

Maharashtra Cinemas (Regulation) Rules, 1966

CHAPTER I

Preliminary

1. Short title and application:-

(1) These rules shall be called the Maharashtra Cinemas (Regulation) Rules, 1966.

(2) They shall, save as expressly provided otherwise, apply to, and in relation to all cinemas in the State of Maharashtra (Regulation) Rules, 1966 (Maharashtra)

2. Definitions:- In these Rules, unless there is anything repugnant in the subject or context,-

(a) "the Act" means the Bombay Cinemas (Regulation) Act, 1953;

(b) "appropriate Executive Engineer" as respect any existing or proposed cinema, means the Executive Engineer having jurisdiction over the Division within the limits of which such cinema is erected or, as the case may be, proposed to be erected;

(c) "cinema" means any place wherein an exhibition by means of cinematograph is given [and includes] "[drive-in-cinema and video-cinema]:

(d) "enclosure" means the separate room or cabin provided under rule 21 in which cinematograph machine or machines are housed;

(e) "Form" means a Form appended to these Rules.

(f) "licensee" or "holder of license" includes the manager or managers nominated under rule 116;

(f-1) "permanent cinema" means any structure whether of masonry, mud, bricks, mortar, cement or other non-inflammable material wherein an exhibition by means of cinematograph is given.

(f-2) "quasi permanent cinema" means any structure of steel angles, iron trusses or other fire-resisting material wherein exhibition by means of cinematograph is given;

(f-3) "touring cinema" means an outfit comprising the cinematograph apparatus and plant and enclosures taken from place to place for giving cinematograph exhibition, or for giving cinematograph exhibition in local theatres or hall

(f-4) "drive-in-- cinema" means any open air cinema(having a capacity to accommodate not more than 1,000 motor cars, wherein admission is ordinarily given to persons desiring to see the exhibition while sitting in a motor car, and also to other persons if one or more open air and/or closed auditoria are duly provided for them to see such exhibition;

(f-5) "motor car" means a motor vehicle (other than a transport vehicle, omnibus, road roller, tractor, motor-cycle or invalid carriage)].

(f-6) "video cinema" means any place wherein an exhibition of moving pictures or series of pictures is given by means of a video cassette recorder, video cassette player, or any such similar instrument or device through the medium of television.

Note: Maharashtra Cinemas (Regulation) Rules, 1966 as amended in 1987 RR 2 (f-6), 24-1(4) J, Bombay Cinema (Regulations) Act 1953- Sec2(a)

Rule 2 (f-6) - We find -some light on the meaning to be assigned to the word "television" by clauses (i), (ii) and (iii) of sub-rule (4) of Rule 24-1 which prescribe the requirements of Video Cinema,

In contradiction to the words "television set" used in clause (ii) the words "the television screen or any other screen used for the exhibition of Video Cinema" are used in clause (i) and the words "television screen or screen used for any other media" have been used in clause (iii). The difference in the phraseography used in clause (i) and clause (iii) on the one hand and clause (ii) on the other would indicate that the screen that is used for exhibition is not confined to the screen of a television set but would include any other screen on which pictures are exhibited through VCR./VCP and television. The words "television set" have been used in clause (ii) for the reason that the requirements of the said clause about placing the apparatus on an elevated fixed platform can apply to a television set only and it cannot apply when there is a separate screen which is fixed on the wall. The word "television" in the expression "through the medium of television" in Rule 2 (f-6) cannot therefore, be confined to a television set but would include a device having a screen operating on television technology and it is not the requirement of the said expression that the screen must be built in the device and it cannot be separate from the apparatus. While referring to I clause (i) of sub rule (4) of Rule 24-1, the High Court has expressed the view that the words "any other screen" in the said clause refer to an additional screen which can be fixed at a short distance in front of the television set. We find no basis for thus restricting the meaning of the words "any other screen" on which picture are exhibited through VCR/VCP.

These points of difference are the result of further advancement in television technology so that the reproduction images through the process of television can be available for a larger audience- These differences are not such as to alter the character of the device and in spite of these differences a video projector is a television receiver like a television set.

The High Court has held that a video projector is not covered by the definition of "video cinema" as contained in Rule 2 (f-6) for the reason that the screen is separated from the main body of the machine and the image is projected on the screen is separated from the main body of the machine and the image is projected on the screen and the device is more like a conventional cinema than like a television and to hold otherwise would be acting contrary to the spirit of the provisions. We are unable to agree. Merely because the screen is separated from the machine and the image is projected on the screen from the machine does not in our opinion mean that the device has ceased to be a system based on television if the technology on the basis of which it works is that used in television.

The contention that the video projector and the screen are using the same technique as the T.V. set was rejected by the High Court for the reason that such equipment is not only outside the definition but is also excluded by the spirit of the provision and in that regard, the High Court has observed that the Act contemplates the existence of the conventional cinema and that by amendment the Act has made provision for this new form of exhibition and it does not assume of the second encroaching on the first. We are unable to appreciate this reasoning of the High Court. We do not find anything either in the Act or in the Rules which may give an indication that the video projector has been excluded from the purview of the definition of video cinema as contained in Rule 2 (f-6).

Shankar Video and another v State of Maharashtra and other 1993 (2) Maharashtra LJ SC 1338; AIR 1993 Supreme Court 2111 per S. C. Agarwal J.

In the case of a duly licensed video cinema the question is whether it would be permissible for the operator to avail of the use of projection equipment known in the trade circles as 'Entel' whereby the

picture is projected on to a large screen or whether such action would contravene the provisions of the Bombay Cinemas (Regulation) Act, 1953 and the Maharashtra Cinemas (Regulation) Rules, 1966.

The elaborate and strict regulation generally applicable to the buildings, electrical installations, fire lighting arrangements, safety and restrictions on number of cinemas population wise etc. are not made applicable to a video cinema. Indeed even minimal restrictions applicable to touring cinemas do not apply. It is therefore, argued that what was in contemplation was the use of the conventional Video Television Process, in oilier words, the commercial exploitation of that process. The moment on attempt is made to enlarge the dimensions, the number of viewers and to modify the technique with the use of a projector and screen, in actual fact, it constitutes transgression of rules and amounts to the running of a conventional cinema, perhaps on a smaller scale which is impermissible without a cinema licence and conversely on the strength of a video cinema licence.

It will be seen from the definition of "video cinema" that there is no ambiguity whatsoever with regard to the legislative intent as far as the anatomy of a video cinema is concerned. It is true that the definition slates that the medium for the exhibition of moving pictures can be a video cassette recorder/player or "any such similar instrument or device". The use of the word "such" in the definition restrict the type of devices that can be used in the video cinema to ones that are similar in function to a video cassette recorder/player. It is essential to bear in mind that the functioning of these gadgets is to pickup from the tape that is inserted into it the images and sound that have been so recorded and to reconstruct them into such sound and images in their original form. For purposes of such reconversion it would be permissible for the operator of a video cinema to use gadgets that may not answer to the definition of a video cassette recorder or a video cassette player, but which perform identical functions and could, therefore, be termed as similar.

The first stage of the equipment having been specified, we come to the last part of (he definition which without any slightest lint of ambiguity or vagueness, very specifically and in terms postulates that the display has to be through the medium of a television. The definition leaves no option in this regard and requires in no uncertain terms that the viewing medium or the gadget utilised for displaying the images and sound which the video cassette recorder/video-cassette players reconverts from the tape has lo be a television set.

For obvious reasons, the most important being safely of the eyes and ears of the viewers the rule prescribe a minimum requirement of 51 cms., television set, as the smaller models understandably inappropriate for a video cinema with the advancement and improvement in technology and marketing, T-V. sets exceeding 51 cms in a video cinema would be permissible as it would not in any manner offend the concept of a video cinema as defined.

It is necessary in this context, therefore to note that the definition excludes the introduction of any other gadgets than the video cassette recorder/video cassette player and tile T.V. In other words the use of a projector, even if it were to be called a video projector, would not be per missible. The argument that the video projector and the screen are using the same technique as the T.V. set is unacceptable for the simple reason that such equipment is not only outside the definition, but is excluded by the spirit of the section, and for good reason, the Act contemplates the existence of the conventional cinema and by amendment the Act has made provision for the newer form of exhibition but the Act does not admit of the second encroaching on the first. What in fact has been attempted through the use of the "Entel" equipment is to create a hybrid situation where the "video projector" is used to confuse and get over the unpleasant fact that a T. V. set is not being utilised where as in reality one is going back to the technique of the conventional cinema".

Swapnalok Touring Talkies. Kanhan v The State of Maharashtra and other 1993 (1) Mah LR 60 Bombay; AIR 1993 Bombay 115; 1992 (2) Bom CR 120 per M.F.Saldanaha J.

(f) "motor car" means a motor vehicle (other than a transport vehicle, omni-bus, road roller tractor, motor -cycle or invalid carriage);

(g) words and expressions used in the Act and not defined in these Rules shall have the meanings assigned to them in the Act [or in the Motor Vehicles Act,1939.]

CHAPTER II

No Objection Certificate

3. Application for "No Objection Certificate":- (1) No person under 18 years of age shall be entitled to obtain or hold any licence under these Rules.

(2) Any person desirous of erecting a cinema or converting existing premises into a cinema shall first make public his intention to do so by exhibiting a notice in Form 'A' on a board on the proposed site in such a position that it can be plainly seen from the public thoroughfare upon which the site of such proposed cinema abuts. Except in Greater Bombay the notice shall be in the language of the locality. In Greater Bombay the notice shall be in English as well as the language of the locality. The notice on the board shall be maintained on the site until the matter is decided by the licensing authority.

The Board shall be at least 1.20m X 0.90m in size and the notice shall be exhibited thereon in bold and clearly legible letters.

(3) Such person shall also give a similar notice in writing to the licensing authority for the grant of a "No Objection Certificate" specifying therein whether the application is in respect of a permanent cinema or a quasi-permanent cinema or a touring cinema [or a drive-in -cinema]. The application shall be accompanied by a plan of the proposed site drawn to scale and shall clearly indicate the surroundings, roads and buildings which in the case of a cinema (other than a drive-in-cinema) exist [within a distance of 61 metres of the perimeter] of the proposed site, and in the case of a drive-in-cinema, upto a distance of 400 metres from the perimeter]. Schools, hospitals, temples or other like places should be clearly indicated in the plan. The applicant shall also forward a copy of the application together with the plan to the Executive Engineer/ the Assistant Engineer /the Deputy Engineer /the Sub-Divisional Officer "[the Town Planning Officer/the Municipal Authority] concerned in respect of the proposed site, who should communicate his remarks to the licensing authority within one month from the date of receipt of the application.]

4. Licensing Authority to invite objections:- On receipt of such notice, the licensing authority shall, at the cost of the applicant, notify the public of such intention in such manner by publication in newspaper; or otherwise as it may deem fit for the purpose of inviting objections. A notification for inviting objections shall be issued by the licensing authority in Form 'B' and shall specify [a period not exceeding one month within which the objections shall be lodged with it.]

5. Licensing Authority to report to Government:- [(1) Except in the case of an application for the grant of a "No Objection Certificate" for locating a touring cinema, the licensing authority shall, on the expiry of the period for the receipt of objections, submit a report to Government within a period not exceeding two months from such expiry in Form 'C' along with his recommendation whether a "No Objection Certificate" should be granted or not,]

(2) Government may, on consideration of the report of the licensing authority, grant permission for the issue of "No Objection Certificate" to the applicant [or may, for reasons to be recorded in writing, refuse to grant the same:

Provided that, the State Government may, on the ground of discovery of new and important matter or evidence or on account of some mistake or error apparent on the face of the record or for any other sufficient reason either of its own motion or upon an application made by an aggrieved person, review its order refusing the grant of permission for the issue of a "No Objection Certificate" and pass such order as it may deem fit. In such cases, before any order is made which is likely to affect any person adversely, such person shall be given a reasonable opportunity of being heard.]

6. Grant of "No Objection Certificate":- (1) Without prejudice to the right of the licensing authority to refuse or to grant a cinema licence under rules 101 and 102, the licensing authority may, with the previous permission of Government, grant a certificate to the applicant that there is no objection to the location of the cinema [(not being a touring cinema) at the site notified by the applicant under rule 3.

(2) Validity of "No Objection Certificate":- The "No Objection Certificate" shall be in Form *D' and shall be valid for a period of two years from the date of issue in the case of permanent cinemas, and six months in the case of touring cinemas:

[Provided that, in the case of permanent cinemas, the licensing authority may, with the previous permission of the State Government allow such further period in any case as it thinks fit, regard being had to the circumstances thereof, whether the period of two years has expired or not.

Explanation:- The licensing authority may, on an application being made to it in this behalf, dispense with the procedure in rules 3 and 4 in respect of the camp sites of a touring cinema other than the first camp site, if, in respect of such camp sites any touring cinema has been allowed to camp 'there on a previous occasion.

CHAPTER III

Building

7. Building rules:- No cinema shall be licensed under these Rules unless the cinema conforms to the rules laid down in this Chapter:

Provided that rules 12, 13, 14, 15, 16, 19(1), 19(2), 20, 21 and 22 only shall apply in the case of touring cinemas:

Provided further that rules 11 to 16 (both inclusive) and 18 to 20 (both inclusive) only shall apply in the case of quasi-permanent cinemas.]

(1) Subject to the provisions of sub-rule(3), all cinemas shall be enclosed within proper external or party material, walls of bricks, stone or concrete (plain, hollow or reinforced) and the floors, tiers and roofs of the auditorium and all parts used by the public shall be constructed of fire-resisting material:

Provided that the following materials may be used for the ceiling, namely:-

Acoustic Celotex,

Asbestos Spray,

Canoc,

Seletex,

Herakilith,

Insulite Building Board (Termitex), and Insulite Hard Board and

"Tyuzne Wexna" Insulation Board

Insulwood, Treatax,

Acoste Sound Insulation Board,

Light Crete Unika Sound Insulating

Boards and Unitene,

Acoustic Tiles,

Gypsum Panel Board,

Thermocaustic,

Thermofriez,

[Elotex,

Elotin,

Ferrolite.

Sitatex (This material shall be allowed only if the pieces are tightly joined by tongued and grooved method so as to prevent fire passing through the edges)

"Treated Jolly Insulex" insulation board.

Such other material as has been approved by the Government Test House, Alipore, Calcutta, as fire-resistant and non-inflammable after test as per A. S. T. M. Specification No. C-208-60.]

(2) In the case of quasi-permanent cinemas, the external walls of the auditorium and floor shall be of fire-resisting material. The ceiling may be of such material as will give adequate protection against fire. In the case of touring cinemas, the external walls of the auditorium may be of cloth washed with lime or of any fire-resisting material and there may not be any roof over the auditorium.

Explanation '- The materials mentioned in the proviso to sub-rule (1) shall be considered to be fire-resisting material for the purposes of this rule.]

(3) Nothing in sub-rule (1) shall apply to premises duly licensed in any part of the State for use for cinematograph exhibition before the coming into force of these Rules except that the ceiling of such premises, if not made of fire-resisting material, shall be replaced by fire-resisting material.

9. Construction:- (1) No cinema shall be constructed underneath or on the top of any other building.

(2) No open space shall be allowed under the floor of the auditorium.

(3) The floor, roof, private boxes, balconies, galleries, tiers, partitions, ventilators and every room, lobby, corridor, staircase and passage devote to the use of the public shall, subject to the provisions of the proviso to sub-rule (1) of rule 8, be constructed of fire-resisting materials. No wooden posts shall be allowed for the support of galleries and tiers. '

(4) No soft wood or other inflammable wall linings, partitions, screens or barriers shall be used in any part of the auditorium, and no cavities shall be left behind any linings.

(5) The fronts of private boxes and each tier shall be formed of fireproof material, except the capping of boxes which may be of wood.

[(5A) Nothing in sub-rules (1) and (2) shall apply to cinemas in such local areas as may be notified in this behalf by the State Government in the *Official Gazette*, regard being had to the safety, convenience and well-being of the public.]

(6) Nothing in this rule shall apply to premises duly licensed in any part of the State for, use for cinematograph exhibition before the coming into force of these Rules

Provided that open spaces under the auditorium and stage in such premises, where they exist, shall not be rented or used as godowns but may be used for storing cinema implements, such as advertisement boards and trollies, if they are properly arranged and taken care of.

10.Height of tiers:- Where the first tier or balcony extends over any part of the auditorium the height between the floor of the auditorium and such tier or balcony shall not be at any part less than 3m., the floor of the highest part of such tier or balcony and the lowest part of the ceiling over the same shall not be less than 3.5 m. The height between the several tiers shall in no case be less than 2-5m.

Provided that nothing in this rule shall apply to premises duly licensed in any part of the State for use for cinematograph exhibition before the coming into force of these Rules.

11. Entrance and exit to be on public thoroughfare:- Cinemas shall have a road frontage on the public thoroughfare upon which the site of such cinema abuts, and in such frontage there shall be suitable means of entrance and exit for the public. In addition, entrances and exits shall be reserved for service in case of emergency opening on two separate and distinct passages leading either to the said public thoroughfare or to other suitable thoroughfares and such passages shall not be less than 1.5m. in width.

12. Exits:- (1) Two separate exits not opening on the same thoroughfare of public passage shall be provided from the stage and from the auditorium floor and from every tier which accommodates not more than 500 individuals; and where the auditorium floor or any tier accommodates more than 500 individuals, exits shall be provided at the rate of one for every 250 individuals and one for any less number in excess. Each of such exits shall be of not less than 1 -5m. width between the leaves of the door when open.

(2) A common place of egress may serve as the exit of the floor of the auditorium and the first tier, provided its capacity be equal to the aggregate capacity prescribed by sub-rule (1) for the necessary outlets from such floor and tier.

(3) For any auditorium floor or any tier which does not accommodate more than 300 individuals, two 1.2m. exits may be sufficient.

(4) If any auditorium floor or any tier shall be divided into two or more parts, exits as prescribed in sub-rule (1) shall be provided for each such part.

(5) The licensee of the cinema shall not prevent the public to leave by any exit door.

13. Seating:- (1) No part of the auditorium shall provide accommodation exclusive of passages, at a higher scale than 20 persons per 9 square metres.

(2) All seats in the auditorium, excepting those contained in private boxes, shall be firmly secured to the floor. Chairs with folding seats shall be provided wherever required by the licensing authority.

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

(3) In all cases there shall be an interval of at least 30cms. Between the back of one seat and the front of the seat immediately behind measured between perpendiculars.

(4) The distance between the screens and the front row of seats shall not be less than the width of the screen itself.

(5) The seats in the auditorium shall be arranged in the manner of an arc, the concave edge of which faces the screen.

(6) Nothing in sub-rule (1), sub-rule (2) so far as it relates to benches sub-rule (3) and sub-rule (5) shall apply to premises duly licensed for use for cinematograph exhibition before the coming into force of these Rules.

(7) Nothing in sub-rules (2), (3), (5) and (6) shall apply to the touring cinemas.

14. Gangways:- (1) A clear passage or gangway shall be formed at the sides and down the centre of the seating in every part of the auditorium in such manner that no seat shall be 3 or more metres distant from a passage or gangway measured in the line of seating.

The central passage or gangway shall be at least 1.20m. wide and those at the sides shall be at least 0.90m. wide each.

Provided that nothing in this sub-rule shall apply to premises duly licensed for use for cinematograph exhibition before the coming into force of these Rules

(2) Where possible, gradients or inclined planes shall be used instead of steps, but no gradient or inclined plane shall be steeper than 1 in 10.

15. Doors:- (1) All doorways for the use of public shall be at least and outward 1.35m. wide in the clear. All doors shall open outwards to lie flush with the outside of the wall.

(2) Nothing in sub-rule (1) shall apply to touring cinemas and to premises duly licensed for use for cinematograph exhibition before the coming into force of these Rules, so long as the minimum space for exits in accordance with the provisions of rule 12, is provided for in such premises.

(3) All doors used by the public may be kept closed but not bolted during a performance or exhibition, provided an attendant is placed in charge of each such door and whose duty it shall be to throw open the door in case of emergency.

16. Width of corridor, etc.;- 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 1.5m. wide and there shall be no recesses or projections in the walls of such passages, gangways or corridors within 1.5m. of the ground:

Provided that nothing in this rule shall apply to premises duly licensed in any part of the State for use for cinematograph exhibition before the coming into force of these Rules.

17. Staircases:- (1) All staircases 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 approved stone or of such other fire-resisting material and construction as may be approved by the licensing authority with treads not less than 28 cms. wide and with risers of not more than 15 cms. high (each lapping at least 2.5 cms. over the back edge of the steps below it) in flights of not more than 15 or less than 3 steps-

(2) The treads and risers of steps on each flight shall be of uniform width and height.

(3) The several flights of such steps shall be properly supported and enclosed to the satisfaction of the licensing authority-

(4) No staircase shall have more than two flights of 15 steps without a turn and the width of the landing between such flights shall be atleast the same as the width of the staircase-

(5) The floors of all landings shall be not less than 15cms. thick.

(6) Every staircase forming an exit from an upper gallery or tier of the auditorium shall be enclosed on both sides with walls of brick or of fireproof materials in the storeys through which it passes, and no openings shall be made in the auditorium except the one required for exit from the gallery or tier which it serves, provided that staircases leading to the first or lower gallery or tier may be left open on one side, in which case the open side shall be provided by stout handrails and balustrades, but in no case shall staircases be left open on both sides.

(7) All enclosed staircases shall have on both sides strong handrails firmly secured to the wall by strong metal brackets about 7.5 cms. clear therefrom and about 90 cms. above the stairs but such handrails shall not run on level platform and landings where the same is more in length than the width of the stairs-

(8) Where the flight of steps returns upon itself the newel wall shall be chased so as to allow the handrails to run without projecting over the landing.

(9) Stairs turnings at an angle shall have a proper landing without winders being introduced at the turn.

(10) There shall be no recesses or projections in the walls of such staircases within 1.5m. of the floor and any fittings for lighting shall be at least 2.03m. above the steps or landing.

(11) Nothing in this rule shall apply to premises duly licensed in any part of the State for use for cinematograph exhibition before the coming into force of these Rules.

18. Ventilation:- (1) The area of the window, door and ventilator opening shall not be less than one-fifth of the total floor area and the windows and ventilators shall be of such dimensions, in such

number and in such situation as the Executive Engineer/Assistant Engineer/Deputy Engineer/Sub-Divisional Officer concerned shall specify.

(2) Mechanical appliances such as exhaust fans shall be used to expel air at the rate of 14.15 cubic metres or more per person at least three times in an hour:

Provided that the licensing authority, in consultation with the Executive Engineer/Assistant Engineer/Deputy Engineer/Sub-Divisional Officer concerned and in consultation with the District Health Officer or the District Medical Officer of Health or the Divisional Medical Officer of Health or the Medical Officer of Health of Health Unit, having jurisdiction over the area in which the cinema is situated, may relax the condition laid down in this rule regarding the total door and window area, in the case of cinemas where exhaust fans have been provided.

19. Sanitary conveniences: (1) Every cinema shall be provided with sufficient and separate water closet or privy accommodation as also urinal accommodation for the use of males and females. * '

(2) In the case of cinemas within the limits of a municipality, suitable urinals as approved by the municipality at the rate of not less than 2 per cent and latrines at the rate of not less than 1 per cent of the number of individuals to be accommodated in such premises shall be provided in suitable places. Separate accommodation shall be provided for males and females. They shall be so constructed as to cause no nuisance.

(3) Where the auditorium consists of more than one floor, latrines and urinals at the above scales shall be provided for each floor:

Provided that a minimum of one latrine and one urinal shall be provided on each floor,

(4) If in the case of any cinema constructed -

(a) in Greater Bombay, before the coming into force of these Rules, and

(b) elsewhere, before the 20th day of December, 1950.

The licensing authority is satisfied that urinals and latrines cannot be conveniently provided at the rates specified in sub-rule (2) or (3), such cinema may provide such scale of urinals and latrines as were prescribed immediately before the coming into force of these Rules or before the 20th day of December, 1950, as the case may be.

(5) Sub-rules (1) and (2) shall be applicable to touring cinemas subject to the condition that the construction of urinals and latrines shall be of temporary nature and shall be such as may be approved by the Executive Engineer/Assistant Engineer/Deputy Engineer/Sub-Divisional Officer concerned and by the District Health Officer or the District Medical Officer of Health or the Divisional Medical Officer of Health or the Medical Officer of Health of Health Unit, having jurisdiction over the area in which the cinema is situated.

20. Enclosure for the projector:- (1) Subject to sub-rule (3), there shall be provided in each permanent and quasi-permanent cinema an independent permanent enclosure of sufficient dimensions to allow the operator to work freely. The enclosure shall be substantially constructed of fire-resisting material or be lined with such material.

(2) The entrance to the enclosure shall be fitted with a closely fitting door of fire-resisting material suitably placed and opening outwards, and all openings, bushes and joints shall be so constructed and maintained as to prevent, so far as possible, the escape of any smoke into the auditorium. If means of ventilation are provided they shall not be allowed to communicate direct with the auditorium.

(3) If a permanent enclosure as required by sub-rule (1) is not available, the cinematograph machine shall be contained in an enclosure formed of a smoke-proof cabin constructed of sheet iron on substantial frame work and fastened together securely. The cabin shall be of sufficient dimensions to allow the operator to work freely, and the floor shall, if boarded, be covered with asbestos or other fire-resisting material of sufficient thickness approved by the licensing authority.

(4) The enclosure shall be placed outside the cinema building, and where such cinema consists of a temporary or quasi-permanent structure the enclosure shall be at a distance of at least 90 cms. from such structure. Where the licensing authority is satisfied that any enclosure is fire-proof and separated from the auditorium by a fire-proof wall or is of opinion that it is impracticable or in the circumstances unnecessary for securing safety that the enclosure should be outside the building or at a distance from the structure, as the case may be, he may by express words, in the license dispense with such requirements:

Provided that a space of 61 cms. in width at the sides and in the front of the enclosure, and a space of 1.8m at the back in which the door is situated, shall be kept clear all around the enclosure.

(5) Openings not exceeding three in number shall be permitted, in the front face of the enclosure, the centre one of which must not exceed 20 cms. square and those in each side 15cms. square:

Provided that where two machines are jointly used, openings not exceeding five in number shall be permitted, viz., two for the projectors, two for the operators and one for fixed slides.

(6) The projector openings shall, not exceed 20cms. square and the others 15 cms. square.

(7) Each opening shall be fitted with a screen of fire-resisting material capable of being actuated both from the inside and from the outside of the enclosure.

(8) The necessary pipes and cables shall enter efficiently bushed openings.

21. Rewinding room;- A separate room of fire-proof construction shall be provided for film rewinding and the room shall not be used for any other purpose except for storing the films not in use. (It shall not, however, be necessary to have a separate room for rewinding films with acetate base).

22. Cinema screen;- The minimum width of the cinema screen shall be 3.05m.

23. Sky lights;- All sky lights which may be liable to be broken shall be protected by stout galvanized iron wire guards securely fixed on the outside of such skylights.

24. Lightning conductors;- Lightning conductors shall be provided in each cinema building.

24-I Car Parking Space;- (1) The percentage of car parking space in a cinema shall be according to the population of the town or city where the cinema is situated, as given below:-

(a) in Greater Bombay 4 percent of the total number of seats;

- (b) in cities having population of and above 5 lakhs, 2 per cent of the total number of seats;
- (c) in cities having population between 1 to 5 lakhs, 1 per cent of the total number of seats; and
- (d) in towns and places, having population below 1 lakh, 0.5 per cent of the total number of seats:

Provided that if there are residential premises or office premises or both, within the near vicinity of a cinema, additional car parking space shall be provided in accordance with the regulation if any, laid down by the respective Municipal Authority, within those jurisdiction the cinema is situated.

Explanation:- The above percentage except in the case of Greater Bombay includes space required for parking public vehicles, scooters, cycles and any other similar vehicles.

(2) The car parking space for each motor vehicle shall be 5.5 meter X 2.5 meters.

24-11. Number of cinemas to be constructed on one plots:- More than one cinema may be constructed on one plot provided that,-

- (a) all the prescribed requirements in that behalf are duly complied with; and
- (b) the timings of each show of each cinema are so staggered, as to avoid, gathering of crowds on the plot and obstruction in the flow of traffic.

24-III. Open space around a cinema:- In cities and towns, except, Greater Bombay, in residential or non-residential area the open space near a cinema shall be as follows:-

(i) 12.2 meters on the front side of the cinema towards the road; and (ii) 6.1 meters on the remaining three sides of a cinema.

24-IV. Entrance:- The minimum width of a entrance of a cinema shall be 12.2 meters.]

CHAPTER III-A

Special Provisions Relating to Drive-in-Cinema

24-A. Licence for drive-in-cinema:- No drive-in-cinema shall be licensed under these rules unless such cinema conforms the rules laid down in this Chapter and to rules 19, 20 and 21 of Chapter III):

Provided that, if an, auditorium is also constructed in the premises of a drive-in-cinema for persons without motor cars to see the exhibition by sitting in chairs or otherwise, such auditorium shall be constructed in accordance with the rules relating to construction of an auditorium contained in Chapter III.

24-B. Requirements of drive-in-cinema:- A drive-in-cinema shall be constructed so as to conform to the following requirements, that is to say:-

(1) The entrance service road shall be atleast 50 feet (15.25metres) wide, and provided with 5 lanes, 10 feet(3.05metres) wide each, including one emergency lane for sick motor cars, sufficient parking space shall be provided after the ticket booths for the motor cars waiting to enter in the drive-in-cinema. The parking space shall be sufficient to accommodate at least 1/6th of the total capacity of the motor cars to be accommodated in the auditorium.

- (2) There shall be at least two exits, each leading separately to a public thoroughfare, each of which will be 40 feet (12.2 metres) wide, and provided with 3 lanes.
- (3) Adequate number of ticket booths shall be provided at the innermost end of the entry service road so that the space between the entrance and the ticket booths is utilised as a parking space for motor cars, waiting to enter in the drive-in-cinema.
- (4) On the boundaries of a drive-in-cinema either there shall be construction of a compound wall with a height of not less than 2 metres above the level of the ground or the whole compound shall be surrounded by a barbed wire fence and hedge of bushes. The construction of a wall may not be necessary for boundaries abutting on the sea or creek or other body of water.
- (5) No petrol pump or service station within the premises of a drive-in-cinema shall be permitted but a breakdown service for attending to the breakdown of motor cars belonging to cinema goers shall be maintained.
- (6) The entrance and exit areas shall be adequately lighted by flood lights.
- (7) The lateral limitation of the spectators area shall be confined to an angle of 37.50 with respect to the centre line of the screen.
- (8) The rows of motor cars facing the screen shall be provided in the form of an arc of a circle. To prevent traffic hazards, all motor cars entering the premises of the cinema shall enter on a service lane with a capacity to hold one-fifth of the maximum capacity of motor cars that can be accommodated in the cinema- The cars shall not enter from, or exit on to a public road, directly.
- (9) The distance between the screen and the front row of vehicles shall not be less than 1-5 times the width of the picture on the screen.
- (10) The width of one bay accommodating motor cars in a row facing the screen shall not be less than 10 metres.
- (11) A clear passage of not less than 10 metres in width shall be provided on either side of the spectators area.
- (12) In all the rows of motor cars, the front of a motor car shall stand higher than the rear to ensure that from the rear a complete view of the screen is visible
- (13) The width of the screen shall not be less than $\frac{1}{6}$ th and not more than $\frac{1}{5}$ th of the distance between the screen and the last row of motor cars in the auditorium. The ratio of width to height of the screen shall be 2.35 to 1.
- (14) The screen shall be so located that it is not lighted by sunset or by the evening twilight- It shall be constructed with concrete material or steel frame.
- (15) The screen shall be so constructed as to withstand wind velocity of 160 kilometres per hour, or a pressure of 120 kilograms per square meter. The screen shall be inclined slightly forward. The maximum inclination shall be 8 (eight degrees) with the vertical axis. The screen or a part thereof shall not be visible from the entrance **or** adjoining road.
- (16) Red warning lights shall be mounted at the highest points of the screen and flood lights to illuminate the spectators` area shall also be provided.

(17) The motor car bays shall be of uniform width of 10 metres.

(18) Loud speaker poles shall be provided to serve one motor car each on either sides of the pole- The distance between two poles in a row shall not be less than 6 metres. The poles for loudspeaker shall be embedded on a concrete base, and shall have a light over them so as to indicate their position. The light shall be at the side of the poles turned away from the screen:

Provided that, it shall not be necessary to provide a pole with loudspeaker for each motor car if alternative arrangement is made for the transmission of sound to the satisfaction of the licensing authority.

(19) Separate arrangement for lighting of the rows showing the number shall be made.

(20) The projection room shall be located in such a manner as to be between 0.4 to 0.6 of the distance of the screen from the last of bay of cars. Such projection room may be part of the structure accommodating public toilet, canteen, kitchen, shops and such amenities. Sufficient care shall be taken to see that the light from these structures does not fall on or, obstruct the proper seeing of the exhibition. Where motor car bays are provided at the back of the projection room also, the area shall be elevated so that proper view is obtained of the screen.

CHAPTER III-B

Special Provisions Relating to Video-Cinema

24-C. Video -cinema licence:- No place shall be opened or allowed to remain open to the public for use as video-cinema unless the person being the owner, tenant or occupier thereof shall have obtained a licence thereof.

24-D. Application for video cinema licence:- Application for grant of a video-cinema licence duly filled in and accompanied with the fee prescribed under sub-rule (2) of rule 24F shall be made to the licensing authority in Form D-I

24-E. Grant of video-cinema licence:- The licensing authority after receipt of application, on being satisfied that all the necessary requirements under the rules have been complied with, may grant a video -cinema license to the applicant on such terms and conditions and subject to such restrictions as the licensing authority may determine. The video-cinema license shall be in Form D-2.

24-F. Duration of and fee for grant of video-cinema license:- (1)

A video-cinema may be licensed for any period not exceeding one year-

(2) The fee for the video-cinema licence shall be as follows:-

(a) for a period not exceeding six months Rs. 250;

(b) for a period exceeding six months but not exceeding one year Rs.500.

(3) The video-cinema licence granted under this rule shall, unless sooner suspended or cancelled, be valid for a period of one year beginning on the 1st January and ending on 31st December. However, where such licence is granted at any time during the year it shall, unless sooner suspended or cancelled, be valid for the period beginning on the date of issue of such licence and ending on 31st day of December of that year.

Notes:- (1) The fees for the inspection of electric installation shall be separately paid in accordance with the rates notified under the Indian Electricity Rules. 1956.

(2) The fee for making any alteration or addition in a video- cinema licence shall be Rs.100 and-the fee for a duplicate licence shall be Rs.200.

24-G. Power to refuse grant of video-cinema licence:-The licensing authority may refuse to grant the video-cinema license if it is satisfied that the provisions of these rules applicable to video- cinema are not complied with.

24-H. Renewal and fee for renewal of video-cinema licence:- (1)

The licence granted under rule 24F may be renewed for a period of one year

At a time and when so renewed the licence shall, unless sooner suspended or cancelled, be valid for the period for which it is renewed.

(2) The application for renewal of the video-cinema licence shall be made one month before the date of expiry of the period of the licence and it should be decided before the period of licence expires:

Provided that if an application for the renewal of video-cinema licence is made after the date of such expiry, the licence may be renewed only on payment of an additional fee at the rate of Rs. 250 per month or part of months of delay in making such application

(3) The fee for renewal of the video-cinema licence for each year shall be Ks. 500.

24-1. Requirements of video-cinema:- A video-cinema shall be rules regarding

exhibited so as to conform to the following requirements, that is to say:- exhibition of

(1) The place where the video-cinema is intended to be exhibited shall be a separate enclosed apace, the area of which shall not be less than 40 square metres, and it should be on ground floor only.

(2) The enclosed space referred to in clause (1) shall be such that the exhibition of video-cinema is not visible from outside and such enclosed space shall, as far as possible, be sound proof and height between ground floor and ceiling should be of minimum 10 feet.

(3) Not more than 30 persons shall be allowed in such enclosed space at a time;

Provided that, where such enclosed space is bigger than the minimum area as prescribed in clause (1), additional persons at the rate of one person per square meter shall be allowed, subject to a maximum number of 75 persons.

(4) (i) the distance between the television screen or other screen used for exhibition of video-cinema and the front row of seats shall not be less than 1.80 metres;

(ii) the television set used for exhibition through the video cassette recorder, video cassette player or any other instrument shall be kept on an elevated fixed platform so as to be visible to the viewers sitting in the last row;

Note:- "In our view nothing in the rules can override the definition in the Act and, therefore, the only possible reading of the most unsatisfactorily worded rule can be innovated form of the very equipment itself,"

Swapnalok Touring Talkies, Kanhan v The State of Maharashtra and others 1993 (1) Mali. LR 60 (Bombay).

- iii) the size of the television screen or screen used for any other media shall not be less than 51 centimetres;
 - (iv) chairs with folding seats shall be provided in the enclosed space but they should be fixed with the floor. Sufficient space should be kept between the two rows of the seats but it should not be less than 30 cms., so as to allow free movement of viewers;
 - (v) the enclosed space shall be well ventilated by providing adequate number of ceiling fans, exhaust fans or installing air-conditioner;
 - (vi) There shall be separate exit and entrance to the enclosed space;
 - (vii) separate toilet facilities for gents and ladies shall be provided;
 - (viii) the licensee shall provide adequate safety measures, such as first -aid-box and fire fighting equipments and water coolers, etc.;
 - (ix) the licensee shall also produce a certificate from the Electrical Inspector of the area concerned to the effect that electrical fittings and wiring etc., in the enclosed space is in order and have been inspected and passed by him;
 - (x) the licensee shall take adequate precaution to ensure that the enclosed space is kept clean and tidy;
 - (xi) there shall be no smoking and serving of, or consumption of alcoholic drinks in the enclosed space.
- (5) The licensee shall not commence exhibition of video-cinema earlier than 10a.m. and in no case video-cinema shall be exhibited after 11-30 p.m.
- (6) (i) the licensee shall not exhibit any projection of film which is certified as 'A' certificate film under the Cinematograph Act. 1952 (37 of 1952) when the assembly of viewers consists of persons below eighteen years age;
- (ii) the licensee shall exhibit outside the enclosed space by placard or by any other means, information regarding the title of the film, nature of Certificate issued by the Censor Board. and other particulars such as, Producer, Director and important cast sufficiently in advance before the exhibition of video-cinema show.
- (7) The licensee shall maintain a full and accurate record of total number of persons present at the time of each show. He shall also maintain and supply such other record and details pertaining to the video-cinema show held by him as the licensing authority may demand from him and shall abide by the directions issued by that authority from time to time.
- (8) The licensee shall obtain other necessary licences as may be required under any other Central or State laws:

Provided that, provisions of clauses (1) to (3), sub-clauses (i), (iv) to (vii), (ix) and (xi) of clause (4), clause(5) and sub-clause (ii) of clause (6) shall not apply to the video-cinema exhibited in omnibuses.

24-J. Application of other provisions of the rules:- In addition to [he provisions of this Chapter, provisions of Chapter 1, rules 3 and 4 of Chapter II, rules 103 lo 104 of Chapter VEII, rules 1)6, 125, 127 to 129 of Chapter IX, rules 131 to 133 of Chapter X. shall *mutatis mutandis* apply to (he video-cinema. No other provisions these rules shall apply to the video-cinema.]

CHAPTER IV

Electric Insinuation

25. High pressure:- In these Rules the term "high pressure" shall apply to all voltage above 650 volts.

26. Sanction of Electrical Engineer to Government to be oDtniiifd tor all electrical work:- Before the Installation of electric light or any electrical apparatus and before any alterations or additions to the electric installation are commenced, the sanction of the Electrical Inspector to the Government shall be obtained through the Licensing Authority and for this purpose plans showing the approximate position of lights, fans and such other fittings and specifications giving full particulars of the proposed work shall be forwarded to the Electrical Inspector to Government to whom complete drawings shall be sent on completion of the work.

After completion the work shall be passed by the Electrical Inspector or an Assistant Electrical Inspector.

27. Inspection and test:- Where an electric light, fan or other apparatus is installed in a cinema, it shall be on conditions that the Electrical Inspector or his Assistant shall certify in writing to the Licensing Authority once in every twelve months that the system is in proper working order. Inspection and tests may also be made by any officer appointed by the Electrical Inspector from time to time.

28. Main circuits:- All cinemas when lighted by electric light shall have preferable three separate and distinct main circuits and these circuits shall be -

(A) for the stage;

(B) and (C) for the auditorium, corridors, exits and other parts of the premises open to the public.

The circuits (B) and (C) shall be so arranged that the lights in the auditorium, corridors, exits and other parts of the premises open to the public shall be as far as possible equally distributed on the two circuits.

The two circuits (B) and (C) shall not be combined in one fitting nor shall the wires or leads for one circuit be placed in the same casing or tube as those of the other circuit.

29. Sub-circuits:- (1) The main circuits A, B and C shall be subdivided if necessary and no sub-circuits shall be allowed to carry more than 5 amps in the case of auditorium, corridors, exits and other parts of the premises open to the public or 20 amps. on 230 volts in the case of the stage. Each sub-circuits shall start from a distributing board.

(2) The main leads for circuit 'A' shall, where possible, be kept entirely on the stage side of the proscenium wall and those for 'B' and 'C' entirely on the auditorium side of that wall.

(3) The lights inside and outside the premises shall be on separate circuits. Circuits for fans, power and cooling purposes shall be kept distinct and separate from lighting circuits.

30. Control of auditorium lights from stage:- If it is desired to control a portion of the lights in the auditorium from the stage switch board (circuit 'A'), this will be permitted if a sufficient number of lights for safety purposes be maintained on circuits *B' and *C' for each portion of the auditorium entirely independent of the stage- The number and position of such lights shall be subject to the approval of the Electrical Inspector.

31. Control of auditorium lights from enclosure:- In the case of cinemas, it may be permitted to control a portion of the lights in the auditorium by switches placed in the enclosure, provided these switches are of totally closed metal clad type and associated with fuses of not more than 15 amps. capacity at a pressure not exceeding 230 volts and number and position of such switches shall be subject to the approval of the Electrical Inspector or his Assistant.

(2) Where fluorescent lights have been provided, a Thyralux or equivalent Thyatron shall be used for the purpose of dimming these fluorescent lights.

32. A. C. 3-phase or D. C. 3-phase wire system:- Where supply is available on 3-phase A.C. system, the circuits A, B and C shall be supplied from three different phases, but where the supply is given on D.C. 3 wire system, the circuits B and C shall be supplied from two different sides and all lights, fans and other electrical apparatus on the stage shall be connected to one side only in common with either B or C.

33. Sources of supply:- (a) The supply from the three main circuits may be taken from independent sources of supply, but in such cases special precaution shall be taken to prevent accidental connection of different circuits.

(b) Change-over switches may be used which have been previously approved by the Electrical Inspector.

34. Auxiliary supply for exit signs:- (I) All exit signs shall be fitted with an auxiliary bulb capable of properly illuminating the sign and

these bulbs shall be fed from accumulators which shall be in a fully charged condition before the first admission of the public on any day.

(2) All lights in the staircases, corridors, passages and exit notices shall be kept alight during the whole time the public are in the cinema.

35. Torches:- At least six electric torches of approved pattern shall be kept on [he premises in proper working order throughout the year and these shall be distributed over the building so as to be accessible to the keepers.

36. Unlicensed premises:- No unlicensed premises or parts thereof not included in the licence shall be supplied with electric current from the mains or apparatus used for the licensed premises.

37. Gas and water pipes:- Gas and water pipes shall never form part of any electrical circuit.

38. Dressing rooms:- When cinema premises are used for a dramatic performance, dressing rooms and other parts of the premises used by the staff shall be lighted to the satisfaction of the Electrical Inspector or his Assistant.

39. Conductors:- (1) All conductors used within the building shall be of tinned copper having a conductivity equal to not less than 90 per cent of that of pure copper, and shall be so proportioned that the current density in any conductor shall not exceed 1, 000 amps. per 0.0645 sq.cms.

(2) Where a number of lights, as in the footlights and battens are supplied under control of the switch and protected by a single or double pole cut-out, as the case may be, the conductors shall be maintained throughout of such sections that will be effectually protected by the cut-outs against heating.

40. Insulation:- (1) All conductors shall be properly insulated and the insulation resistance shall not be less than 600 Megohms per Statute Mile at 60 F, after one minutes` electrification when tested at 400 volts and after 48 hours` immersion in water.

(2) If it is desired to use any other conductor or insulation than as specified in these Rules, special permission shall be obtained from the Electrical Engineer to Government and no material shall be used which is not waterproof or which is not protected by waterproof covering or which will soften at a temperature below 170 F,

41. Conductors etc., special precautions:- No metal work in connection with the circuits shall be exposed or so fixed or constructed as to be liable to cause a short circuit. *In* all cases conductors, conveying currents at high pressure inside buildings shall be specially insulated. They shall be enclosed in screw jointed and earthen iron or steel tubing. Armoured cable may be used for the Supply Companys` service.

42. Joints:- Joints in conductors shall be avoided as far as possible but when unavoidable they shall be electrically and mechanically perfect. Soldering fluids shall not be used in making such joints, and no joints shall be made in metal conduit.

43. Conductors fixing and protection:- (1) All conductors including lead covered cables where accessible to the public shall be efficiently protected from mechanical injury by an external armour of iron or steel.

(2) Where conductors pass through or within walls, fire-proof floors or ceilings, they shall be protected by iron pipes or by glazed stone-ware or porcelain tubes and precautions shall be taken to prevent the possibility of fire or water passing along the course of the conductors.

(3) Conductors shall not be placed where liable to be heated by jets, steam pipe or other appliances.

(4) In special cases, or where necessary for protection from the depredations of rats, mice or other vermin, the wiring shall be enclosed in heavy gauge steel conduit.

44. Petrol engines:- No petrol-driven engine shall be allowed for generating electric current unless it is fixed in a fire-proof compartment at least 3.05m. from any other building-

45. Wiring in casing:- If casing be used, it shall be of hard teak wood. Each conductor shall be laid in a separate groove unless previous permission is obtained from the Electrical Engineer to Government to vary this condition. In no circumstances shall wires of nil polarity be laid in the same groove, nor wires of the same polarity belonging lo the different circuits, A, B, or C. The cover shall be secured

with screws. Casing shall not be used where it is liable to injury from weather or leakage of water, nor shall it be recessed into plaster.

46. Metallic tubing for mechanical protection:- Where iron pipe or tube is used as a mechanical protection, it shall be bushed where necessary and properly bushed inspection boxes shall be used. All metallic tubing shall be efficiently earthed and shall be provided joints or other means of ensuring a good and permanent electrical connection which shall be continuous with boxes and other fittings.

47. Stage lighting:- When cinema premises are used for a dramatic performance special care shall be taken that all works in connection with the lighting of the stage are carried out in as substantial a manner as possible preferably in heavy gauge screwed metal conduit.

48. Stage switch board:- (1) When cinema premises are used for dramatic performances, a switch board fitted with the necessary switches, cut-outs and other fittings for the control and regulation of the stage lighting shall be fixed in some convenient position overlooking the stage.

2) Connections shall be made where possible at the back of the board and there shall be a space of not less than 90 cms, between the wall and the back of the board or such larger space as may be necessary to ensure the thimbles and connections being at all times easily accessible, or, as an alternative in the case of wires not larger than 7/18 S W.G., provision may be made by hinging the board for rendering the back of the board accessible.

49. Footlights, etc.:- When cinema premises are used for a dramatic performance lamps on batten and footlights, shall be properly protected from everything liable to cause a short circuit and shall be protected by stuff guards so arranged that no scenery or other inflammable material can come in contact with the lamps.

50. Enclosure:- (I) Within the enclosure no readily combustible material shall be used in connection with any lamp in such a manner that it may come in contact with the lamps or conductors. The insulating material of an electric cable including unprotected leads to lamps in the enclosure shall be covered with fire-resisting material.

(2) There shall be no coils of slack electric cable within the enclosure. The leads to the cinematograph lamp shall, unless conveyed within a metal pipe or other suitable casing, be kept well apart both within and without the enclosure so that the course of each may be readily traced. All live parts in the enclosure shall at all times be totally covered by insulating and fire-proof material.

51. Permissible current and pressure in enclosure:- (I) No electric current at a higher pressure than 230 volts shall be supplied within the enclosure, and all wiring inside the enclosure shall be in a heavy gauge screwed conduit.

(2) The cables for the cinematograph machine shall be taken as a separate circuit from the source of supply and there shall be an efficient linked iron-clad switch and fuse inserted at the point where the supply is taken and in addition an efficient iron clad double pole switch shall be fitted in the cinematograph lamp circuit inside the enclosure-

52. Resistance:- (1) Resistance frames shall be made entirely of fire-resisting material and shall be so constructed and maintained that no outside part shall at any time become unduly heated. The resistances shall not be permitted to become so over-heated that a piece of dry newspaper placed, contact with any part would readily burn.

(3) All resistances with the exception of the resistance for regulating purposes shall be placed outside the enclosure and preferably outside the auditorium. They shall be adequately protected by wire guards or other efficient means of preventing accidental contact.

53. Plug sockets for stage:- The plug sockets for the stage shall be of bakelite or similar fireproof material and of specially substantial construction-

54. Leads to battens, etc.:- The leads to battens and movable lengths shall be specially guarded particularly at the points where they join on to the battens and movable lengths and a sufficient length shall be allowed to prevent the leads receiving an injury through any movement of the battens. This part of the leads shall be protected by stout canvas hose properly fixed and the battens shall be suspended by at least three ropes-

55. Arc lamps:- (1) In any cinema arc lamps shall not be used in the auditorium or in any part open to the public without permission of the Electrical Inspector. When they are used in any part of such premises special precautions shall be taken to guard against danger from falling glass and incandescent particles of carbon. All parts of the lamps, lanterns and fittings which are liable to be handled (except by the persons employed to handle them) shall be insulated from the frame work.

(2) Any exposed portion of metal work of an arc lamp liable to become heated to a temperature sufficient to cause a conflagration by contact with scenery or other inflammable material shall be protected by a wire guard.

In no case shall arc lamps be suspended by the conductors.

56. Cut-outs:- (1) All circuits shall be efficiently protected by cut-outs placed in position easily accessible to the staff, but inaccessible to the public. All cut-outs shall be of such pattern and be fixed in such a position as to admit of quick replacement.

(2) All cut-outs shall be so constructed that falling fused cannot cause a short circuit or an ignition.

(3) All switches and cut-outs shall be so marked as to show clearly which circuit or lamp they control-

(4) All switches, cut-outs, ceiling roses and wall sockets lamp holders shall have non- inflammable bases and covers. All switches and cut-outs shall have sufficient length and breadth and shall be constructed so as to prevent the risk of formation of an arc.

(5) All switches shall be of ample size to carry the current for which they are intended without heating and shall be so constructed that they shall not remain in any position intermediate between the "on" and the "off" position so as to permit of an arc or short circuit.

57. Fittings:- (1) All fittings shall be suspended in an approved manner and special care taken to avoid risk of the suspension failing from any cause.

(2) Combined gas and electric fittings shall not be used.

(3) Any electric light pendants or brackets in the auditorium and front of the house generally shall be at least 2.5m. above the floor to the lowest projecting part of the fittings. No electrical fitting or apparatus of any description shall be so fixed or arranged as to interfere at any time with the proper working office safety curtain.

58. Switch and fuse boards:- (1) All switch and fuse boards which are not fitted with front connections shall be so mounted as to give instant and easy access to the connection at the back of the board and shall be provided with dividing strips between poles both at the back and in front and proper lock-up cases with glass or metal fronts. The glass (unless of adequate thickness) shall be protected with a wire guard or alternatively boxes with lids and sides rendered fire-proof by asbestos sheeting may be used.

(2) Switch and fuse boards shall be fixed in accessible places where they will not obstruct any passage or exit.

59. Generating plant:- Where the supply of current is derived from special plant on the premises, such plant must in all cases be approved by the Electrical Inspector.

60. Boilers, gas engines, etc.:- (1) Boilers, steam engines, gas engines and dynamos when used for the supply of electricity to such premises shall be placed in such position as shall be sanctioned by the Electrical Inspector to Government. All necessary provisions shall be made for keeping the temperature of engine rooms within proper limits.

(2) Oil or gas engines shall be placed in buildings adequately and continuously ventilated so that no explosive mixture of gas can accumulate.

61. Accumulators:- Accumulators shall be placed in rooms adequately ventilated to the outside air. These rooms shall be of fire-proof construction with fire-resisting doors and shall be used for no other purpose.

62. Transforming and converting machinery:- (1) Transforming and converting machinery with the controlling switches and cut-outs shall be placed in a fire-proof and water-proof structure, adequately ventilated to the outside air, properly lighted and accessible to the management and shall be used for no other purpose.

(2) No transformer which under normal conditions of load heats to above 130.*F shall be used and the transformer circuits shall be so arranged that in no circumstances may a contact between the primary and secondary coils be established.

63. High voltage:- Where the primary current is of high voltage no part of such apparatus or the control therefor shall be accessible to anybody except the person in charge of its maintenance.

64. Earthing of covers:- The metallic covers of all transformers, switches and other electrical apparatus shall be efficiently connected to earth.

65. Insulation resistance;- The insulation resistance of a system of distribution shall be such (that the greatest leakage from any conductor to earth, when all branches are switched on, shall not exceed $1/5000$ tli par! of the total current required, the test being made at approximately double the usual working pressure, provided that this rule shall not be held to Justify a lower-insulation resistance than 10, 000 ohms.

66. Motors etc.:- All motor and electrical apparatus shall if permitted, be subject to special conditions, but electric fans and similar motors not taking more than 300 watts may be used, if separately wired, from fuses on a proper distributing board.

67. Plan of wiring:- A framed diagram indicating clearly the arrangements of all circuits and sub-circuits of the electrical installation, the position of distribution boards, and (the size of cables shall be displayed in the premises, and shall be kept up-to-date.

68. Temporary lighting:- (1) In all cases in which it is desired to install temporary lighting, seven days` notice shall be given to the Electrical Inspector in writing before it is desired to commence the work.

(2) Wires and cables shall be adequately and firmly fixed and shall be similar to the wires already specified in these Rules and in all cases where the wires are within reach of the public they shall be efficiently protected from mechanical injury by an armour of iron or steel.

(3) All joints shall be soldered and taped if used for more than one week and if used for less than a week, the wire shall be soldered if larger than 7:20 S.W-G. or its equivalent. In either case, the Joints in portable fitting and special appliances shall be taped.

(4) All temporary work shall be immediately removed when no longer required for the purpose for which it was installed. In the case of temporary work on the stage, all connections to the permanent installation shall be removed immediately after the performance in which they are used, unless permission be obtained to the contrary. Such special conditions as may be requisite in each case may be attached to the consent of the Electrical Inspector to the use of temporary electric work.

69. Safety curtain:- Whenever in cinema premises which are used for dramatic performance the safety curtain is lowered, all lights in the auditorium shall be immediately lighted.

70. Shock treatment instructions and insulated gloves: -Instructions both in English and in the local languages of the district for the restoration of persons suffering from electric shock shall be affixed in a conspicuous place and at least one pair of India rubber gloves in good order shall be provided for use of electricians.

71. Miscellaneous:- All main switches, fuses and like fittings which are (the property of the Electric Supply Co., shall be distinguished by red colour and every apparatus which is to be operated by authorised persons only shall be made completely inaccessible to the public.

72. Operators:- The electrical plant and projecting apparatus qualified shall be in the hands of qualified persons who shall be nominated in writing operators, for this purpose by licence of the cinema, and such nomination shall be subject to the approval of the Electrical Inspector:

Provided that persons holding a diploma in cine-projection course, awarded by the State Council of Technical Education of Maharashtra State shall be deemed as qualified persons for the purpose of this rule. The electrical installation shall be in charge of a properly qualified person (Class I[Wireman) and his name and qualification shall be notified to the Electrical Inspector for approval.

CHAPTER V

Precautions against Fire

73. Tanks:- In every permanent or quasi-permanent cinema there shall be provided on the top of the proscenium wall or in some other place to be approved by the Executive Engineer/Assistant Engineer/Deputy Engineer/ Sub-Divisional Officer concerned two cisterns (connected with fire service in the cinema) which shall be kept always filled with water. Each of the cisterns shall be capable of containing at least 1, 135 litres of water for every 100 individuals of the public to be

accommodated in the cinema. These cisterns shall be fitted with an outside indicator suitably placed so as to show clearly the depth of the water therein, and the water shall be kept clean and free from sediment and covered over with properly fitting covers so as to be mosquito-proof, The cistern shall be cleaned once every year:

Provided that nothing in this rule shall apply to touring cinemas and to exemptions-premises duly licensed for use of cinematograph exhibition before the coming into force of these Rules if such premises are situated in places where there is sufficient municipal water supply which can be used for the purpose

of extinguishing fire.

74. Hydrants:- In Greater Bombay and in such areas as may be notified by the licensing authority, all cinemas shall be provided with such number of hydrants, not less than two, as may be fixed in Greater Bombay, by the Commissioner of Police, and elsewhere, by the Municipal Commissioner or Chief Officer, of the Municipality, or where there is no Municipal Commissioner or Chief Officer, by the licensing authority. The hydrants shall be of a diameter not less than 6 cms. and shall be fixed at such sites as may be approved by the appropriate Executive Engineer.

The hydrants shall be connected to the cisterns provided for in rule 73 by taking separate mains of 7-5 cms. diameter from each cistern and joined together by a single main of 7.5 cms. diameter:

Provided that in the case of premises where no cistern are required to be kept under rule 73 the hydrants shall be connected to the municipal water mains.

Hose pipes with jet nozzles and required accessories shall also be provided as directed by the appropriate Executive Engineer:

Provided that nothing in this rule shall apply to premises duly licensed for use for cinematograph exhibition before the coming into force of these Rules if such premises are situated in places where the municipal water main have a connection sufficiently close to such premises.

75. Fire Buckets:- (1) Fire buckets of a approved design with a conical base shall be provided in such numbers as the licensing authority may direct and shall be kept at all times full of water which shall be changed regularly twice every week. A pinch of lime shall be added to such water to prevent the breeding of mosquitoes. Bucket of dust or dry sand shall also be provided in such numbers as the licensing authority may direct and the attention of the public shall be drawn to the water and sand buckets by placards legibly painted and fixed immediately above them:

Provided that in respect of premises duly licensed for use for cinematograph exhibition before the coming into force of these Rules and in respect of touring cinemas, the existing fire buckets with round bottom may be used but shall be replaced with fire buckets with a conical base whenever they are next replaced.

(2) At least one bucket filled with dry sand shall be kept in some accessible position on the stage in readiness for use in dealing with an electric fire.

76. Chemical extinguishers:- (1) Chemical extinguishers of an approved type and of at least 13.5 litres capacity shall be provided in such numbers as the licensing authority may from time to time direct and shall be placed on brackets 1.20 m. from the ground. Directions for using them shall in all cases be prominently painted on the extinguisher or on a card placed over the extinguisher and the attention of the public shall be directed to them by placards legibly printed or painted and fixed immediately above them:

Provided that nothing in this rule shall apply to touring cinemas and to premises duly licensed for use of cinematograph exhibition before the coming into force of these Rules.

(2) Chemical extinguishers shall be renewed or well cleaned and recharged every 12 months, a record of which should be kept for inspection.

77. Fire-extinguishers etc., for enclosure:- Two pressure-type fire extinguishers, two buckets of water, one bucket of sand and a blanket shall always be kept inside the enclosure. A large sponge shall be kept in one of the bucket of water and one fire-extinguisher shall also be kept immediately outside the enclosure.

78. Exit signs:- (1) All exits and other doors or openings intended to be used for the purpose of exits shall be indicated by notices in the language understood in the locality in white letters 17.5 cms long, upon a black ground painted on or above the doors at least 2.05 m above the floor.

(2) The words "No Exit" in the language understood in the locality, shall be similarly painted upon all doors in sight of the audience which do not lead to exits.

(3) All electric "Exit" signs shall be fitted with an auxiliary bulb capable of properly illuminating the sight; the bulbs shall be fed from dry batteries or accumulators which shall be kept in proper working order, the switch of the auxiliary bulbs shall be fixed an easily accessible position in the corridor and not inside the auditorium.

(4) Nothing in this rule shall apply to touring cinemas and to premises duly licensed for use for cinematograph exhibition before the coming into force of these Rules, so long as "Exit" and "No Exit" signs in such premises are clearly visible and easily legible.

79. Curtains:- All curtains covering doors and passages shall be hung so as not to trail on the floor.

80. Special rules for enclosure etc.:- (1) No necessary combustible material shall be allowed within the enclosure, and as far as possible all necessary combustible material, film and other like materials when not in use. shall be kept in fire-proof receptacles suitable for the purpose.

(2) No smoking shall at any time be permitted within the enclosure and a placard shall be prominently exhibited both inside and outside the enclosure to the effect that smoking is prohibited.

(3) The enclosure and engine room if any shall be inaccessible to the public.

(4) No smoking shall be allowed in the rewinding room; and films which are not in use shall be stored in metal containers and no combustible matter shall be kept inside the re-winding room.

81. Cinematograph machine:- (1) The cinematograph machine shall be placed on firm supports of fire-resisting construction, and it shall be provided with a metal shutter between the film gate and the source of light. The shutter shall automatically drop in the event of an accident to the cinematograph machine, or stoppage of the film, and shall automatically rise when the film is in motion for the purpose of projection.

(2) The film gate shall be of massive construction and provided with ample heat radiating surface and the passage for the film shall be sufficiently narrow to prevent flame travelling upwards or downwards from the light opening.

82. Films, boxes, spools etc.:- (1) All cinematograph projects films, boxes, shall be fitted with two film boxes of non-inflammable material and of spools etc. substantial construction to and from which films shall be made to travel. Such boxes which shall be of approved size and construction, shall be made to close in such a manner as to prevent the ingress of fire and shall be tilted with a film slot so constructed as to prevent the passage of flame to the interior of the film box.

(2) Spools shall be either chain or gear driven and films shall be wound upon spools so that the wound film shall not at any time reach or project beyond the edges of the flanges of the spools

(3) It shall not be necessary to have metal casing for spools in case of projectors using film with acetate base.

83. Cloak rooms:- (1) Where cloak rooms were provided, they shall be so situated that the use of them shall not obstruct the free use of any exit.

(2) No corridor shall be used as a cloak room and no pegs for hanging be used as cloak hats, cloaks or such other articles shall be allowed therein nor shall any room corridor be used for storage purposes or for any purpose whatever except for exit and entrance from and to the auditorium.

84. Telephone:- In places where there is a public telephone, the cinema building will be connected by telephone with the nearest fire-brigade station in that place.

85. Lighting:- (1) All lighting shall be provided by electricity. No electricity, gas, acetylene, oil or other lamps shall be used for lighting the cinema or any part thereof.

(2) Every portion of the cinema devoted to the use or accommodation of the public and also all outlets leading outside the cinema including the corridors shall be well and properly lighted during every performance and the same shall be lighted until the entire public have left the cinema after the performance is over.

86. Firemen:- (1) This rule shall apply only to Greater Bombay, Provided that the State Government may, by notification published in the Maharashtra Government Gazette, apply this rule to any other place.

(2) In every cinema including a touring cinema the employees shall be trained in the use of fire appliances, and shall for such purpose be drilled at least once in every fortnight fire instructions

(3) the instructions to be followed in case of fire shall always be displayed, posted in some conspicuous place, so that all people connected with the cinema shall be acquainted with their contents.

(4) A report of any fire or alarm of fire, however slight, shall be at once sent to the fire brigade.

CHAPTER VI

Permission for Building a Cinema

87. Permission for building:- No person shall put up any building or structure or convert existing premises for being used as a cinema except with the previous permission in writing of the licensing authority.

88. Application for permission:- Any person desiring to put up a building structure to be used as a cinema shall make an application in writing, to the licensing authority- Each such application shall be

accompanied by a true copy of the "No Objection Certificate" issued by Government or the licensing authority in respect of the site where the cinema is proposed to be put up.

89. Application to be accompanied by plans:- This application shall be accompanied by complete plans, elevations and sections of the proposed cinema and of all erections or buildings in connection therewith drawn correctly to scale of 3mm. to 30cms. and by a block plan on a separate sheet showing the position of the proposed cinema in relation to any adjacent premises and to the public thoroughfare upon which the site of such proposed cinema abuts, drawn to a scale of not less than 6mm. to 30 cms. The cardinal points shall be marked on such plans. At drawings shall be coloured to distinguish the material to be employed in the constructions of buildings and erections. The width of all staircases and the number of steps in each, the width of corridors, gangways and doorways together with heights of any galleries or tiers in the proposed cinema and in any of the erections or buildings in connection therewith as are more than one tier in height shall be indicated on such drawings, as well as the floor and roof, ventilation and the details of any electric installation. The thickness of the walls, and scantlings of the various materials used shall be clearly shown on such drawings by figured dimensions.

The plans shall show the respective numbers of audience or spectators intended to be accommodated in the various parts of the proposed cinema and the space to be assigned to each individual thereof and shall be accompanied by a specification of the works to be executed sufficiently describing the material to be employed and the mode of construction to be adopted- All openings for ventilation shall be shown in the plans and described in the specification. The plan shall be prepared by an authorised Architect or a qualified.Engineer and shall bear a certificate under his signature to the effect that the designs are sound and stable.

90. Plans to be approved:- On receipt of the application and the plans the. licensing authority shall forward the same to the Executive Engineer/Assistant Engineer /Deputy Engineer / Sub-Divisional Officer concerned for approval, and the applicant shall be bound to carry out such reasonable additions and alterations in the plans as may be directed by the Executive Engineer/Assistant Engineer/Deputy Engineer/Sub-Divisional Officer concerned before the plans are finally approved by him.

91. Permission to build:- After the plans are finally approved by the Executive Engineer/Assistant Engineer/Deputy Engineer/Sub-Divisional Officer concerned the licensing authority may grant permission in writing lo the applicant to put up the cinema in accordance with the plans finally approved, provided the permission granted under these Rules does not dispense with the necessity of obtaining the requisite sanction under the Municipal Acts or any other law for the time being in force.

92. Permission to be valid for two years:- The applicant shall complete the construction of the cinema within a period of two years from the date of the permission or within such extended period as may be allowed by the licensing authority.

93. Modifications in plans:- No modifications in the plans shall be made while in the course of construction unless such modifications are approved by the licensing authority in consultation with the Executive Engineer / Assistant Engineer /Deputy Engineer /Sub-Divisional Officer concerned.

94. Additions and alterations:- No additions or alterations shall be made to a cinema except with the written permission of the licensing authority.

95. Notice of additions and alterations:- A notice in writing of any intended structural addition to or alteration of any cinema shall be given to the licensing authority accompanied by complete plans, elevations and sections block plan and specification of new works proposed to be executed in the

manner laid down by rule 89 and the notice shall describe clearly such intended additions or alterations.

96. Inspection of construction:- The Executive Engineer/ Assistant Engineer /Deputy Engineer/Sub-Divisional Officer concerned may at any time inspect a cinema theatre which is under construction with a view to satisfying himself that the construction is according to the approved plans and specifications.

If any deviations are found, the Executive Engineer/Assistant Engineer /Deputy Engineer /Sub-Divisional Officer concerned, shall report the same to the licensing authority and also inform the owner.

97. Power to refuse licence:- The licensing authority may refuse to grant a licence to operate a cinema; the building of which has not been constructed according to approved plans and specification.

98. Chapter not applicable to touring cinemas; - The provisions of this Chapter shall not apply to touring cinemas.

99. Cinema licence:- No places shall be opened or allowed to remain open for use as a cinema unless the person being the owner, tenant or occupier thereof shall have obtained a cinema licence therefor.

100. Application for cinema licence:- The application for a cinema licence shall be made to the licensing authority and shall contain a statement as to the nature and extent of the interest of the applicant in the cinema and shall also indicate the name or names of manager or managers nominated by the applicant as required by rule 116 and also the names and addresses of the qualified electrician in charge of the electric installation and the name and address of the qualified operator of the cinematograph. The application shall be accompanied by the following documents.

(1) A true copy of the "No Objection Certificate" issued under rule 6,

(2) A true copy of the building permission issued under rule 91.

(3) A certificate from an authorised architect or a qualified engineer and countersigned by the Executive Engineer/Assistant Engineer/Deputy Engineer/Sub-Divisional Officer concerned to the effect that the construction of the cinema is sound and in accordance with the requirements laid down in Chapter III and that all directions given or conditions specified by the Executive Engineer/Assistant Engineer/Deputy Engineer/Sub-Divisional Officer concerned have been complied with and that precautions against fire have been taken as laid down in Chapter V.

(4) A certificate from the Executive Engineer of the Electrical Division, the Deputy Engineer, the Electrical Supervisor or the Electrical Inspector of the areas concerned to that effect that the electrical installation in the cinema is in order and has been inspected and passed by him and conforms to the requirements of the rules under Indian Electricity Act, 1910, and to the rules in Chapter IV and rules 77, 78 (3), 80, 81, 82, and 85 in Chapter V and that all directions given or conditions specified by him have been complied with and that the electrical plant and the projection apparatus is in charge of qualified hands as required by rule 72.

(5) In Greater Bombay, a certificate from the Executive Health Officer, Bombay Municipal Corporation, and elsewhere, a certificate from either a Medical Officer of Health or a Medical Officer of the Division or a District Health Officer or the District Medical Officer of Health or the Medical Officer of Health, in charge of a Health Unit or the Assistant Director of Public Health of the Registration District, as the case may be, to the effect that there is no objection from the health point

of view for the grant of a licence and that the applicant has complied with all directions given in that respect.

(6) A certificate from the authority concerned that a telephone in working order has been duly installed in the cinema.

(7) Nothing in sub-rules (5) and (6) shall apply to touring cinemas,

(8) A certificate from any electric supply company or a licensed electrical contractor or from the Executive Engineer/Assistant Engineer/ Deputy Engineer/ Sub-Divisional Officer concerned that lightening conductors have been duly provided in the cinema building. Such certificate shall slate the actual resistance to earth found by regular test in the case of such lightening conductors.

Grant of Cinema Licences

101. Permanent Cinema: - (1) The licensing authority after receipt of the documents and certificates referred to in rule 100, on being satisfied that all the necessary rules have been complied with, may, with the previous sanction of the State Government, grant a licence for a cinema to the applicant on such terms and conditions and subject to such restrictions as the licensing authority may determine. The cinema licence shall be in Form 'V'.

(2) *Quasi-permanent Cinema:* - (a) The licensing authority, after receipt of the documents and certificates referred to in rule 100, on being satisfied that all the necessary rules have been complied with, may with the previous sanction of the State Government, grant a licence for a quasi-permanent cinema to the applicant on such terms and conditions and subject to such restrictions as the licensing authority may determine. The cinema licence shall be in Form 'E'.

(b) No quasi-permanent cinema shall be allowed in the twin cities of Bombay, Pune, Nagpur, Solapur and Kolhapur, and in other cities or towns having a population not exceeding one lakh if in any such city or town there is already a permanent cinema in the proportion of one to every ten thousand population. In the case of any city or town having a population exceeding one lakh, quasi-permanent cinemas may be allowed in the proportion of one cinema for every twenty thousand population as is in excess of one lakh.

(3) *Touring Cinemas:* - (a) The licensing authority, after receipt of the document and certificates referred to in rule 100, on being satisfied that all the necessary rules have been complied with, may, grant a licence for a touring cinema to the applicant on such terms and conditions and subject to such restrictions as the licensing authority may determine. The cinema licence shall be in Form "E".

(b) No touring cinema shall be allowed in the cities of Bombay, Pune, Nagpur, Solapur, Kolhapur and Aurangabad including other cities and towns having a population of fifty thousand and above.

(c) In town having a population of less than fifty thousand, with five or more permanent or quasi-permanent cinemas no touring cinemas shall be allowed. However, in the case of such town having only one permanent or quasi-permanent cinema, one touring cinema may be allowed for the population of every ten thousand.

(d) Any number of touring cinemas may be allowed where there are no permanent or quasi-permanent cinemas.

Note:-

Reading the rule in, clause (c) of rule 101 (3) in its natural and grammatical meaning, it is clear that in places having one permanent or quasi - permanent cinema for each 10,000 one touring cinema can be permitted which would mean that if there is population above 40,000 but less than 50,000 the touring cinemas which can be permitted would be four only because if the population reaches 50,000 then in such places in view of clause (b), no touring cinema is allowed. As regards the contingency where two to four permanent or quasi - permanent cinemas exist in the town having less than 50,000 population, the said contingency, as already stated, is not covered by clause (c) of rule 101 (3) and therefore, there is full discretion in the licensing authority to grant as many licenses to the touring cinemas in the aforesaid contingency subject to the mandate of Article 14 of the Constitution. It may be seen that clause (c) of rule 101 (3) does not lay down any ratio as such co-related to the existence of the number of permanent or quasi - permanent cinemas for allowing touring cinemas.

It is therefore, clear that if there are two to four permanent or quasi -permanent cinemas, it cannot be said that it is intended by the rule to provide the same ratio viz one touring talkies for every 10,000. As held by us here in before, the contingency of the existence of two to four permanent or quasi - permanent cinemas in allowing touring cinemas in the absence of any express provision relating thereto is left to the discretion of licensing authority under clause (a) of rule 101 (3) and the licensing authority has to take the decision in that matter by exercising its discretion in a reasonable manner consistent with the mandate of Article 14 of the Constitution and keeping in mind the guidance from the scheme of clause (b) and (c) of rule 101 (3) and the relevant provisions of the Act and the rules.

Santosh Chitra Mandir v State of Maharashtra and others 1991 Mah LJ 676. (Bombay High Court).

102. Power to refuse licence: - The licensing authority may not withstanding the fact that a No Objection Certificate has been issued under rule 6, refuse a cinema licence if, in its opinion, in view of the circumstances to be recorded in writing the cinemas appears to it likely to cause obstruction, inconvenience, annoyance, risk, danger or damage to residents, or passers-by in the vicinity of the cinema.

103. Death or disability of licensee: - If the licensee dies or becomes mentally incapable or otherwise disabled the person carrying on the business shall not be liable to any penalty for carrying on the business during such reasonable time as may be necessary to admit of his making an application for the renewal of the licence.

104. Duration of licence:- A permanent or quasi-permanent cinema may be licensed for any period not exceeding three years, if so desired by the applicant. A touring cinema may be licensed for any period not exceeding one year, if so desired by the applicant.

105. Renewal of licences:- The licensing authority may, on application made to him in that behalf, renew the cinema licence for the requisite period subject to rule 103. An application for the renewal of a licence shall be made in the manner laid down in rule 100 but it shall not be necessary to attach to the application for renewal the true copy of the "No Objection Certificate" and the true copy of the building permission unless specially required by the licensing authority:

Provided that in the case of touring cinemas and of premises duly licensed for use for cinematograph exhibition before the coming into force of these rules, a certificate of the nature referred to in sub-rule (3) of rule 100 from the Executive Engineer/Assistant Engineer /Deputy Engineer /Sub- Divisional Officer concerned in lieu of such certificate from an authorised architect or a qualified engineer, may be attached.

106. Fees:- (1) The fee for a licence or renewal of a licence is inclusive of the inspection by the Executive Engineer /Assistant Engineer/Deputy Engineer /Sub-Divisional Officer concerned or by

the j District Health Officer or the District Medical Officer of Health or the | Divisional Medical Officer of Health or the Medical Officer of Health of 1 Health Unit having jurisdiction over the area in which the cinema is situated, shall be as follows:-

(a) for a permanent or quasi-permanent cinema --

Number Licence Licencee-fee Licencee-fee Licencee-fee Licence-fee

of seats fee for a for a period for a period for a period for a period

period not exceeding exceeding exceeding exceeding

exceeding three months three months one year two years

three moths but not but not but not but not

exceeding six exceeding one exceeding two exceeding

months. year. years. three years

Rs. Rs. Rs. Rs. Rs.

Upto 200 30 60 100 150.00 200

201 to 40 80 150 265.00 375

500

501 and 50 100 200 350.00 500

above

Provided that when a certificate regarding the lightening conductors as provided in sub-rule (8) of rule 100 has been obtained from the Executive Engineer, Assistant Engineer, Deputy Engineer or Sub-Divisional Officer concerned, the licence fee payable under this clause shall be increased by r.s. 40.

(b) for a touring cinema --

Number of seats Licence-fee for a period Licence-fee for a period exceeding

not exceeding six months six months but not exceeding one year.

Rs. Rs.

Upto200 - 45 90

201 to 500 - 60 120

501 and above... 75 150

Provided that if a touring cinema changes its camp within two months from the date on which it is made, licence fee for the subsequent camp shall be at half the rates mentioned in clause (b).

Note :- (1) The fees prescribed under these rules are inclusive of one or more inspections made for issue of a fitness certificate-and no additional charges should be made for inspections subsequent to the first inspection for rectification for defects.

(2) The fees for the inspection of electric installations shall be separately paid in accordance with rates notified under the Indian Electricity Rules, 1956.

(3) The fee for making any alteration or addition in a cinema licence shall be Re. 1 and the fee for a duplicate licence shall be Rs.2.

(c) For a drive-in-cinema.

No. of motor cars

Licence-fee for	Licence-fee for a	Licence-fee for a
a period not	period exceeding	period exceeding
exceeding		
three months but not	six months but	
three months		
exceeding six not	exceeding	
months	one year	

1234

Rs.Rs.Rs.

Not more than 100

250 500 1000

101 to 250

350 700 1,500

251 and above

500 1,000 2,000

107. Application for renewal to be made within one year: - An application for the renewal of a cinema licence made more than one year after the date of the expiry of the previous licence shall be treated as an application for a new licence and all the rules shall apply *mutatis mutandis* to this application as if it were an application for a new licence.

CHAPTER VIII

Licence/or Sale of Tickets, etc.

108. Licence for sale of tickets, etc.:- (1) No person shall sell or keep, or offer or expose for sale, or cause to be sold or cause to be kept or exposed for sale any ticket of admission, pass or any other evidence of the right of admission to any cinema without having first obtained a licence for the same from the licensing authority. The licence shall be in Form 'F*.

(2) Any person, who contravenes the provisions of this rule, shall, on conviction, be punished with fine which may extend to one thousand rupees.

109. Tickets, etc., to be sold only at licensed booking office:- Every person holding a licence under rule 108 shall sell, keep, offer or expose for sale any ticket or pass or any other evidence for admission only at the booking office or booking offices as approved by the licensing authority and specified in the licence and no change in the location of the same shall be made except with the previous permission in writing of the licensing authority:

Provided that the licensing authority may, in the case of charitable shows or for any other sufficient reason, permit in writing the sale of tickets, passes or any other evidence for admission, at places other than the licensed booking offices or by persons other than the licensee.

109-A. Tickets, etc., not to be sold earlier than seven days: - The licensee shall not sell, keep, offer or expose for sale any ticket or pass or any other evidence of admission to any cinema earlier than

seven days before the date of the show to which such ticket, pass or other evidence of admission relates.

110. Prices and hours of sale to be notified on board: -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 on a board 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.

111. Sale of tickets not to be closed down unless all tickets are actually sold out: - The licensee shall not close down or cause to be, closed down the sale of tickets of any class or exhibit or cause to be exhibited any board or placard indicating the closure of the sale of tickets of any class unless and until all the tickets of that class are actually sold out.

112. Price to be printed on ticket, etc.:- 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 therefor plus entertainment tax, if any, and he shall not any time charge for any such ticket, pass or evidence of the right of admission a price in excess to that printed thereon.

113. Records to be maintained and to subject to inspection:- Every licensee shall at all times keep and maintain full and accurate sets of records showing sale of tickets and their rates and produce on demand for inspection by a police officer of a rank not below that of a Sub-Inspector, stocks of tickets and registers of account.

114. Licensee or his nominee to remain present: - Either the person licensed under this Chapter or some person or some one of several persons whom the licensee has nominated as manager or managers and whose names have been entered as such in the licence shall be present at the cinema at all times when the cinema is kept open to the public for business and shall not absent himself therefrom except with the permission of the licensing authority endorsed on the licence.

115. Fees: - (1) A licence under rule 108 may be granted for any period upto 31 st December, following the date of issue.

(2) The following fees shall be levied for a licence granted under rule 108 -.-

Rs.

(a) If the licence is granted for a period exceeding a 15

fortnight up to 31 st December following the date of issue

(b) If the licence is granted for a period not exceeding a 10

fortnight

(c) If the licence is granted only for a day 5:

Provided that in the case of a touring cinema subject to clauses (b) and (c) the fee for the licence for the first camp in a district in the year shall be Rs-15 and no fee shall be charged for subsequent camp in the same year within the same district.

(3) The fee for a duplicate licence shall be Rs.2 only.

CHAPTER IX

General

116. Licensee or his nominee to be present, or either the holder of the cinema licence or some person or some one of several persons whom the licensee has nominated as manager or managers and whose name or names have been entered as such in the licence, shall be present at the cinema to which the licence applies during the whole time for which such premises are open to the public.

Note:-

It is true that the statutory restrictions, which are set out in the license give some protection to the persons concerned and, to a certain extent they are by way of restrictions on the very exercise of power by the licence holder and it may not be possible for him to tamper with the tickets while the sale of tickets is going on. However, it cannot be said that there is absolutely no possibility of committing some faults or mischiefs in some other terms of expenditure, which are incidental and involved, such as printing of tickets and such other things. It is quite possible that the licence holder himself may or may not indulge in the alleged misconduct, but the possibility of causing little harm to the other party by some such means which are incidental to the running of theatre, cannot be ruled out. It may again be emphasised that in a case of partnership once the trust between the partners is lost, the whole basis of the arrangement is gone and it is against this background that the Court has to consider the appointment of a receiver."

Rukman Kishanrao Pensalwar and another v Gopinath Ganpatrao Pensalwar and another
1986Mah.LR 66 (Bombay).

117. Display of licences: - The licensee shall have the licence displayed prominently on the walls of the office of the cinema.

118. Smoking prohibited: - No person shall smoke and no holder of a cinema licence or his nominated manager or managers shall permit smoking in the auditorium during a performance.

119. Spittoon: - The cinema shall be provided to the satisfaction of the licensing authority with a sufficient number of spittoons in suitable places for the use of the public. The spittoons shall contain a strong disinfectant and shall be emptied from time to time. Notices for using such spittoons shall be displayed in prominent parts of the cinema.

120. Spitting prohibited: - No person shall, at any time, spit in any part of the cinema except in the spittoons provided for that purpose.

121. Hawking prohibited:- No person shall, during a performance of exhibition or in the interval of the performance or exhibition, and no licensee or his nominee shall during a performance or exhibition or in the interval of performance or exhibition, allow any person to -

(i) hawk in the auditorium; or

(ii) sell or supply any eatables or drinks to any member of the audience in the auditorium itself; or,

(iii) distribute or sell, whether for consideration or not any article or thing to any member of the audience in the auditorium itself.

Provided that, in the case of a drive-in-cinema the licensing authority may permit such number of hawkers subject to such conditions as may be specified in the licence.

122. Over crowding prohibited: - No licensee shall admit to any part of the auditorium a greater number of persons than the maximum number authorised in the licence to be accommodated in such part [and in the case of a drive-in-cinema, no licensee shall admit a greater number of motor cars than the maximum number authorised in the licence of such cinema.

In order to ensure that this maximum is not exceeded, and more particularly to facilitate checking by the Police at any time the licensee 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.

123. Cleanliness: The licensee shall at all times keep the cinema in a clean and sanitary condition. The floors and walls upto a height of 10 cms shall be washed with a strong disinfectant at least once a month.

124. Duty of operators, etc.:- The persons in charge of the projecting apparatus, electrical installation and plant and the engine room (if any) shall satisfy themselves before the commencement of each performance that the apparatus or plant in the respective charge is in proper working order.

125. Cinema not to be used for any other purpose - No cinema premises shall be used for any purpose other than the exhibition of cinematograph films except with the previous permission in writing of the licensing authority.

126. Slot machines prohibited: - No slot or amusement machine shall be operated on the premises of a cinema except with the written permission of the licensing authority, provided that no such permission shall be required for machines exclusively used for the sale of articles like sweets or cigarettes or for the recording of weight.

127. Access to Inspecting Officers: - The licensee shall give free access to the cinema at all hours to the officers mentioned below:-

(i) 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 and the Rules are being complied with;

(ii) any Police Officer who is required by a general or special order of the licensing authority or the District Superintendent of Police to attend the same; and

(iii) the Executive Engineer of the Electrical Division, the Deputy Engineer, the Electrical Supervisor, the Electrical Inspector, the District Health Officer, the District Medical Officer of Health, the Divisional Medical Officer of Health or as the case may be, the Medical Officer of Health of Health Unit, for ascertaining that the provisions of these Rules are being duly observed.

128. Licences not transferable: - A licence granted under these Rules shall not be transferable but shall be personal for the benefit only of the person to whom it is granted and on the death of the licensee shall be deemed to be revoked.

129. Licensee liable for the acts of his employees: - The licensee shall be responsible for all acts and omissions of his managers, servants or agents committed or made with his knowledge and consent and arising out of or in connection with the cinema to which his licences relate.

129-A. Penalty: - Any person failing to comply with or contravening the provisions of rules 116, 118, 120, 121, 122, or 126 shall, on conviction, be punished with fine which may extend to fifty rupees.

130. Exemptions to be conditional:- Notwithstanding anything hereinbefore contained in these rules, any relaxation of or exemption from any such rule in respect of premises duly licensed for use for cinematograph exhibition before the coming into force of these rules shall operate only if such premises have been constructed in accordance with the provisions of the Rules under which they were licensed and so long as such premises are not renovated or otherwise substantially altered and upon such renovation or other alteration any such relaxation or exemption shall cease to operate and these Rules shall apply to such premises as it applies to other premises. If any question arises whether the premises are or are not renovated or substantially altered, it shall be referred to the licensing authority for its decision and its decision shall be final.

130-A. The licensing authority may for reasons to be recorded in writing and to such extent and subject to such conditions and restrictions as it may impose, permit generally or in a particular case, relaxation or exemption from the operation of any of the rules contained in Chapters I to IX of these rules.

CHAPTER IX-A

Use of Mobile Vans or Sono-Vision for Exhibition of Advertisement Films

130-AA. Application for licence:- (1) Any person desirous of exhibiting advertising films through mobile vans or sono-vision` shall apply to the licensing authority in Form 'C' for grant of a licence.

(2) Such application shall be accompanied by a certificate from the Government Electrical Inspector to the effect that the mobile van or sono-vision cinematograph is in order and that there is no danger to the public.

130-B. Grant of licence:- (1) On receipt of an application under rule 130-AA, the licensing authority may, after such inquiry as it may think fit, if it is satisfied that the grant of the licence is not likely to cause obstruction, inconvenience, annoyance, risk, danger or damage to the public property or traffic in any street, grant the applicant a licence in Form 'H'.

(2) Such licence may be granted or renewed for a period of six months commencing on the date of its issue, but not beyond the 31 st day of December following such date and subject to such terms and conditions and restrictions as the licensing authority may specify in the licence.

130-C. Fees: - The fees for grant or renewal of licence under rule 130-B shall be Rs. 37.50 for a period of six months.

130-D. Areas where exhibitions not permitted:- The exhibition means of mobile vans or sono-vision or the like, shall not be permitted in village or towns having a population of more than five thousand or where there is already a permanent, quasi-permanent or touring cinema.

130-E. Agent or Manager not to act without permission: - No licensee shall, at any time, permit an agent or manager to act for him in the operation of the mobile van or sono-vision cinema without obtaining previous permission in writing of the licensing authority. Such permission, if granted, shall be endorsed on the licence:

Provided that permission to act as agent or a manager shall not ordinarily be refused, if such person is a member of the licensee's` family or a paid servant.

CHAPTER X

Suspension and Cancellation of Licences, Limitation for Appeals and Revision and Application for Exemptions

131. Suspension or cancellation of licence:- (1) The licensing authority may suspend or cancel any licence granted under these Rules for contravention of any of these Rules, provided that the licensing authority shall give the licensee an opportunity to show cause before taking any action under this sub-rule.

(2) Notwithstanding the provisions of sub-rule (1), the cinema licence shall be liable to immediate suspension or cancellation by the licensing authority if, in the opinion of the licensing authority, the appliances in the cinema for protection against and for extinguishing fire are inadequate or in any way insufficient or in unsatisfactory condition.

132. Period within which appeals under section 8-A and applications for revision under section 8-B shall be made:- An appeal against an order of a licensing authority refusing to grant a licence, or revoking or suspending any licence under section 8 or an application for revision of such order shall be made within thirty days from the date of receipt of such order by the appellant or the applicant, as the case may be.

133. Power to give directions during epidemics:- Without prejudice to the provisions of rule 132, the licensing authority in consultation with the Assistant Director of Public Health, or District Health Officer or Health Officer of the Municipality, if any, may, if so advised direct by a special notice, -

- (a) a reduction in the scale of accommodation prescribed in rule 13;
- (b) the periodical disinfection of premises which may include spraying and fumigation; and
- (c) the adoption of such other measures for better ventilation as may be specified in the notice.

and the licensee shall be bound forthwith to comply with any such direction and on failure to do so, his licence shall be liable to instant suspension or cancellation.

134. Application for exemption under section 10:- Every application for exemption under section 10 for exhibition of cinematograph films outside the licensed cinema theatres shall be made to the Collector of the District concerned, and unless prevented by sufficient cause, be made at least ten days before the date of the proposed cinematograph exhibition.

135. Repeal and saving: - On the commencement of these Rules, the Bombay Cinema Rules, 1954 and the rules, if any, made under the Madhya Pradesh Cinemas (Regulation) Act, 1952 and the Hyderabad Cinemas (Regulation) Act, 1952 and in force immediately before such commencement shall stand repealed:

Provided that anything done or any action taken under the rules so repealed shall be deemed to have been done or taken under the corresponding provisions of these Rules.

136. The provisions of Chapters II and VI shall not apply to premises duly constructed for cinematograph exhibition before coming into force of these rules if such premises have been constructed in accordance with the provisions of the rules in force when such premises were constructed.

FORM A

Notice Under Rule 3 of the Maharashtra Cinemas (Regulation) Rules, 1966

Please take notice that I, _____, son of
_____ age _____ resident of village _____
taluka _____, district _____

permanent

propose (locating a Quasi-permanent cinema) at _____ (name of

touring

village) taluka _____, district _____, on the

land belonging to Shri _____ and measuring

R.S. No *

about _____ and bearing _____

C.S.No. No.

and bounded as under:-

Notice is hereby given that any objections to the location of the said cinema should be
lodged with the District Magistrate of, within such time as may be notified by him.

Commissioner of Police, Bombay

FORM B

Notice Under Rule 4 of the Maharashtra Cinemas (Regulation) Rules, 1966

Whereas Shri _____, son of _____

Age _____ resident of _____ taluka/tahsil _____, district

_____, has applied to me for the grant of a "No Objection Certificate" for

permanent

the [location of a quasi-permanent cinema] at village taluka/ tahsil _____

touring district, on the land of Shri _____

R.S. No

and bearing _____ and bounded as under:-

C.S.No Ward No.

Notice is hereby given that any person having any objection to the grant of a "No

Objection Certificate" as aforesaid should lodge his objection in writing with the undersigned not later than the _____ day of _____ 19. Any objection received

after that date shall not be taken into consideration.

Given under my hand this _____ day of _____ 19

District Magistrate of

Commissioner of Police, Bombay

Licensing Authority.

FORM C

(Rule 5)

1. Full name of the applicant

2. Address of the applicant:- Village _____ taluka/tahsil
_____ district, _____

2-A. Whether the site on which the cinema is proposed to be located is

agricultural land; and if so, whether the applicant has obtained permission for the non-agricultural use of the land?

3. Place where the cinema is proposed to be located -Village _____

taluka/tahsil _____, district _____

Note:- Also please give description of the land as in Form A to the Maharashtra

Cinemas (Regulation) Rules, 1966.

4. Population of the place according to latest census figures____

Note:- Population of surrounding villages including boundaries should not be given

5. Is the place situate in the Sarvodaya area or is it within a radius of 8.05 kilometres of villages in such area?

6. Is the application for a permanent cinema [or a quasi-permanent cinema]?

7. Are there any cinemas already in existence at the place?

Number Situation

8. If so, describe them-

(a) Permanent cinemas

(b) Quasi-permanent cinemas

(c) Touring cinemas

9. Distance of the proposed site from -

(1) nearest school

(2) nearest hospital

(3) nearest temple or other religious institution

(4) other remarks regarding proposed site.

10. Would there be adequate room in the compound of the proposed cinema for parking of cars, if the cinema is permitted?

11. Would there be enough space for the formation of queues within the compound of the cinema, if the cinema is permitted?

12. What are the objections received under rule 4 and the remarks of the licensing authority thereon (objection petitions to be attached)?

13. The recommendations of the licensing authority.

FORM D

(Rule 6)

No Objection Certificate

In exercise of the powers conferred by rule 6 of the Maharashtra Cinemas (Regulation)

Rules. 1966.1,

District Magistrate of ----- do hereby grant this certificate that there is no objection

Commissioner of Police, Bombay,

to Shri _____ son of _____,

resident of village _____ taluka/tahsil _____ district _____

locating a [Permanent/quasi permanent/touring cinema] in the land belonging to Shri _____

_____ at _____ village _____ taluka/tahsil _____

_____ district _____.

The site where the cinema is to be located is specified below:-

(Please give here the description of the site as in Form A.)

This "No Objection Certificate" is valid for a period of two years [(or such further

period as is allowed under rule 6 of the Maharashtra Cinemas (Regulation) Rules, 1966)] [in the case of permanent cinema or quasi-permanent cinema] and six months in the case of touring cinemas from the date hereof and if within this period, the proposed cinema is not put up, a fresh no objection certificate should be applied for.

Given under my hand this _____ day of _____ 19

District Magistrate of

Commissioner of Police, Bombay

Licensing Authority

FORM D-1

(See rule 24-D)

Application for video cinema licence

- 1. Full name of the applicant
- 2. Age
- 3. Full address of the applicant
- 4. Place where the proposed video cinema is to be located (give detailed particulars of the City and Ward number, or village, taluka, district and house number, name of the building, the road on which it is situated, etc):-
- 5. The area in square metres of the enclosed space to be used for video cinema:
- 6. Seating capacity
- 7. The name of the manager or managers, who will be in-charge of the video-cinema in the absence of the licensee:-
- 8. Date from which the applicant proposes to start the video-cinema:-

Date:

Place:

Signature

FORM D-2

(See rule 24-E)

Licence of video-cinema

Commissioner of Police

Under the powers vested in -- -- -- -- -- under section 3 of the Bombay

District Magistrate.

Cinemas (Regulation) Act, 1953 (Born. XI of 1953), licence is hereby granted to Shri/Smt.

_____ Resident of _____ District _____

authorising him/her to run video-cinema at _____ Taluka/Tahsil _____

District _____ (More particularly described below) by giving exhibition by

means of video-cassette recorder (Video Cassette Player) or such similar device subject to the following conditions and restrictions, namely -

(Here give the full description of the video-cinema with stating capacity)

Conditions and Restrictions

(Here specify the conditions and restrictions, if any)

Given under my hand and seal, this _____ day of _____ 19 ____

Licensing Authority

RENEWALS

Date of renewal Valid till Fee (including additional Signature of Licensing

fee for delay) Authority

Rs.

By order and in the name of the Governor of Maharashtra.

Deputy Secretary to Government.

FORM E

(Rule 101)

Licence of a cinema

Under the powers vested in _____ under section 3 of the Bombay

District Magistrate

Cinemas (Regulation) Act, 1953 (Bom. XI of 1953), licence is hereby granted to

Shri _____ son of Shri _____,

Resident of _____ District authorising him to use cinema at _____

Taluka/tahsil _____, District _____ (more particularly

described below) for giving exhibition by means of cinematograph subject nevertheless to the following further conditions and restrictions:-

(Here give the full description of the cinema)

Conditions and Restrictions

1. 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 Censors constituted under section 3 of the Cinematograph Act, 1952 (XXXVII of 1952), as suitable for unrestricted public exhibition or for public exhibition restricted to adults and which, when exhibited, displays the prescribed mark of the Board, and has not been altered or tampered with any way since such mark was affixed thereto;

(b) any film which has been certified by the Board of Film Censors as suitable for public exhibition restricted to adults, to any person who is not an adult;

(c) any film the exhibition of which is suspended under section 6 of the Act.

Explanation:- For the purpose of clause(b) of this condition, if there is any doubt as respects the age of any person the decision of the Manager given in good faith as respects the question, shall not be questioned; and where the Manager has reasonable doubt as respects the age of any person who claims to be an adult, the Manager shall require such person to make a declaration on the reverse of the counterfoil of his ticket in the following form, before admitting him to the film show and explain to him that if on investigation the declaration is found to be false, lie shall be liable to be prosecuted for the offence under section 417 of the Indian Penal Code:-

"Declaration

1. _____, residing at _____

occupation _____, hereby solemnly hereby solemnly declare that I am over eighteen years of age.

Signature

2. The licensee shall -

(1) prominently exhibit at each public entrance of the premises, whenever the premises are open to the public, a notice indication in a tabular form and in clear bold letters and figures-

(i) the title of each film, other than trailers and advertisement films, to be shown on that day;

(ii) the approximate times of commencement of each such film;

(iii) whether each such film is suitable -

(a) for unrestricted public exhibition and has received 'U' certificate; or

(b) for public exhibition restricted to adults and has received 'A' certificate;

(iv) whether persons who are not adults will be admitted or not to the exhibition of the film.

(2) indicate clearly the nature of any certificate received in respect of the film from the Board of Film Censors by the letter 'U' or 'A', as the case may be, in any advertisement of the film displayed at the premises.

3. The licensee shall not exhibit, or permit to be exhibited, in the cinema, any photograph, picture or poster which depicts or represents or purports to represent a scene or shot which has been excised from any film under the orders of the aforesaid Board of Film Censors or the Central Government.

4. The licensee shall not exhibit or permit or cause to be exhibited any poster or picture which is a gross misrepresentation of the film itself and which is obscene.

5. The licensee shall not exhibit or permit or cause to be exhibited in the said place 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

6. The licensee shall not supply or cause to be supplied any polaroid glasses to any person for the purpose of viewing any film unless such glasses, if already used for such purpose, are sterilized before they are so supplied.

7. The licensee shall not store inflammable film in quantity exceeding 90.7kg. at the said place unless a separate licence for the storage of such film has been obtained by him from the Chief Inspector of Explosives in India as required by the Cinematograph Film Rules,

1948.

8. Film 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 7.5m, from any dwelling house, other building, highways, street or public place.

9. 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 therefrom by a substantial floor or partition.

10. The storage shed, if in any 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,

11. 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 face of the wall.

12. Film shall be kept in a securely closed fire-resisting receptacle.

13. The storage shed or tent shall not be used for any other purpose.

14. (i) All operations connected with examination, repairing, cleaning waxing and rewinding of film 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) Not more than 2 rolls of film only shall be opened for examination at any one time per examiner and not more than 100 rolls in all shall be under examination or repair at any one time.

15. All film waste and scrap in the examination room shall be placed immediately in a strong metal receptacle fitted with a tight hinged 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 licensing authority.

16. No alterations shall be carried out in the storage shed or examination room without the previous sanction in writing of the licensing authority. Such alterations so sanctioned shall be shown on an amended plan to be attached to this licence.

17. The furniture and other articles shall be so arranged as to afford free egress to persons in the room in the event of fire.

18. There shall be kept posted up in large characters in the room -(I) full instructions as to the action to be taken in case of fire; and (ii) full directions as to the means of escape from the room in case of fire.

19. No two sheds for the storage of film shall adjoin each other or be in the same building.

20. Adequate precautions shall at all times be taken for the prevention of accidents by fire or 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.

21. Free access to the licensed premises shall be given at all reasonable times to a. ' Inspector and every facility shall be afforded to such Inspector for ascertaining that the rules and conditions are duly observed-

22. 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 the nearest police station and by telegraph or telephone where such means of communication are available.

23. If the licensing authority calls upon the holder of a licence by a notice in writing, to execute any repairs to the licensed premises which are in the opinion of such authority necessary for the safety of the premises the holder of a licence shall execute the repairs within such period, not being less than one week from the date of receipt of notice, as may be fixed by the notice.

24. The licensee shall not continue any performance or exhibition of any film by means of a cinematograph [or loudspeaker] [after 1.00 a. m.]

[Provided that, in the case of any drive-in cinema, the licensee shall not continue any such performance or exhibition on any day after 10-00 p.m. except with the previous permission of State Government].

25. The licensee shall comply with such other conditions as may be prescribed from time to time by rules-

26. Except with the previous permission of the licensing authority, the licensee shall not admit in the cinema auditorium or in any part or division thereof a larger number of persons than that indicated below or shall increase or reduce the number of seats in any such part or division:-

(Here enter name of the division or part of the auditorium)

(Here mention the nature of persons that be admitted in the division or part of auditorium)

27. The licensee shall comply with any directions and instructions (including any direction for temporarily closing the cinema premises) which the licensing authority may, from time to time, issue for preventing any obstruction, inconvenience, annoyance, risk, danger or damage to the audience in the cinema premises or the residents or passers-by in the vicinity of the cinema premises or for the maintenance of public safety and the prevention of disturbance therein.

28. This licence is granted subject to the provisions of the Bombay Cinemas (Regulation) Act, 1953, and the Maharashtra Cinemas (Regulation) Rules, 1966 and the conditions detailed on the reverse of this licence, and is liable to suspension or cancellation for breach of any of the said provisions or conditions. Breach of the provisions of the Bombay Cinemas (Regulation) Act, 1953, or the said rules or any conditions of this licence is punishable under section 7 of the Bombay Cinemas (Regulation) Act, 1953-

29. This licence is not transferable but is personal for the benefit of the licensee mentioned above and in case the licensee transfers the same to any person the licence is liable to be suspended or cancelled.

30. The persons nominated as Managers under rule 116 of the Maharashtra Cinemas (Regulation) Rules, 1966, are-

1. Shri _____, son of _____,

resident of _____ taluka/tahsil _____, district _____

2. Shri _____, son of _____,

resident of _____ taluka/tahsil _____, district _____

3. The licence is valid till the _____ day of _____ 19 _____.

Given under my hand and seal, this _____ day of _____ 19 _____.

Licensing Authority.

Renewals

Date of renewal	Valid till	Fee paid	Signature of licensing authority
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FORM F

(Rule 108)

Licence to sell or keep for sale, or offer or expose for sale any Ticket of Admission, Pass or other evidence of the right of Admission to a Cinema

Under rule 108 of the Maharashtra Cinemas (Regulation) Rules, 1966, licence is hereby granted to Shri _____ son of _____,

resident _____ of district _____, to sell or keep for sale or offer or expose for sale any ticket of admission, pass or other evidence of the right of admission to the [permanent cinema/quasi-permanent cinema/touring cinema/drive-in-cinema] known as _____ and situated at _____, district _____

2. The licensee shall sell, offer, keep or expose for any ticket of admission, pass or other evidence of the right of admission to the above cinema only at the following places:-

1.

2.

3.

3. This licence is valid till the _____, day of _____ 19 _____

4. This licence is granted or renewed subject to the provisions of the Maharashtra Cinemas (Regulation) Rules, 1966 and is liable to be suspended or cancelled for breach of any of the provisions of the said Rules, and any breach of the provisions of the said Rules is punishable under the provisions of section 7 of the Act.

Given under my hand and seal, this _____ day of 19 _____

Licensing Authority.

[REVERSE OF FORM]

Memoranda of Renewal

Date of renewal	Date up to which valid	Fee paid	Signature of licensing authority
-----------------	------------------------	----------	----------------------------------

Endorsement under Rule 114

FORM 'G'

(Rule 130-AA)

To

The _____

Application for exhibition of Cinematograph (Advertisement) Films through mobile van or sono-vision.

1. Name of the applicant and address.
2. Place or places in the district where the applicant proposes to exhibit advertisement films.
3. Name and nature of the films to be exhibited.
4. Time at which the films are to be exhibited.
5. Number and date of the permission obtained from the concerned authority for the site one which the films are proposed to be exhibited.
6. Period for which the films are proposed to be exhibited.
7. Certificate from the Electrical Inspector regarding suitability of the mobile van.

Date: _____

Place: Applicants` signature

FORM 'H'

(Rule 130-B)

Licence for exhibition of Cinematograph films on mobile advertising vans or sono-vision

Under the powers vested in the District Magistrate/Taluka Magistrate under section 3 of the Bombay Cinemas (Regulation) Act, 1953 (Bom.XI of 1953), licence is hereby

granted to Shri _____ son of _____ resident
_____ of _____ District, authorising him to use this mobile van No. _____ or
sono-vision for the exhibition of cinematograph films, as the place mentioned below, subject to the
following conditions and restrictions (_____

Here enter the names of (he films to be exhibited and the places where they are to be exhibited.)

- (1) No exhibition of cinematograph films shall be made on any public highway, road, street, footpath or the like nor shall the screen be visible therefrom.
- (2) Where any Government land is to be used for the structure of the sono-vision, the licensee shall obtain permission therefor from the proper authority on payment of the rent to be in accordance with the Maharashtra Land Revenue Code, 1966 (Maha. XLI of 1966), and the rules made thereunder.
- (3) No exhibition of films shall be made after 9-00 p.m. in rural areas and after 11-00 p.m. in cities and towns-
- (4) The time of exhibition of films shall be so divided that one-third of such time shall be devoted to the exhibition of documentaries and educational and information films-
- (5) No films which have been declared-as uncertified or whose exhibition has been suspended under the Cinematograph Act, 1952 shall be exhibited.
- (6) No film other than a film which has been duly certified by the Board of Film Censors as suitable for unrestricted exhibition shall be exhibited or permitted to be exhibited.
- (7) Any film certified by the Board of Film Censors and suitable for exhibition for adults only, shall not be exhibited-
- (8) The licensee shall not exhibit or cause to be exhibited -
 - (i) any advertisement regarding sexual diseases and medicine to correct sexual disorders or purporting to assist childless persons begetting children, or the like, and
 - (ii) any indecent, obscene, immoral or suggestive advertisements, pictures or posters.
- (9) Non-inflammable films or film strips only shall be exhibited.
- (10) No fee for admission to the exhibition shall be levied.
- (11) The licensee shall inform the Executive Magistrate concerned at least forty-eight hours before the time and place of exhibition.
- (12) No mobile van shall be allowed to remain at the same village or town for more than a week during a period of 30 days.
- (13) The licensee shall take all reasonable precautions against fire and danger arising from fire.
- (14) The licensee shall not use loudspeaker on mobile vans for playing of music or for announcement for the purpose of advertising.
- (15) The licensee shall abide by all orders, instructions and directions issued from time to time by the State Government or the Licensing Authority.

Granted this _____ day of _____ 19_____

Seal Licensing Authority.

NOTIFICATIONS

G. N., H. D., No. BCR. 1163-XVI, dated 7th June, 1967

(M.G.,Pt.IV-B,p.1682)

In pursuance of sub-rule (5A) of rule 9 of the Maharashtra Cinemas (Regulation) Rules, 1966, the Government of Maharashtra hereby notifies the following local areas for the purposes of the said sub-rule (5A), namely:-

1. Greater Bombay.
2. Poona City.
3. Nagpur City.

G. N., H. D., No. BCR. 1268-XVI, dated 24th February, 1969

(M. G., Pt. IV-B, p. 342)

In pursuance of sub-rule (5A) of rule 9 of the Maharashtra Cinemas (Regulation) Rules, 1966, the Government of Maharashtra hereby notifies the following local areas for the purpose of the said sub-rule (5A), viz.:-

1. Ahmednagar City.
2. Akola City-
3. Amravati City.
4. Kolhapur City.
5. Malegaon City.
6. Nasik City,
7. Sholapur City.
8. Thana City.
9. Ulhasnagar Township.

G. N., H. D., No. BCR. 1268-XVI, dated 19th May, 1969

(M. G., Pt. IV-B, p. 708)

In pursuance of sub-rule (5A) of rule 9 of the Maharashtra Cinemas (Regulation) Rules, 1966, the Government of Maharashtra hereby notifies the Panchgani Hill Station Municipal area within the jurisdiction of the Panchgani Hill Station Municipal Council in the Satara District to be the local area for the purpose of the said sub-rule (5A).

G. N., H. D., No. BCR. 4269/G-198-XVI, dated 17th October, 1969

(M.G.,Pt.IV-B,p.1600)

In exercise of the powers conferred by section 10 of the Bombay Cinemas (Regulation) Act, 1953 (XI of 1953), the Government of Maharashtra hereby exempts the Cinema Exhibitors in the State from the directions contained in Government Notification, Home Department, No. BCR. 5059/2884 8-X VI, dated the 20th February, 1969, regarding the compulsory exhibition of approved films at each show on those days on which they will show one of the following nine extra lengthy shorts (exceeding 2000 feet) on Mahatma Gandhi at one or more of the days` shows;-

Serial No-Title	Length
1.	Birth of Satyagraha 3,224 feet.
2.	Emergence of Gandhi 2,018 feet.
3.	The Great Trial 2,075 feet.
4.	The Epic March 3,682 feet.
5.	The Nations` Representative 4,012 feet.
6.	Call of the Villages 2,118 feet.
7.	Quit India 3,029 feet.
8.	Hour of Destiny 2,080 feet.
9.	India Liberated 2,011 feet.

2. Government also exempts the Cinema Exhibitors from the operation of condition No. 24 of Cinema Licence on all those days on which the above extra lengthy shorts are shown at one or more shows and permits the exhibition of films up to 1 a.m. on those days only.

G. N., H. D., No. BCR-1074-XXVI, dated 19th November, 1975

(M.G., Ft. IV-B, p. 1183)

In exercise of the powers conferred by sub-section (2) of section 1 of the Bombay Cinemas (Regulation) (Amendment) Act, 1975 (Mah. XXXIV of 1975), the Government of Maharashtra hereby appoints the 1st day of December, 1975 to be the date on which the said Act shall come into force.

G. N., H. D., (Poll), No. 671/7-1, dated 14th December, 1953

(M. G., Pt. IV-B, p. 2565)

In exercise of the powers conferred by sub-section (3) of section 1 of the Bombay Cinemas` (Regulation) Act. 1953 (Born. XI of 1953), the Government of Bombay is pleased to appoint the 1st January, 1954 as the date on which the said Act shall come into force.

G. N., H. D., No. BCR-5067/55163-XVI, dated 7th November, 1967

(M. G., Ft. IV-B, p. 2370)

Amended by G. N-. H. D. (special) No. BCR-5377/2247-SPL-5, dated 24th October, 1980 (M. G.. Pt. IV-B, p. 1071).

In exercise to the powers conferred by sub-section (3/ of section 5 and section 9 of the Bombay Cinemas (Regulation) Act, 1953 (Born- XI of 1953), and in supersession of all the directions now in

force in the behalf the Government of Maharashtra hereby issues to every person holding a licence under the said Act in the State of Maharashtra the following directions, namely:-

1. The licensee shall so regulate the exhibition of cinematograph films that, at every performance open to the public [approved films are exhibited in entirety, that is to say, from the beginning to the end, after the advertisement shorts and immediately before the main film] 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 or the nearest lower **or** higher approximation thereto.
2. Only such films produced in India as are approved by the Central Government after considering the recommendations of the Film Advisory Board, Bombay, to be scientific films intended for educational purposes, films dealing with news and current events or documentary films shall be deemed to be approved films for the purposes of these directions.
3. Nothing contained in these directions shall be construed 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 for more than two weeks continuously; or
 - (c) to re-exhibit any approved film which has been shown for two continuous weeks; or
 - (d) to exhibit approved films the full extent indicated hereinbefore in the event of sufficient number of length of approved films not being available for the time being.
4. For the purpose 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.
5. The licensee shall produce a certificate from the Films Division that he has made arrangement with the office of the films Division for supply of approved films.

G. 0., H. D., No. BCR-6563/53483-XVI, dated 6th March, 1968

(M. G., Pt. IV-B, p. 361)

In exercise of the powers conferred by sub-section (3) of section 5 of the Bombay Cinemas (Regulation) Act, 1953 (Born. XI of 1953), the Government of Maharashtra hereby directs that, subject to sufficient number of Marathi films being available for exhibition, every licensee shall reserve not less than four weeks in a year for the exhibition of Marathi films in his cinema theatre licensed under the said Act; and the licensee shall, not less than sixty days before the expiry of the year, report to the licensing authority the number of weeks during which Marathi films were exhibited in his cinema theatre.

2. If the licensee fails to reserve four weeks for exhibition of Marathi films, till such report is made, he shall, within fifteen days from the date of his report, explain in writing to the licensing authority his reasons for not reserving the cinema theatre for the minimum number of weeks; and then act according to the orders of the licensing authority.

Explanation:- If any question arises, whether sufficient number of Marathi films are available for exhibition, the licensing authority shall decide the question, regard being had to the position of

distribution of Marathi films in the State, and the explanation of the licensee in writing for his failure to exhibit Marathi films or for his rejection of available Marathi films.

No. BCR 5379/SPL-5. In exercise of the powers conferred by the proviso section 4 of the Bombay Cinemas (Regulation) Act, 1953 (Born. XI of 1953) and in supersession of Government Notification², Home Department (Political), No. BCR 5955/82461-1-Poll. dated the 31st January, 1957 and any other previous Government Notifications issued in this behalf and in force in the State or any part thereof, the Government of Maharashtra hereby constitutes the Tahsildars to be the licensing authorities in respect of touring cinemas for the areas within their respective jurisdiction.

No. BCR-5383/PH/SPL-5. Whereas Government of Maharashtra in exercise of the powers conferred by sub-section (3) of section 5 and section 9 of the Bombay Cinemas (Regulation) Act, 1953 (Born. XI of 1953) by Government Notification, Home Department No. BCR - 5067/55163-XVI, dated the 7th November, 1967 (hereinafter referred to as "the said notification"), issued certain directions to every person holding a licence under the said Act in the State of Maharashtra;

And whereas it is expedient issued certain additional directions to such persons:

Now therefore, in exercise of the powers conferred by sub-section (8) of section 5 of the Bombay Cinemas (Regulation) Act, 1953 (Born. XI of 1953), the Government of Maharashtra hereby issues the following additional directions to every person holding a licence under the said Act in the State of Maharashtra, namely:-

(1) Every licensee shall exhibit one approved film on public health in addition to the approved film to be exhibited in pursuance of the directions issued under the said notification free of charge within the screening time mentioned in direction No. 1 in the said notification, at the beginning of each show in his cinema theatre licensed under the said Act.

(2) The length of the approved film on public health shall be approximately 300 metres in 35 mm. size with the screening time of not more than 10 minutes.

(3) The licensee shall exhibit the said approved film at the beginning of each show.

(4) Notwithstanding anything contained in clauses (b) and (c) of condition No. 3 mentioned in the said notification, the approved film on public health shall be exhibited by the licensee till another approved film on public health is supplied in its place to him.

G. N., H. D., No. BCR-1074-XXVI, dated 19th November, 1975

(M.G.,P.(IV-B,p.1183))

In exercise of the powers conferred by sub-section (2) of section 1 of the Bombay Cinemas (Regulation) (Amendment) Act, 1975 (Mah. XXXIV of 1975), the *Government of Maharashtra* hereby appoints the 1st day of Dec., 1975 to be the date on which the said Act shall come into force.

G. N., H. D., (Poll.), No. 671/7-1. dated 14th December, 1953

(M. G., Pt. IV-B, p. 2565)

In exercise of the powers conferred by sub-section (3) of section 1 of the Bombay Cinemas (Regulation) Act, 1953, the Government of Bombay is pleased to appoint the 1st January, 1954 as the date on which the said Act shall come into force,

G. N., It. D., No. BCR-5067/35163-XVI, dated 7th November, 1967

(M. G., Pt. IV-B, p. 2370)

In exercise of the powers conferred by sub-section (3) of section 5 and section 9 of the Bombay Cinemas (Regulation) Act, 1953 (Born. XI of 1953), and in supersession of all the directions now in force in this behalf, the Government of Maharashtra hereby issues to every person holding a licence under the said Act in the State of Maharashtra the following directions, namely:-

1. The licensee shall so regulate the exhibition of cinematograph films that, at every performance open to the public [approved films are exhibited in entirety, that is to say, from the beginning to the end, after the advertisement shorts and immediately before the main film the approved films to be exhibited in relation to other film at every such performance being in the same proportion as one is to five or the nearest lower or higher approximation thereto.
2. Only such films produced in India as are approved by the Central Government after considering the recommendation of the Film Advisory Board, Bombay, to be scientific films, films intended for educational purposes, films dealing with news and current events or documentary films shall be deemed to be approved films for the purposes of these directions.
3. Nothing contained in these directions shall be construed 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 for more than two weeks continuously; or
 - (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.
- (4) For the purpose 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.