on any door liable to become slipped, dropped, or secured during a performance.

If the doors be secured by locks, the lock shall be opened and the key removed during performance.

- (e) The doors when opened shall be such as not to obstruct the exit passage way on the outside.
- (f) There shall be no steps in such doorways nor shall batten, carpet or other object be so placed at or near any doorway as to be likely to cause stumbling.
- (g) No staircase, landing lobby, corridor or passage, not being an internal passage between rows of seats, intended for use as an exit shall be less than 5 feet wide and there shall be no recesses or projections in the walls than 5 feet wide and there shall be recesses or projections in the walls of such passages, gangways or corridors within 5 feet of the ground.
- (h) The word "Exit" or its vernacular equivalent shall be conspicuously fixed on the auditorium side of each doorway.

Unless the subdued lighting of the auditorium during performance referred to in these Rules is sufficient to make

these notices clearly visible, each notice shall be lit by a special light to the satisfaction of the Licensing Authority.

31. Seating.

- (a) The seating in the building shall be arranged so that there is free access to exits.
- (b) No part of the auditorium shall provide accommodation exclusive of passage, at a higher scale than 20 persons per 100 square feet.
- (c) All seats in the auditorium excepting those contained in private boxes shall be firmly secured to the floor. Chairs seats shall be provided whenever required by the Licensing Authority.

Where benches are provided, the benches are provided, the benches shall have arms suitably fixed so that each seat is separate.

- (d) In all cases, there shall be a vacant space of at least one foot between the back of one seat and the front of the seat immediately behind measured between perpendicular.

- (e) the distance between the screen and the front row of seats should not be less than the width of the screen itself.

COMMENTS

This rule deals with the sitting arrangements inside the building suitable accommodations, seats in the auditorium and their arrangements and provisions for passage between the seats.

32. Gangways.

- (a) A clear passage or gangway shall be formed at the sides and down the center of the seating in every part of the auditorium in such manner that no seat shall be ten or more feet distant from a passage or gangway measured in the line of seating.

The central passage or gangway shall be at least 4 feet wide and those at the sides shall be at least 3 feet wide each.

- (b) Where possible, gradients or inclined planes shall be used instead at the sides but no gradients or inclined plane shall be steeper than 1 in 10.

33. Stairways.

- (a) There shall be at least 2 stairways each not less than 4 feet wide to provide access to any gallery or upper floor in the building which is intended for use by the public.
- (b) All stair cases shall be constructed entirely of bricks, stone, cement or concrete with fire-resisting roof and ceiling and shall have solid square as distinguished from spandril) steps and landings of approval stone or of such other fire-resisting material and constructions as may be approved by the Licensing Authority with treads not less than 11 inches wide and with risers of not more than 6 inches high (each lapping at least one inches over the back edge of the steps below it) in flights of not more than 15 or less than 3 steps.
- (c) The treads and risers of steps on each flight shall be of uniform width and height.
- (d) A continuous hand rail shall be fitted to each side of stairways.

34. Parking arrangements.

- (a) Such arrangements shall be made for the parking of motorcars and other vehicles in the vicinity of the buildings as the Licensing Authority may require.
- (b) No vehicle shall be parked or allowed to stand in such a way as to obstruct exist or impede the rapid dispersal of the persons accommodated in the building in the event of fire or panic.

COMMENTS

Under this rule the licence holder is required to make necessary parking arrangements.

35. Fire precaution.

- (a) In every licensed place shall be kept such manner of chemical extinguishers, fire-buckets, hand pumps, blanket and other small fire appliances, as the Licensing Authority shall direct. The licensee shall comply with all direction issued by the Licensing Authority for the purposes of safeguarding the public in case of fire.

- (b) All fire extinguishing appliances shall at all times be maintained in proper working order and available for instant use and all chemical fire-extinguishers shall be capable of withstanding a pressure of not less than 250 lbs, per square inch.

- (c) During an exhibition, all fire-extinguishing appliances shall be in charge of some person or persons specially nominated for this purpose. Such persons need not be employed exclusively in looking after the fire appliances but they must not given any other work during an exhibition which would take them away from the building or otherwise prevent them from being immediately available in case of danger or alarm of fire.

- (d) The building shall be provided with an efficient lighting conductor.

COMMENTS

Legislative changes. In sub-R. (a) for the words “place licensee” the words, “licensed place” were substituted *vide* Notification No. GCN 13/62/15, dated 17-12-1962.

36. Ventilation.

- (a) The premises shall be efficiency ventilated to the satisfaction of the Licensing Authority. The auditorium shall be thoroughly ventilated between performances.
- (b) Unless the auditorium is air-conditioned the means of ventilation shall be take the form of natural ventilation and power-driven exhaust fans suitably located and of adequate size for the purposes intended.
- (c) Where natural ventilation is provided by windows or sky-lights which have to be darkened or obscured, free permanent top ventilation shall be arranged by means of ridge of ceiling ventilators. The clear opening of such ventilators shall not be less than one square foot for every 10 persons that can be accommodated.

37. Cleanliness.

- (a) The premises shall b maintained in a clean condition and the auditorium shall be swept and cleaned between performances.
- (b) *Spittoons.* The cinema hall shall be provided with a sufficient number of spittoons in suitable places for use of the public. The spittoons shall contain a strong

dissecting and shall be emptied as often as necessary. Notice for using such spittoons shall be displayed in prominent parts of the cinema.

- (c) *Sanitary accommodation.* Urinals and privy accommodation on the scale given below for the seating accommodation of the auditorium and the staff shall be provided separately for each sex with a minimum of one urinal place or utensil for every fifty persons of each sex and one privy for every hundred persons of each sex for whom seating accommodation is provided. In calculating the number of conveniences required under this rule, any number of persons less than 50 shall be reckoned as one hundred and fifty respectively.

Provided that a minimum of one urinal place or utensil and one privy shall be provided for each sex on every premises and there shall be displayed in a conspicuous position a sign or a notice in English and in the vernacular indicating the sex for which the convenience is provided.

38. Approved design latrines etc.

- (i) The design and description of every sanitary convenience in the premises shall be such as may be approved by the Public Works Department and the

Public Health Department and its constructions and situation shall be subject to the approval of the Licensing Authority.

- (ii) The site and situation of every sanitary convenience shall be such that no effluvia therefrom can arise within the rooms of the premises.
- (iii) No sanitary convenience shall communicate with any room except through the open air or through an intervening air space.
- (iv) Every sanitary convenience shall be under cover and so partitioned off as to secure privacy and shall have proper door and fastenings.

COMMENTS

Under Rr. 37 and 38, provisions have been made to maintain the premises in clear conditions, to provide spittoons, and keep necessary sanitary accommodations.

39. Enclosure fro apparatus.

The cinematograph machine shall be paced in a permanent enclosure. Such enclosure shall be at least 10 feet in height internally from floor to roof. If one machine is

to be operated, the floor space shall not be less than 63 square feet. If more than one machine is to be operated therein an additional 36 square feet shall be provided for each additional machine. The enclosure containing the cinematograph machine, in these Rules referred to as "the enclosure" shall be substantially constructed of fire resisting materials.

40. Entrance to the enclosure and means of ventilation.

The entrance to the enclosure shall be through a closely fitting self-closing door or fire-resisting material, suitably placed and opening outwards and all opening, bushes, and points shall be so constructed and maintained as to prevent the escape of any smoke into the auditorium. This door shall be kept closed at all times when not used for ingress or egress. Channels of ventilation shall not be allowed to communicate direct with the auditorium. The enclosure in which the machine is being operated shall be provided with an opening or vent flue in its roof to upper part of to side wall leading to the outdoor air. The vent flue shall have a minimum sectional area of 50 square inches and shall be fire-proof;

Provided that when the enclosure is so built that it may be constructed to open directly on the outside of a building through a window, such window shall be permitted for the comfort of the operation but such enclosure shall not

be exempted from the requirement of the installation of a vent flue (as prescribed above).

41. Position of enclosure.

The enclosure shall, unless this requirements is expressly waived in the licence be so outside the main building forming the auditorium and where such auditorium consists of a structure of a temporary or non-temporary or non-permanent character the enclosure shall be at a distance of not less than 3 feet from such structure. A space of 3 feet in width at the sides and in the front of the enclosure and a space of 6 feet at the part in which the door is situated shall respectively be kept clear all round the enclosure. The door shall, where possible, be at the back of the enclosure.

42. Opening in enclosure.

In the front face of the enclosure there shall not be more than three opening per project of which the one for each projector beam must exceed eight inches square and the other six inches square. Each shall be projected by a sheet of string plate glass permanently fixed into the wall of the enclosure. Vertical falling steel shutters shall be fixed on the enclosure-side of each of these windows in such way that they can be instantly released by the operator in case of

need. In addition, an automatic thermostatically or electrically controlled releasing device may be fitted, but such device shall not prevent emergency hand operation nor the hand operated devices automatic release. Such falling shutters also be operated by hand from the outside of the enclosure.

- 43.** No unnecessary combustible material shall be allowed within the enclosure and all necessary combustible material, films, etc, except a film which is being passed through the lantern, shall be placed in an approved fire-proof box. The latter shall be kept closed at the times except when it is necessary to obtain or replace a film. Films which are being used at an exhibition shall be kept in the enclosure but in no case shall a quantity of films in excess of 80 lbs. Be kept at one time in such enclosure, any excess being stored until required , in a separate place licensed under Explosive Rules.

COMMENTS

Under Rr. 39, 40, 41, 42 and 43, exhaustive provision have been made for the enclosure fro apparatus, entrance to the enclosure and means of ventilations, provisions for enclosure and opening in enclosure.

44. Smoking, light, etc.

No smoking materials, matches or naked lights of any kind shall be permitted within the enclosure or rewinding room. Notice to this effect shall be posted conspicuously at every door of these enclosure and rooms. A 'No admission to the public' notice shall also be similarly displayed.

COMMENTS

This section provides for one of the essential safety and precautionary measures within the enclosure or rewinding room to prevent danger from fire and it has to be strictly complied with.

45. Enclosure, fire precaution.

Two liquid chemical extinguishers two buckets of sand, two buckets of water and a blanket shall be kept inside the enclosure. A large sponge shall be kept in one of the buckets of water. One liquid chemical extinguisher shall also be kept immediately outside each door to the enclosure.

46. Enclosure, general precaution in.

The management and the cinematograph operators shall take all the precaution for the prevention of accidents and shall abstain from any act whatever which tends to cause fire and is not reasonably necessary fro the purposes of the exhibition; no unauthorized person shall be allowed in the enclosure. The enclosure shall be kept clean and metal bin shall be provided for waste arc-carbons.

47. Cinema Machine.

The cinematograph machine shall be placed in firm supports of fire-resisting materials.

48. The body of the cinematograph shall either be constructed of metal or lined with metal and asbestos, in which case there must be an air space between the metal and the asbestos lining. The bottom of the cinematograph machine must a metal tray which shall be surrounded by a vertical edge at least one inch in depth.

49. The cinematograph machine shall be provided with a metal shutter which can be readily inserted between the source of the light and the film gate. This shutter shall be immediately

dropped in the event of any accident to the cinematograph machine or stoppage of the film and shall only be raised when the films is in motion for the purpose of projection.

50. The film gate shall be massive construction and provided with ample heat radiation surface and the passage fro the film shall be sufficiently narrow to prevent flame traveling upwards or downwards from the light opening.

51. Each cinematograph machine shall be fitted with two metal film boxes which shall be of substantial construction and not more than 18 inches in diameter measured internally. The film shall be made to travel from one box to the other. The boxes shall also so constructed as to close in a manner which beyond the edges of the flanges of the spool.

52. Spools.

Spools shall be chain or near driven and film shall be so wound up on spools that wound film shall not at any time reach or project beyond the edges of the flanges of the spool.

COMMENTS

Rules 47 to 53 sufficiently provide for the placing of cinematograph machines, placing the body of such machine to make such other precautionary and safety measures for fitting and keeping such machines.

54. Electrical installation generally.

- (1) The entire electrical installation shall conform to the relevant provisions of the Indian Electricity Act, 1920, and the rules made thereunder. The layout drawing for the electrical installation work including the switch board shall be subject to prior approval of the Government Electricity Department. No work shall be commenced until the sanction of the Government Electricity Department has been obtained to what is proposed to be done.
- (2) The electrical installation throughout the premises shall be subject to the inspection by an officer of competent jurisdiction of the Department of Electricity under the powers of the Indian Electricity Act. The instructions and directions of the officer in accordance with the requirement of the Indian Electricity Act and rules and of these Rules will be notified in writing to

the licensee or his agent or manager and copy will be sent by the officer to the Licensing Authority.

55. Electrical cables and apparatus.

There shall be no coil of slack electric cable within the enclosure of rewinding room. The cables in those rooms shall be either in armored flexible covering or high grade screwed steel conduct. The course of each such cable be readily traced. The necessary pipes and cables shall enter through efficiency bushed openings.

All switchgears, fuses and apparatus shall be covered in totally enclosed iron clad casing in accordance with the standards of the Indian Standards Institution. All such apparatus shall be thoroughly earthbound in accordance with the Indian Standard Code of Practice for electrical wiring and fittings in buildings.

56. The requirements of. 55 shall apply to cables and apparatus fitted within the enclosure and rewinding room for electric lighting and also to any cable or apparatus used to supply electrical energy to the sound Production Apparatus.

57. Voltage limit.

No electric current at a higher pressure than 250 volts shall be used within the enclosure at any time without the special written sanction of a competent authority of the Department of Electricity.

58. Electrical circuits, separation of.

The cables from the cinematograph machine shall be taken as a separate circuit from the source of supply and from the supply side of the main fuse in the general lighting circuit on such premises. Efficient switches and fuses shall be inserted at the point where the supply is taken and in addition, an efficiency double pole switch shall be fitted in the cinematograph lamp circuit inside the enclosure.

59. Lantern illuminant lighting.

No illuminant other than the electric light shall be used in a cinematograph lantern.

60. Premises, lighting of.

(a) The general lighting of the auditorium and exit doorways and passages shall not be controlled from

within the enclosure, but a duplicate lighting system may be controlled from the enclosure or a system permitted whereby not more than 1/3 of the general lighting is controlled from the enclosure, either system to afford sufficient lighting for emergency exit of the audience.

- (b) No fans, heaters or motors may be connected to the lighting circuits. All wall plugs and sockets must be 3-pin type of approved. Home/office hand-shield pattern and able to be plugged in on one position only. All metal clad apparatus used on the socket must be earth bonded. The system of wiring employed shall be in accordance with the Indian Standard Code of practice for electrical wiring and fittings in buildings.
- (c) Every circuit in the premises shall be identified by its description and number each Distribution Box shall contain and affix within its cover, an identification card by description and number so permitting instant identification in emergency.
- (d) An emergency lighting system consisting of colza oil lamps may be provided; provided such lamps are always kept trimmed and burning during the whole of any performance and afford sufficient illumination, in the opinion of the competent authority of the Department of electricity. Each attendant shall carry an efficient electric torch or lamp.

61. Resistances.

Resistance frames shall be made entirely of fire resisting material and shall be so constructed and maintained that no coil or other part shall at any time become unduly heated. All resistances with the exception of resistances for "effect" (dimming) purposes, or the resistances for the regulation of the motor Generator set from the control of the supply to the Projector Arc, if that resistance be of parallel type, they shall be placed outside the enclosure and if inside the auditorium, they shall be adequately protected by a wire guard or other efficient means against accidental contact. They shall not be permitted to become so heated that a piece of dry newspaper placed in contact with any part of the resistance would ignite. The operator shall satisfy himself before the commencement of each performance that all cables, leads, connections and resistance are in proper order. The resistances, if not under constant observation, shall be inspected at least once during each performance. If any fault is detected current shall be immediately switched off and shall remain switches off until the fault has been remedied.

COMMENTS

Under Rr. 54 to 61 specific provisions have been given for electrical installations, lighting arrangements and

precaution measures to be taken while making such arrangements inside the Auditorium or otherwise. Such rules are to be strictly followed and observed by the licence holder.

62. Operators.

Not less than three, where double machine is installed and not less than two, in case of single projector, operators shall be engaged in manipulating the projectors and one apprentice may be engaged for each machine. It shall be the duty of one of the operators to take charge of the films after they have passed over through the lantern. Each operator shall possess certificate granted by an officer of the Department of electricity not below the rank of an Inspector. Such certificates shall be issued on payment of a fee of Rs. 20 and shall be valid for one year unless sooner revoked.

Provided that an application for the renewal of an operator's certificate shall be made at least one month before the date of the expiry of the old one, failing which a penalty of Rs. 5 for each month of default shall be leviable in addition to the annual renewal fee of Rs. 10.

An operator shall be granted a certificate unless -

- (i) he possesses a minimum general education up to Cl. VIII standard and has completed two

years' apprentice training in operation of Projector machine;

- (ii) he is thoroughly conversant with the municipal bye-laws and other rules relating to cinematograph exhibitions and precautions against fire;
- (iii) he is acquired with the most speedy and effective methods of dealing with fire;
- (iv) he possess a fair knowledge of the elements of electric power direct and alternating current, voltage, amperage, etc., and in the case of muffasil operators, a working knowledge of petrol and oil engines if such are ever used for exhibition;
- (v) he is proficient in the handling, winding , repairing and efficient cleaning of film; and
- (vi) the certificates shall bear, affixed upon it, a certified photograph of the holder.

COMMENTS

This Rule provides for the number of operators to be engaged, their qualification and condition for granting of licence to such operators.

- PART III -

**Rules for the licensing
of Temporary and Touring Cinemas**

- 63.** The cinematograph apparatus shall have been certified to be unable without danger by a competent authority of the Department of Electricity within a year of the date on which the exhibition is given to the public.
- 64.** The Licensing Authority may refuse a licence, or stop the operation of the licence, for a temporary or touring cinema if in its opinion any portion of the building or structure is in dangerous proximity to any other building.
- 65.** The Licensing Authority may require an application from a temporary indoor cinema to furnish such plans of the premises and such specifications as it may consider necessary.
- 66.** In the case of exhibition given in tent or booth or in any shelter or structure composed of or covered with combustible or of a movable character, the cinematograph apparatus

shall be operated from outside tent, booth, shelter or structure and shall be placed at a distance of at least six feet therefrom.

- 67.** The auditorium shall be provided with a sufficient number of exits suitably placed and designed to permit safe in case of alarm to the satisfaction of the Licensing Authority. Such exits shall be at a sufficient distance from the location of the projectors and allied apparatus, to allow exit without passing near the projector.

A clear passage or gangway shall be kept to all such exit. No apparatus, chairs, forms, cables to other obstacle shall be placed in such passage or gangway.

Such requirements of R. 30 as the Licensing Authority may require shall apply to premises used for occasional exhibitions.

- 68.** Without prejudice to the generality of the foregoing rules, no tent, booth or similar structure shall be used for the purposes of a cinematograph exhibition if it is enclosed by a wall or walls which do not permit of adequate means of egress and which are erected within 10 feet of such tent, booth or similar structure.

- 69.** (a) The occupier of the premises on which the performances are to be given shall be responsible for the observance of the requirements of Rr. 5 except Cls. (b) and (c) of sub-R (30) , 20 and 21 in Part I of these Rules.
- (b) The provisions of the rules in Part II of these Rules shall apply *mutatis mutandis* to licences for temporary ad touring cinemas.

COMMENTS

Rules 63 to 69 deal with the provisions relating to the licensing of temporary and touring cinemas.

Touring cinema licence — Renewal of. Provisions for the renewal of permanent cinema houses are also applicable in the case of renewal of licence for the touring cinemas. [*Ranjit Kumar Bose v. State of Assam*, (1981) 1 GLR 344].

- 70.** These rules shall be subject to conditions of every licence and every licence shall also be issued subject to the following conditions regarding apparatus and its operation being observed :

CONDITIONS

- A.** (1) The projector and the illuminant shall be entirely closed in a casing of fire resisting of fire resisting material except for such opening as are necessary for effective manipulation and ventilation.
- (2) Any electric wiring or terminals fitted within the casing shall be so placed that it shall be impossible for the films in use in the projector to come in contact with them.
- (3) Each electric circuit on the projector shall be fitted with a separate witch controlled from outside the casing, and so placed as to be within reach of the operator when standing at the projector.
- (4) The heat of the illuminant, and its position in relation to the optical system, shall be such that it is impossible for the rays of light to ignite a stationery film.

This requirement shall be considered as met if a film stationary in the film-gate to ignite within a period of three minutes.

- B.**
- (1) The projector shall be fitted with film boxes of fire-resisting material, which shall be made to close in such a manner and shall be fitted with film slots so constructed as to prevent the passage of flame to the interior of the box.
 - (2) The film-boxes fitted to the projector shall be constructed as to be easily detachable from the apparatus.
 - (3) All films shall be contained in film-boxes, which shall be attachable to or removable from the projector without being opened, so that at no time shall a film be exposed except the portion necessary for treading up.
 - (4) During an exhibition, not more than three film-boxes (including the two actually attached to the projector) shall be in the enclosure or reserved space, as the case may be, at any time. If further film-boxes are required they shall be kept in closed metal boxes outside the enclosure reserved space, as the case may be, and, if in the building in a place approved by the Licensing Authority and subject to the prescribed requirements as to limitations of quantity and weight.

- C.** (1) All electric conductors shall be of adequate for the current they have to carry and shall be efficiency covered with insulating material and shall be either
- (i) placed out of reach of persons in the auditorium and where they are not liable to damage, or
 - (ii) protected against injury by suitable castings.
- (2) Resistances shall be made entirely of fire-resisting material, and shall be so constructed and maintained that no coil or other part at any time shall become unduly heated. If inside the auditorium, they shall be adequately protected by a wire guard or other efficient means of preventing accidental contact, and shall not be placed within reach of persons in the audience.
- (3) The operator shall satisfy himself before the commencement of each performance that all cables, leads, connections, resistances and fuses are in proper working order. The resistances, if not under constant observation, shall be inspected at least once during each performance. If any fuel is directed, current shall

be immediately switched of, and shall remain switched of until the fuel has been remedied.

- (4) The projector circuit shall be independently protected by the double pole switch and fuse properly enclosed and placed near the source of supply or the point of connection with the general lighting supply, as the case may be;

Provided that where the current does not exceed five amperes and the connection of the projector circuit to the general lighting supply is made by means of connector as described in paragraph (5) below, such a connector may be used in substitution for a double-pole switch.

D. Rewinding of films.

No rewinding of films shall done within the enclosure or reserved space, as the case may be, nor in any room or space to which the public have access or in which any illumination other than electric light in enclosed bulbs in employed. Smoking in the vicinity when rewinding is done, is prohibited.

E. Emergency lighting.

An efficient portable electric battery or torch with an efficiency protected bulb shall be available in the reserved space and in the reserved space and in

the enclosure and the rewinding room or space throughout the performance and previous or subsequent film winding or rewinding processes.

Such other lighting as the Licensing Authority may require shall be provided for the safe exit in emergency of the audience in addition to the normal lighting system installed in the premises.

F. Location of projector and allied apparatus.

- (1) No portable apparatus shall be so placed in any auditorium or communication passage way as to interfere with entrance and exit of the audience nor so that any ignition of film might prevent safe exit.

The Projector shall be placed on a firm support.

- (2) *Amateur Standard Apparatus.* No projector other than an Amateur size projector shall be used on any premises within the auditorium unless provided with either permanent or temporary enclosure.

- (3) (i) *Reserved space.* If such an Amateur size projector be worked without an enclosure it shall be situated within a space as the "Reserved Space" into which no person

other than the operators shall be allowed during an exhibition. This space shall be ample for the operators and the necessary apparatus and safety utensils.

(ii) *Fire precautions in reserved space with Amateur Standard Projector.* One bucket of sand, one bucket of water and a blanket shall be kept within the reserved space. A large sponge shall be kept in the bucket of water. No naked light or any light other than an efficiency protected electric bulb light, no matches or smoking materials shall be within the reserved space.

(4) *Full size operators.* Such apparatus usually of 36 m/m width or over shall, if placed within the auditorium or in any portion of the premises or where persons other than the operators resort during performances, only be used within the approved type of permanent enclosure for permanent cinemas or within the temporary enclosure of condition G below.

Provided that the operation of a full sized apparatus shall not be permissible from a room adjoining an auditorium unless that room complies in every respect with the requirements for a cinema enclosure;

Provided further that the operation of a full sized apparatus without enclosure shall be permissible from a verandah of a building under the following conditions.

- (i) The verandah be a fire-resisting material in any part within ten feet of the apparatus.
- (ii) No person other than the operators are allowed on the verandah within ten feet of the apparatus.

The area so framed shall be a reserved space.

- (iii) The doorway, window or other aperture through which the beam of light is projected be securely closed throughout the exhibition with a fire-resisting screen in which shall be not more than two orifices for the operation of the apparatus. Such orifices shall not be larger than 8 inch, and each shall be provided with a stout sheet of glass further protected by a falling shutter of fire-resisting material in such a way that each can be instantly released by the operator in case of need.

- (iv) Any other doorway, window or aperture within ten feet of the aperture be entirely blocked with a fire-resisting screen in which there shall be no opening of any description.

- (v) If a doorway be closed under the provisions of sub-Cls. (iii) and (iv) above, there shall be available other doorways in sufficient number and so placed as to ensure ready entrance and exit of the audience from the auditorium.

- (vi) Fire precaution at the projector. No drapery and no unprotected combustible material other than such materials as may compose the floor shall be within ten feet of the cinematograph, nor shall naked lights, matches or smoking utensils or tobacco be taken within the reserved space of (ii) above. Two chemical fire extinguishers, two buckets of water, one of which shall contain a large sponge and a blanket shall be kept at the projector.

G. Temporary enclosure.

The requirements for a temporary enclosure are as follows.

- (1) **Constructor.** A smoke proof box constructed of sheet iron or steel on a substantial frame work and securely fastened together. The internal height from the floor to roof shall be at least 8 feet. If one machine is to be operated the floor space shall not be less than 48 square feet. If more than one machine is to be operated therein an additional 24 square feet shall be otherwise itself conform in every other respect to a permanent enclosure.

Provided that, if the temporary enclosure be kept *in situ* or stored on the premises and does not travel with a portable apparatus thereby avoiding risk of breakage, such enclosure may be asbestos sheeting or other approved type of fire-resisting material on a substantial fire-resisting frame work.

- (2) *Electrical and other accessory apparatus.* All apparatus situated therein shall similarly conform to that in a permanent enclosure,

subject to such apparatus being of a portable and not of a permanently fixed nature.

- (3) *General working.* The requirements regarding care in working, fire-fighting appliances, prohibition of inflammable materials, lights, matches, smoking utensils, film rewinding and admission of the public prescribed for permanent enclosure in permanent cinemas shall apply to temporary enclosure for occasional exhibition.

COMMENTS

It is mandatory for every licence holder under these Rules not only strictly to comply with the specific provisions as contained therein as conditions of such licence, but the licence shall also be subject to the above conditions giving under R. 70.

- 71.** The licensee for every touring cinemas may shift the venue of the exhibition from the place to place after giving the intimation of his programme and itinerary in advance to the Licensing Authority; provided that all the rules and safety requirements are duly observed.

72. Where the shows are held by the management of industrial concerns for the benefits of labour in industrial areas or by academic or cultural institutions [* * * * *] such shows shall not be utilized by the licensee for making profit.

COMMENTS

Legislative changes. In this rule the words, “the rates of admission shall be nominal and” occurring after the words “Institutions” were deleted vide Notification No. GCN 13/62/15, dated 17-12-1962.

- PART IV -

73. Revocation or suspension of licence.

- (1) The Licensing Authority may at its discretion revoke or suspend the licence granted to any cinema within its jurisdiction if it is satisfied —
- (a) that the licence was obtained through fraud or misrepresentation; or
 - (b) that the licensee has committed a breach of any of the provisions of the Act or the rules made thereunder or any condition or restriction contained in the licence or of any discretion issued under sub-S. (2) of S. 5 of the Act; or
 - (c) that the building and installation are not maintained in proper order; or
 - (d) that the cinema is used or conducted in a manner prejudice to the public interest.

Provided that the Licensing Authority shall give the licensee an opportunity to show cause before taking any action under this sub-rule.

(2) *Appeal under S.9 of the Act.* Where the order suspending, canceling or revoking a licence under the preceding clause has been passed by a Licensing Authority any person aggrieved by the order may, within the period prescribed under S.9 of the Act an appeal in payment of fees of Rs. 40 and Rs. 3 for each of the permanent and temporary (including open air and touring) cinema licences respectively to the State Government which may pass such order as it thinks fit. The order of the State Government which may pass such order as it thinks fit. The order of the State Government shall be final;

74. Exemption for existing cinema house.

The Licensing Authority may in individual cases exempt any permanent cinema house which has been in existence before the commencement of these Rules from any provisions of these Rules which he may find after due enquiry to be not practicable to be complied with.

COMMENTS

Legislative changes. This rule was inserted by Notification No. GCN 13/62/15, dated the 17th December, 1962.

FORM 'A'

No Objection Certificate

[Rule 4]

In exercise of the powers conferred by R. 4 (ii) of the Assam Cinema (Regulating) Rules, 1960, I Deputy Commissioner ofDistrict do hereby grant the certificates that there is no objection to Shriof P./S. in District constructing a cinema house at ofvillage/ P.S..... in district according to the approved plan and the site plan herewith enclosed.

This “No objection certificate” is valid for a period of one year from the date hereof and if within this period the proposed cinema house is not constructed, a fresh “no objection certificate” should be applied for.

This certificates does not of itself authorize the use of the proposed building for cinematograph fro cinematograph exhibit nor does it by any means guarantee the issue of a cinema licence which depends on separate application.

Deputy Commissioner of

FORM 'B'

Form of Licence (Permanent Cinemas)

[Rule 6]

No.....

* (a) situated at ** (b)
Within the district of is licensed under S.5 of
the Assam Cinemas (Regulation) Act, 1953 (Assam Act XIV of
953), as a place where exhibition by means of cinematograph
may be given.

This licence has been granted to *** (c)
and shall remain in force until theprovided
that the said *** (c) owns, leases or manages the said * (a)
..... . The licence is granted subject to the provisions
of the Assam Cinemas (Regulation) Act, 1953 and of the
rules made thereunder and to the conditions set forth in the
attached Schedule.

Deputy Commissioner of

The 19

* (a) Name of the theatre etc.

** (b) Address.

*** (c) Name of applicant.

FORM 'C'

Form of Licence (Temporary Indoor Cinemas)

[Rule 9]

No.....

Shri/Shrimati (a)*.....of
(b)** within the districts of Is
licensed under S.5 of the Assam Cinemas (Regulation) Act,
1953 (Assam Act XIV of 1953) to hold temporary indoors
exhibitions by means of cinematograph.

This licence shall remain in force only for a
period of from the date thereof. The licence is granted
subject to the provisions of the Assam Cinemas (Regulation)
Act, 1953 and of the rules made thereunder and to the
conditions set forth in attached Schedule.

Deputy Commissioner of

The19

(a) * Name of applicant

(b) ** Address

FORM 'D'

Form of licence

(Temporary Open Air Cinemas/Touring cinemas)

[Rules 12 and 15]

No.....

Shri/Shrimati (a)*of
(b)** within the district of
.....is licensed under S.5 of the Assam Cinemas
(Regulation)Act, 1953 9Assam Act 1953) to hold temporary
exhibitions in the open air by means of a cinematograph.

This licence shall remain in force only for a period of
..... from this date thereof.

This licence is granted subject to the provisions of the
Assam Cinemas (Regulation) Act, 1953 and of the rules
made thereunder and to the conditions set forth in the
attached Schedule.

Deputy Commissioner of

The 19

(a)* Name of applicant

(b)** Address

SCHEDULE OF CONDITIONS AND RESTRICTIONS

1. The licensee shall be responsible for punctual submission of quarterly statements of cinema collections in prescribed form to the Licensing Authority from onward transmissions to the officer-in-charge of Distribution, Films Division, and Ministry of Information and Broadcasting, Government of India.

2. The number of persons admitted at any one time into any part of the licensed place shall not exceed the number specified below as the number of persons who may be accommodated in such part.

[The Licensing Authority will here enter the number of persons who may be admitted into the several parts of the buildings as required under R. 26(b)]

3. Every licensee shall, if so required by the Licensing Authority, be bound to exhibit films produced by the producers of Assam or films dealing with matters relating to Assam for such period of time as may be required by the Licensing Authority.

4. The licensee shall so regulate the exhibition of cinematograph films that at every performance open to the public approved films are exhibited, the approved films to be exhibited in relation to other films at every such performance being in the same proportion as one

is to five of the nearest lower or higher approximately thereto.

5. Only such films produced in India as are certified by the Central Government with the previous approval of the Film Advisory Board, Bombay to be scientific films intended for educational purposes, films dealing with news and current event to documentary films shall be deemed to be approved films for the purposes of these directions.
6. Nothing contained in these directions shall be constructed as requiring the licensee-
 - (a) to exhibit at any performance more than 2,000 feet of approved films of 35 mm. Size or the corresponding footage of approved films of 16 mm. Size; or
 - (b) to exhibit any approved film which has been shown for more than two weeks continuously;
 - (c) to re-exhibit any approved film which has been shown for two continuous weeks; or
 - (d) to exhibit approved films to the full extent indicated hereinbefore in the event of sufficient number of length of approved films not being available for the time being.

7. For the purposes of computing the corresponding footage of films of 16 mm. Size in relation to films of 35 mm. Size, 400 feet of films of 16 mm. Size shall be deemed to be equivalent to 1,000 feet of films of 35 mm. Size.
8. The licensee shall not display or cause to be displayed any photograph, picture or poster which depicts or represent to purports to represent a scheme or shot which has been exercised from any film under the order of the Central Board of films Censors or the Central Government.
9. The licensee shall not exhibit or permit to be exhibited in the cinema.
 - (a) any film other than a film which has been certified by the Board of Film Censor as suitable for unrestricted public exhibition restricted to adults and which , when exhibited, displays the prescribed mark of the Board and has not been altered to tampered with in any way since such mark was affixed thereto.
 - (b) Any films which has been certified by the Board of Film Censors as suitable fro public exhibition restricted to adults, to any persons who is not an adult.

[Note. This condition shall not be constructed as prohibiting the exhibition of a film in respect of which an 'A' certificate has been granted to children in arms below the age of three]

10. Posters and pictorial publicity materials pertaining to cinematograph films which are a gross misrepresentation of the film itself and which even when not clearly obscene or objectionably suggestive, shall not be displayed in cinema hall
11. No person, advertisements, sketch, synopsis or programme of a film shall be displayed, sold or supplied either in or anywhere outside the licensed place which is likely to be injurious to morality or to encourage or incite to crime or to lead to disorder to offend the feelings of any section of the public or which contained offensive representation of living persons.
12. The licensee shall not exhibit or permit or cause to be exhibited in the cinema any slide which displays any advertisement which is of an indecent or obscene nature or the publication of which is prohibited under any law for the time being in force.
13. Save as the Licensing Authority may be written order permit, no loudspeaker, gramophone, band, drum, bell, horn, whistle, siren or musical instrument of any kind shall be employed or allowed to be used as an

advertisements or to attract attention in or outside the licensed place, nor shall any device be employed which is designed or served to deliver the entertainment to persons outside the licensed place.

14. At least 48 hours before any film is exhibited, the licensee shall supply a synopsis of the contents of the films to the District Magistrate of the District in which the licensed place is situate.
15. The licensee shall not without the permission of the Licensing Authority, assign sublet or otherwise transfer the licence, the licensed place or the cinematograph, nor shall the licensee without permission as aforesaid, allow any other person during the period of currency of the licence, to exhibit film in licensed place.
16. Any accident, fire or explosion occurring within the licensed premises which is attended with loss of human life or serious injury to persons or property shall be reported immediately to the nearest Magistrate or to the Officer-in-charge of police and by telegraph or telephone where such means of communication are available.
17. Free access to the license premises shall be given at all reasonable times to an Inspector and facility shall be

afforded to such Inspector for ascertaining that the rules and conditions are duly observed.

18. Adequate precaution shall at all times be taken for the prevention of accident by fire on explosion and no smoking, fire or light or articles capable of causing fire to film shall be permitted at any time within the licensed premises.
19. Adequate precaution shall at all times be taken for the prevention of accidents by fire on explosive and no smoking, fire or light or articles capable of causing fire to film shall be permitted at any time within the licensed premises.
20. Not more than four shows shall be held at the place licensed between 3 p. m. and mid-night on any weekdays.

Outside these hours i.e. before 3 p.m. or after midnight no show shall be allowed at the place licensed on any week days.

Provided that no films certified for public exhibition restricted to adults only shall be exhibited during the 3p.m. shows on week days.

Note. There will be restriction on the number of shows in a day on Sundays and public holidays;

provided that no show shall be allowed after mid-night.

21. The licensee shall not store inflammable film in quantity exceeding 200 lbs. At the place licensed unless a separate licence for the storage of such films has been obtained by him from the Chief Inspector of Explosive.
22. Films shall be stored. -
 - (i) in a storage shed constructed of suitable unflammable materials, the doors and ventilators may be of wood and shall open outwards; or
 - (ii) in a tent, placed on private ground and separated by a distance of not less than 25 feet from any dwelling houses, other building, highways, street or public place.
23. The storage shed shall not form part of, or be attached to any building in which any person resides or works or where persons assemble for any purpose unless it is separated there from by a substantial floor or partition.
24. The storage shed, if any, or building, shall not be situated under any staircase or under any other

means of exit likely to be required to be used for escape in case of fire.

25. The storage shed shall be adequately ventilated near the ground level and also near or in the roof. All ventilators shall be fitted with metal grids or similar suitable protection on the outside face of the wall and a layer of No. 16 mesh brass or other non-corroding metal wire gauze on the inside of the wall.
26. The storage shed shall not be used for any other purpose.
27.
 - (i) All operation connected with examination, repairing, cleaning, waxing or re-winding of films shall only be carried out in the examination room which shall not be used for any other purpose and shall be separated from the storage shed by a partition.
 - (ii) The examination room shall be constructed of fire resisting materials only and well ventilated to the outside air.
 - (iii) Nor more than two rolls of film shall only be opened for examination at any time per examiner and not more than 100 rolls in all shall be under the examination or repair at any time.

28. All films waste and scrap in the examination room shall be placed immediately in a strong metal receptacle fitted with a tight binged lid and marked "Film Waste" and kept under water until disposed of. The contents of the drums shall be disposed of at frequent intervals by burning under adequate precautions or in such other manner as may be prescribed by the Licensing Authority.
29. No alternations shall be carried out in the storage shed or examination room without the previous sanction in writing of the Licensing Authority. Such alternations so sanctioned shall be shown on an amended plan to be attached to this licence.
30. The furniture and other articles shall be so arranged as to afford free egress to persons in the room in the event of fire.
31. There shall be kept posted up in large characters in the room -
 - (i) full instructions as to the action to be taken in ace of fire; and
 - (ii) full directions as to the means of escape from the room in case of fire.

32. No two sheds for the storage of film shall adjoin each other or be in the same building.
33. The licensee shall comply with such other conditions as may be prescribed from time to time by rules.

COMMENTS

This rule was substituted vide notification No. GCN. 14/88/pt. 97, dated 6-11-1991.
