

Cinematograph Film Rules, 1948

Notification.- In exercise of the powers conferred by section 4 and sub-section (1) of section 29 of the Petroleum Act, 1934 (30 of 1934), as applied to the storage and transport of cinematograph films having a nitro-cellulose base by the notification of the Government of India in the late Department of Labour, No. Ex. 108, dated the 14-1-1946, the Central Government is pleased to make the following rules, the same having been previously published as required by sub-section (2) of section 29 of the said Act, namely :-

Notification No. P. 108, dated 23-3-1948

CHAPTER I: PRELIMINARY

1. Short title and extent.- (1). These rules may be called the Cinematograph Film Rules, 1948.

(2). They extend to the whole of India except the State of Jammu and Kashmir.

2. Saving.- Anything not in conformity with these rules which was permitted to be done by or under any rules in force immediately before the coming into force of these rules, may be permitted by the Chief Inspector by order in writing to be continued for such period not exceeding two years as may be specified in the order.

3. Definitions.- In these rules, unless there is anything repugnant in the subject or context-

(i) (a) "the Act" means the Petroleum Act, 1934;

(b) "Cabinet" means any shelved closet or cupboard constructed and equipped in accordance with the requirements of the rules for keeping film and according to a design approved by the Chief Inspector;

(c) "Chief Inspector" means the Chief Inspector of Explosives in India;

(d) "District Authority" means-

(i) In a presidency town and the suburbs thereof (if any) which are for the time being situated within the local limits of the jurisdiction of the Commissioner of Police, the Commissioner of Police?

(ii) In the cities of Hyderabad and Secunderabad-cum Cantonment area, the Commissioner of City Police, Hyderabad; and

(iii) Elsewhere, the "District Magistrate";

(e) "District Magistrate" includes an Additional District Magistrate;

(f) "Examination Room" means a room where film is examined, repaired, cleaned, waxed, or rewound;

(g) "Film" means motion picture or sound recording film having a nitrocellulose base whether in the form of exposed or unexposed film, positives, negatives, scrapped or used film;

(h) "Film cement" means any compound of collodion, amyl acetate or similarly combustible cements used for repairing film;

(i) "Inspector" means an officer authorised by the Central Government under sub-section (1) of section 18 of the Act;

(ii) "Merged territories" has the meaning assigned to it in the General Clauses Act, 1897.

(j) "Partition" means a wall constructed of non-inflammable materials conforming to one of the specifications given in Schedule I;

(k) "Prescribed Container" means a receptacle which-

(i) is made of metal to hold one or two standard rolls and is of a design approved by the Chief Inspector;

(ii) is kept closed at all times except when standard roll is being placed in or is being withdrawn from it; and

(iii) bears a stamped, embossed, painted or printed warning exhibiting in conspicuous characters the words "Nitrate Motion Picture Film" and also, either, the words "Highly Inflammable" or "The contents are dangerous if exposed to excessive heat or open flame";

(l) "Standard Roll" means a roll of film 1-3/8 inches (35mm) wide and approximately 1,000 feet long weighing approximately 5 pounds, used as a unit in calculating the weight of film;

(m) "Storage shed" means a building used for the storage of film in quantity not exceeding 100 lb;

(n) "Transport box" means a box intended for packing prescribed containers of film, constructed according to specification laid down in Schedule II;

(o) "Vault" means any premises constructed and equipped in accordance with the requirements of these rules for storage of film in quantity exceeding 1,000 lb

4. Handling of film.- Nothing in these rules shall apply to the handling of film-

(i) in the enclosures used for the operation of motion picture projectors which are licensed under section 8 of the Cinematograph Act, 1918; and

(ii) in exposing operations.

5. Power to exempt.- Where the Chief Inspector is satisfied that in any particular circumstances all or any of the provisions in these regulations not necessary for the protection of persons or property he may grant an exemption in joining for all or any of such provisions in such cases and to such extent and subject to such conditions as he may specify.

6. Prevention of accidents.- All due precautions shall be taken at all times to prevent accident by fire or explosion

7. Prohibition of fires and smoking.- No fire, light or other means of ignition capable of igniting film and no smoking shall be allowed in any vehicle carrying film.

8. Receptacles for film.- Film shall be contained only in a prescribed container.

9. Transport of film contained in prescribed containers.- (i) The prescribed containers containing film shall be packed in a "transport box".

(ii) No transport box shall be taken into use unless its design is approved in writing by the Chief Inspector.

(iii) Where the approval of the Chief Inspector is sought to a type of a container, three copies of a detailed drawing thereof drawn to scale shall be forwarded to him.

(iv) Nothing in sub-rules (i) to (iii) shall apply to the transport of unexposed film packed in original shipping containers, complying with the Board of Trade Regulations.

10. Transport of film in vehicles.- Film may be transported in a vehicle, provided-

(i) no other highly inflammable goods are carried in the vehicle;

(ii) no passengers are allowed to be carried in the vehicle;

(iii) the consignment is attended by a responsible person; and

(iv) the film during transit is deposited in a building fulfilling the requirements of conditions endorsed on license Form C, D or E, as the case may be, according to the quantity of film carried.

11. Transport of film in vehicles carrying passengers.- (i) Notwithstanding anything contained in rule 10, film may be carried in any vehicle carrying passengers subject to the following conditions :-

(a) the quantity carried in any one vehicle shall not exceed 200 pounds,

(b) the film shall not be deposited during transit in any building other than one fulfilling the requirements of the conditions endorsed on license Form C.

(ii) Nothing contained in clause (b) of sub-rule (i) shall apply to film in quantity not exceeding 20 pounds

12. Prohibition to transport film in vehicles fitted with producer-gas generators.- Film shall not be carried in motor vehicles, fitted with producer-gas generators.

13. Transport by railway.- (1) Film while in custody of the railway administration for dispatch or delivery or while in transit shall not be stored except in a cool and shaded place away from other articles where it is not exposed to direct rays of the sun.

(2) Where film is conveyed by rail, it shall be subject to all the regulations which may, from time to time, be prescribed generally or specially in that

behalf by the railway administration over whose line it is conveyed.

(3) All fires, lights and other means of ignition capable of igniting film shall be kept away from film stored as provided in sub-rule (1).

14. Transport by mixed or passenger train.- Film may be carried in the rear break-van of mixed or passenger trains subject to a limit of six transport boxes per van.

15. Transport by water.- (i) Film may be transported by water, provided it is towed on or under deck in a cool and accessible place, away from living quarters and galley fires.

(ii) Notwithstanding anything contained in sub-rule (i), film may be transported coastwise provided it is packed and stored in accordance with the regulations issued from time to time by the Board of Trade for regulating the carriage of dangerous goods and explosives in ships.

16. Restriction on delivery and dispatch of film.- (i) No person shall deliver any film to anyone in any State of India other than the holder of a storage license or his authorised agent or a Port Authority or railway administration.

(ii) No person shall dispatch any film to anyone in any State of India other than the holder of a storage license.

(iii) This rule shall not apply to the delivery or dispatch of film in quantities which are permitted by these rules to be stored without license.

17. Exemption.- Nothing in rules 10, 11 and 16 shall apply to film in possession of Indian Forces.

CHAPTER III: STORAGE OF FILM

18. Licence for storage.- No person shall store any film except under a licence granted under these rules:

PROVIDED that no license shall be required for the storage of film-

(a) in any quantity not exceeding 200 lbs. in any place licensed under the Cinematograph Act, 1918, for the giving of exhibition by means of a

Cinematograph, or

(b) in any quantity not exceeding 20 lbs. if the film is kept in prescribed containers and in a well-ventilated room which is not used as a living room:

PROVIDED FURTHER that no license shall be required for the temporary storage of films-

(i) within port limits under such conditions as the Conservator of the Port may specify; or

(ii) whilst the film is in custody of a Railway Administration or the Postal Department in its capacity as carrier; or

(iii) within the limits of any airports, which in transit under such conditions as the Director-General of Civil Aviation may specify.

19. Precautions against fire.- (1) No person shall smoke in any premises where film is stored or handled. Conspicuous 'No Smoking' signs shall be posted or hung up at prominent places outside the rooms where film is stored or handled.

(2) No person shall carry matches, fuses, or other appliances for producing ignition or explosion in any premises where film is stored or handled.

(3) No fire, furnace or other source of heat or light other than approved electric light, shall be allowed in any premises where film is stored or handled.

(4) Efficient means of extinguishing fires shall always be maintained in proper working order outside the premises where film is stored or handled.

20. Exclusion of unauthorized persons.- Adequate precautions shall be taken to prevent unauthorized persons from having access to any premises used for the storage or handling of film.

21. Supervision of operations within storage place and /or examination room.- All operations within a vault storage shed or an examination room shall be conducted under the supervision of an experienced responsible agent or supervisor, authorised in this behalf by the licensee.

22. Spacing of workers.- The number of persons working in any examination room shall not be more than the number of workers based on a

ratio of 35 square feet of floor area per person.

23. Tables and racks.- Tables and racks used in connection with the handling or examination of film shall be of metal or other non-combustible material. Tables shall not be provided with racks or shelves underneath them which might be used for keeping film.

24. Restriction on storage of loose film.- Film shall always be kept in prescribed containers except when it is being examined, repaired, cleaned, waxed or rewound.

25. Exits and aisle space.- Aisle space shall not be less than 30 inches clear, where walking in the room, or rooms, used for the storage or handling of film, is necessary. Any room or rooms in which two or more persons work together at the same time shall have two or more exits remote from each other. Such exits shall open outwards.

26. Film cement.- Inflammable cement, such as compounds of collodion, amyl acetate, etc. shall not be kept in any vault, storage shed, or examination room in quantities greater than one quart at any one time.

27. Night working.- No work shall be permitted between sunset and sunrise in any vault, storage shed, or examination room, except where approved electric lighting as specified in rule 28 is exclusively used.

28. Electrical installation.- (a) All lights in vault, storage shed or examination room shall be at the ceiling and of the fixed type. They shall be fitted with substantial, outer protecting vapourproof globes and equipped with keyless sockets. All switches, fuses, plugs, sockets, electric meters and distribution boards shall be installed outside the vault, storage shed or examination room. All frames shall be effectively earthed.

(b) All electric wiring and equipment shall conform to the Regulations for the Electrical Equipment of Buildings framed by the Institution of Electrical Engineers. All electric wiring shall be in gas-light screwed conduits which shall be electrically and mechanically continuous throughout, and effectively earthed outside the building.

(c) Portable electric lights on extension cords shall not be used in any vault, storage shed or examination room.

29. Children.- No person under the age of 15 years shall be employed in or

allowed to enter any premises licensed under these rules.

30. Posting up of rules and conditions.- Copies of the preceding rules in this chapter and of the conditions of the licence shall be exhibited in a conspicuous place in every licensed premises.

31. Exemption.- Nothing in rule 18 shall apply to film in the possession of Indian Forces.

CHAPTER IV: LICENCES

32. Application for licence.- (1) A person wishing to obtain or to renew a licence prescribed under these rules shall submit an application in writing to the authority empowered to grant such a licence.

(2) Every application for the grant or renewal of a licence to store film shall be in Form B.

33. Grant of licence.- (i) Licences for storage may be granted by the licensing authorities set forth in Schedule III in the forms prescribed for the purposes, and on payment of the fees, specified therein. Where the licensing authority is the Chief Inspector, a copy of the licence shall be forwarded to the District Authority for his record.

(ii) Every licence granted or renewed under these rules shall remain in force until the 31st day of December of the year for which the licence is granted or renewed: Notwithstanding anything contained in this rule, the licensing authority where it is satisfied that a licence is required for a specified work or festival which is not likely to last up to the 31st day of December of the year for which the licence is granted or renewed may grant or renew a licence for such period as is actually necessary:

PROVIDED that the date so specified does not extend beyond the 31st day of December, following the date on which the licence is granted or renewed.

(iii) Where the licensing authority is the Chief Inspector, an applicant for the new licence may apply to the District Authority for a certificate to the effect that there is no objection to the applicant receiving a licence for the site proposed and the District Authority shall, if he sees no objection, grant such certificate to the applicant who may forward it to the Chief Inspector with his

application in Form B.

(iiia) Where the District Authority, refuses to grant a certificate to the effect that there is no objection to the applicant receiving a licence for the site proposed, it shall record, in writing, the reasons for such refusal and shall furnish the applicant with the copy of such order.

(iv) The Chief Inspector may refer an application not accompanied by a certificate granted under sub-rule (iii) to the District Authority for his observations.

(v) If the District Authority, either on a reference being made to him or otherwise, intimates to the Chief Inspector that any licence which has been applied for should not in his opinion be granted, such licence shall not be issued without the sanction of the Central Government.

(vi) In the case of a licence granted for storage, one copy of the plan or plans of the strange premises signed in token of approval by the licensing authority shall be attached to the licence and one copy shall be filed for record in the office of the licensing authority.

34. Particulars of licence.- Every licence granted under these rules shall be held subject to the conditions endorsed on it and shall contain all the particulars which are contained in the form prescribed for it by these rules.

35. Power of licensing authority to alter conditions.- (1) Notwithstanding anything contained in rule 34, the licensing authority, at the time of issuing licence may omit, alter or add to any of the conditions specified in the prescribed form of licence.

(2) The power conferred by sub-rule (1) shall not be exercised by the District Authority without the prior concurrence of the Chief Inspector.

36. Amendment of licence.- (1) Any licence granted under these rules may be amended by the authority granting such a licence:

PROVIDED that the amendments shall not be inconsistent with any rule in this Chapter.

(2) A licensee who desires to have his licence amended shall submit it to the licensing authority with an application stating the nature of the amendment and the reasons therefor.

(3) The fee for the amendment of a licence shall be two rupees plus the

amount (if any) by which the fee that would have been payable if the licence had originally been issued in the amended form exceeds the fee originally paid for the licence.

37. Renewal of licence.- (1) A licence may be renewed by the authority empowered to grant such a licence:

PROVIDED that a licence which has been granted by the Chief inspector may be renewed without alteration by an Inspector of Explosives duly authorised by the Chief Inspector in this behalf.

(2) Every application for the renewal of a licence shall be made so as to reach the licensing authority at least 30 days before the date on which the licence expires and, if the application is so made, the premises shall be held to be duly licensed until such date as the licensing authority renews the licence or until an intimation that the renewal of the licence is refused has been communicated to the applicant.

(2A) Every application under sub-rule (2) shall be accompanied by the licence which is to be renewed together with the approved plans attached thereto, and the original treasury receipt showing the deposit of the renewal fee under the correct head of account.

(3) The same fee shall be charged for the renewal of a licence as for the grant thereof:

PROVIDED that if the application for renewal is not received within the time specified in sub-rule (2) the licence shall be renewed only on payment of double the fee ordinarily payable for the licence.

38. Refusal of licence.- (1) A licensing authority refusing to grant, amend or renew a licence, shall record his reasons for such refusal in writing.

(2) A copy of the order containing the reasons for such refusal shall be given, to the applicant on payment of a fee of two rupees.

39. Cancellation of licence.- (1) Every licence granted under these rules shall be liable to be cancelled by order of the licensing authority for any contravention of the Act, or of any rule thereunder, or of any condition contained in such licence.

(2) A licensing authority cancelling a licence shall record his reasons for so doing in writing.

(3) A copy of the order containing the reasons for the cancellation of a licence shall be given to the holder of the licence on payment of a fee of two rupees.

40. Appeals.- (1) An appeal shall lie against any order refusing to grant, amend or renew a licence or cancelling a licence-

(a) to the Central Government where the order is passed by the Chief Inspector, and

(b) to the immediate official superior to the District Authority, if the order is passed by the District Authority.

(1A) An appeal shall lie against any order of the District Authority refusing to grant a certificate to the effect that there is no objection to the grant of a licence to the applicant for the site proposed by him and such appeal shall lie to the authority which is immediately superior to the said District Authority.

(2) Every appeal shall be in writing and shall be accompanied by a copy of the order appealed against and shall be presented within 60 days of the order passed if preferred to the Central Government, and within 30 days in the other case.

41. Supply of rules.- With every licence granted for the storage of film, a copy of rules 18 to 30 in Chapter III shall be given free of charge to the licensee.

42. Transfer of licence.- (1) The holder of a licence for the storage of film may, at any time before the expiry of the licence, apply for permission to transfer his licence to another person.

(2) Such application shall be made to the licensing authority who shall, if he approves of the transfer, enter upon the licence, under his signature, an endorsement to the effect that the licence has been transferred to the person named.

(3) A fee of two rupees shall be charged on each such application.

(4) The person to whom the licence is so transferred shall enjoy the same powers, and be subject to the same obligations under the licence as the original holder.

43. Procedure on death or disability of licensee.- (1) If a licensee dies or becomes insolvent or otherwise disabled, the person carrying on the

business of such licensee shall not be liable to any penalty or confiscation under the Act or these rules for exercising the powers granted to the licensee by the licence during such time as may reasonably be required to allow him to make an application for a new licence in his own name for the unexpired portion of the original licence.

(2) A fee of two rupees shall be charged for a new licence for the unexpired portion of an original licence granted to any person applying for it under this rule.

44. Loss of licence.- Where a licence granted under these rules is lost or accidentally destroyed, a duplicate may be granted on payment of a fee of rupees five.

45. Payment of fees.- (1) Every application under this Chapter shall be accompanied-

(i) if in respect of a licence granted or to be granted by the District Authority, by the appropriate fee in cash or by cheque, and

(ii) if in respect of any other licence, by a treasury receipt showing that the appropriate fee has been paid into the local treasury under the head of account XXXVI-"Miscellaneous Departments (Central) Miscellaneous Explosives".

(2) If an application for the grant renewal or amendment of a licence is rejected, the fee paid shall be refunded by the District Authority, or, if it has been paid into a treasury, by that treasury on the production of a signed order from the licensing authority directing such refund.

46. Power to exempt from payment of fees.- The Central Government may, by general or special order, grant exemption from, or reduction of, any fee payable under these rules.

47. Production of licence on demand.- (1) Every person holding or, acting under a licence granted under these rules shall produce it, or an authenticated copy of it, at the place to which the licence applies, when called upon to do so by any Inspector.

(2) Copies of any licence may, for the purposes of this rule, be authenticated free of charge by the authority which granted the licence.

48. Procedure on reports of infringements.- The District Authority shall inform the Chief Inspector of the action taken by him on any report of

infringement of the Act or of these rules or of any condition, contained in a licence which the Chief Inspector may make to him.

49. Executive control over authorities.- Every authority other than the Central Government acting under this chapter shall perform his duties subject to the control of the Central Government:

PROVIDED that nothing in this rule shall be deemed to affect the powers of executive control of the Chief Inspector over the officers subordinate to him.