

Andhra Pradesh Cinemas (Regulation) Act, 1955

ANDHRA PRADESH

India

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Act 4 of 1955

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Andhra Pradesh Cinemas (Regulation) Act, 1955(Act No. 4 of 1955)Last Updated 29th January, 2020An Act to provide for the Regulation of Exhibitions by means of Cinematographs in the State of Andhra Pradesh Be it enacted in the Fifth Year of the Republic of India as follows

1. Short title, extent and commencement.

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

2. Definitions.

- In this Act, unless the context otherwise requires -(1)"Cinematograph" includes any apparatus for the representation of the moving pictures or series of pictures;(1-A) "District Collector" in relation to the cities of Hyderabad and Secunderabad means the Commissioner of Police;(2)"Government" means the State Government;(3)"Notification" means a notification published in the Andhra Pradesh Gazette;(4)"Place" includes a house, building, tent any description of transport whether by water, land or air; and(5)"Prescribed" means prescribed by rules made under this Act.

3. Cinematograph exhibitions to be licensed.

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

4. Licensing authority.

- The authority having power to grant licences under this Act (hereinafter referred to as the licensing authority) shall be the District Collector: Provided that the Government may, by notification constitute for the whole or any part of the State such other authority as it may specify in the notification to be the licensing authority for the purposes of this Act.

5. Restrictions of powers of licensing authority.

(1) The licensing authority shall not grant a licence under this Act, unless it is satisfied that -(a) the rules made under this Act have been substantially complied with, and (b) adequate precautions have been taken in the place, in respect of which the licence is to be given, to provide for the safety of the persons attending exhibitions therein. (2) Subject to the foregoing provisions of this section and to the control of the Government, the licensing authority may grant licences under this Act to such persons as that authority thinks fit and on such terms and conditions and subject to such restrictions as it may determine. (3) The Government may, from time to time, issue directions to licensees generally or to any licensee in particular for the purpose of regulating the exhibition of any film or class of films, so that scientific films, films intended for educational purposes, films dealing with news and current events, documentary films indigenous films, or such other films having special value of the public, produced by the Andhra Pradesh State Film Development Corporation Limited and approved by the Government in that behalf from time to time, and the films approved by the Central Government on the recommendations of the Central Film Advisory Board secure an adequate opportunity of being exhibited and where any such directions have been issued, those directions shall be deemed to be additional conditions and restrictions subject to which the licence has been granted. Provided that no direction issued under this section shall require the licensee to exhibit any such film or films for a duration not exceeding twenty minutes of the time taken for the entire show.

6. Special provisions for buildings constructed or reconstructed solely for cinematograph exhibitions.

(1) Nothing contained in the Hyderabad Municipal Corporations Act, 1955 (Act II of 1956), or in the Andhra Pradesh (Andhra Area) Places of Public Resort Act, 1888 (Act II of 1988) or in the Andhra Pradesh (Andhra Area) District Municipalities Act, 1920 (Act V of 1920), or in the Andhra Pradesh (Andhra Area) Town Planning Act, 1920 (Act VII of 1930), or in the Andhra Pradesh (Andhra Area) District Board Act, 1920 (Act XIV of 1920) or in the Andhra Pradesh (Andhra Area) Village Panchayats Act, 1950 (Act X of 1950) in regard to -(a) the grant of permission for the construction or reconstruction of a building, or (b) the grant of license for the use of any place or building for any purpose for which such licence is required under those Acts, or (c) the grant of permission to install any machinery in any place or building, shall apply to the construction or reconstruction of, or the use of, or the installation of any machinery in, any place or building to be used exclusively for the holding of cinematograph exhibitions; and in every such case, an application for licence or permission referred to in any of the clauses (a) to (c) above shall be made to the licensing authority

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

7. Appeal.

(1)Any person aggrieved by the decision of the licensing authority, refusing to grant any licence or permission under this Act may, within such time as may be prescribed, appeal to the Government, or to such officer or authority as the Government may specify in this behalf and the Government or the officer or the authority, as the case may be, may make such order as it deemed fit.(2)The Government or the officer or the authority, as the case may be, stay the execution of any such decision, pending the exercise of the power under sub-section (1) in respect thereof.

7A. Review.

(1)The Government may, either suo motu at any time, or on an application received from any person interested within ninety days of the passing of an order under Section 5 or Section 7 or Section 10 or Section 12 review any such order if it was passed by them under any mistake whether of fact or of law or in ignorance of any material fact:Provided that the Government shall not pass any order adversely affecting any person unless such person has had an opportunity of making a representation.(2)The Government may stay the execution of any such order, pending the exercise of the powers under sub-section (1) in respect thereof.

8. Power of Government or District Collector to suspend exhibition of films in certain cases.

(1)The Government in respect of the whole of the State or any part thereof, and the District Collector in respect of any area within the local limits of his jurisdiction may, if it or he is of opinion that any film which is being publicly exhibited is likely to cause a breach of the peace, by order, suspend the exhibition of the film, and during such suspension, no person shall exhibit such film or permit it to be exhibited in the State or in such part thereof, or in such area, as the case may be.(2)Where an order under sub-section (1) has been issued by the District Collector, a copy thereof together with a statement of reasons therefor, shall forthwith be forwarded by him to the Government and the Government may on a consideration of all the facts of the case confirm, modify or cancel the order.(3)An order made under this section shall remain in force for a period of two months from the date thereof, but the Government may, if it is of opinion that the order should continue to be in force, direct that the period of suspension shall be extended by such further period as it thinks fit.

9. Penalties.

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

9A. Penalty for black-marketing in the sale of tickets for admission to cinematograph exhibition.

(1) If the owner or person in charge of a cinematograph exhibition either directly or through any other person, -(i) sells or allows to be sold, the tickets for admission to cinematograph exhibition at any place other than the place licensed under this Act, or (ii) sells or allows to be sold, such tickets at rates higher than the maximum rates fixed therefor, or (iii) re-sells or allows to be re-sold such tickets at rates higher than the maximum rates fixed therefor either at the licensed premises or else where- he shall be punished with simple imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees or with both. (2) Whoever, -(a) with a view to re-sell at rates higher than the maximum rates fixed therefor, purchases or keeps in his possession, the tickets for admission to Cinematograph exhibition in excess of the number normally required for use by his family members and not more than four of his guests; or (b) sells or allows to be sold such tickets at rates higher than the maximum rates fixed therefor either at the licensed premises or elsewhere; shall be punished with simple imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees or with both. (3) Notwithstanding anything in the Code of Criminal Procedure, 1973, an offence punishable under the section shall be cognisable.

10. Power to revoke or suspend licence.

(1) Where the holder of a licence has been convicted of an offence under Section 7 of the Cinematograph Act, 1952 (XXXVII) of 1952), or Section 9 of this Act, the licence may be revoked by the licensing authority. (2) If the licensing authority is satisfied, either on a reference made to it in this behalf or otherwise, that -(a) a licence granted under this Act has been obtained by misrepresentation or fraud as to an essential fact, or (b) the licensee has, without reasonable cause, failed to comply with any of the provisions of this Act or of the rules made thereunder, or any of the conditions or restrictions upon or subject to, which the licence has been granted, then, without prejudice to any other penalty to which the licensee may be liable under this Act, the licensing authority may, after giving the licensee an opportunity of showing cause, revoke or suspend the licence. (2A) Where a licence is liable to be revoked or suspended under sub-section (2), the licensing authority may, notwithstanding anything in sub-section (2) and for good and sufficient reasons to be recorded in writing, impose on the licensee a sum not exceeding rupees ten thousand by way penalty in lieu of such revocation or suspension. (3) When the licensing authority revokes or

suspends any licence under sub-section (2), it shall do so by an order communicated to the licensee giving the reasons in writing for such revocation or suspension.(4)Any person aggrieved by the decision of the licensing authority revoking or suspending a licence under sub-section (2) or imposing penalty under sub-section (2-A) may, within such time as may be prescribed appeal to the Government, and the Government may make such orders as they may think fit.Provided that no appeal against the decision of the licensing authority under sub-section (2) shall be entertained unless the licensee deposits the sum of penalty specified in the decision aforesaid with such authority and in such manner as may be prescribed.(5)The Government may stay the execution of any such decision, pending the exercise of their powers under sub-section (4) in respect thereof.

11. Power to make rule.

(1)The Government may, by notification, make rules for carrying out the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing power, such rules may provide for -(a)the terms, conditions and restrictions, if any, subject to which licences and permissions may be granted under this Act, the fees for such licences and permissions, and the apportionment of such fees between the Government and the local authority concerned;(b)the regulation of cinematograph exhibitions for securing the public safety.(c)the time within which and the conditions subject to which an appeal under Section 7 or Section 10 may be preferred and the fees to be paid in respect of such appeal;(d)the regulation of the construction or reconstruction of buildings for cinematograph exhibition.

12. Power to exempt.

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

13. Repeal.

- The Cinematograph Act, 1918 (II of 1918), in so far as it relates to matters other than the sanctioning of cinematograph films for exhibition, is hereby repealed.Provided that any appointment, notification, order, scheme, form or bye-law, made or issued under the repealed Act, shall so far as it is not inconsistent with the provisions of this Act, continue in force and be deemed to have been made or issued under the provisions of this Act, unless and until it is superseded by any appointment, notification, order, scheme, rules, form or by-law made or issued under this Act.