

Andhra Pradesh Exhibition of Films on Television Screen through Video Cassette Recorders (Regulation) Act, 1993

ANDHRA PRADESH

India

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Act 12 of 1993

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Andhra Pradesh Exhibition of Films on Television Screen through Video Cassette Recorders (Regulation) Act, 1993(Act No. 12 of 1993)Last Updated 25th September, 2019An Act to provide for the Regulation of the Exhibition of Films on Television Screen through Video Cassette Recorders in the State of Andhra Pradesh and for matters incidental or ancillary thereto. Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Thirty eighth Year of the Republic of India as follows:-

1. Short title, extent and commencement.

(1)This Act may be called the Andhra Pradesh Exhibition of Films on Television Screen through Video Cassette Recorders (Regulation) Act, 1993.(2)It extends to the whole of the State of Andhra Pradesh.(3)It shall come into force on such date as the Government may, by notification, appoint.

2. [Definitions. [Substituted by Act No. 13 of 2005, dated 8.4.2005.]

(1)"Cable operator" means any person who provides cable service through a cable television net work or otherwise controls or is responsible for the management and operation of a cable television network;(2)"Cinematograph" includes any apparatus for the representation of moving pictures or series of pictures;(3)"Company" means a Company as defined in section 3 of the Companies Act, 1956 (Central Act 1 of 1956);(4)"DVD" means Digital Versatile/Video Disc;(5)"Exhibition" means exhibition of cinemas, dramatic performances, sports, entertainments, audio-video programmes and the like;(6)"Film" includes Cinematograph film or video tape through which any series of visual images recorded on any material can be shown as a moving picture;(7)"Government" means the

State Government of Andhra Pradesh;(8)"Licensing authority" means in relation to the Twin Cities of Hyderabad City (ie., Hyderabad and Secunderabad), Cyberabad, Vijayawada and Visakhapatnam, the Commissioner of Police, and elsewhere the Collector of the District;(9)"Licensee" means a person to whom licence is granted under the Act;(10)"Notification" means a notification published in the Andhra Pradesh Gazette and the word notified shall be construed accordingly;(11)"Person" means,-(a)an individual who is a citizen of India;(b)an association of individuals or body of individuals, whether incorporated or not, whose members are citizens of India;(c)a company in which not less than fifty one percent of the paid-up share capital is held by the citizens of India;(d)the person defined under General Clauses Act;(12)"Pirated Cassette" means a film or DVD or VCD which was produced without copyright in relation to a cinematograph Film or a record embodying any part of sound track associated with the film;(13)"Pirated Cassette holder" means a person who possess the cassette or VCD or DVD which was made against the copy right in relation to a cinematograph film or a record embodying any part of sound track associated with the film;(14)"Place" includes a house, building, tent and any description of transport, whether by water, land or air;(15)"Prescribed" means prescribed by rules made by the Government under the Act;(16)"Programme" means any television broadcast and includes,-(a)exhibition of films, features, dramas, advertisements and serials through video cassette recorders or video cassette players or VCDs or DVDs;(b)any audio or visual or audio-visual live performance or presentation; and the expression "programming service" shall be construed accordingly;(17)"Registering authority" means the registering authority notified under clause (h) of section 2 of the Cable Television Net works (Regulation) Act, 1995 (Central Act 7 of 1995);(18)"Subscriber" means a person who receives the signal of cable television network at a place indicated by him to the cable operator, without further transmitting it to any other person or any Video Library subscriber;(19)"VCD" means Video Compact Disc;(20)"Video Cassette recorder" means a cinematograph for the purpose of giving cinematograph exhibition of films recorded on video cassette tape including V.C.Ds and D.V.Ds of recording or exhibition;(21)"Video library" means a place by whatever name called, where the business of selling, letting on hire, distribution, exchange, or putting into circulation in any manner whatsoever, of films for the purpose of exhibition is carried on.]

3. [Exhibition through Video Cassette Recorder to be Licensed. [Substituted by Act No. 13 of 2005, dated 8.4.2005.]

(1)Save as otherwise provided under the Act,-(a)no person shall give an exhibition on Television Screen,-(i)through Video Cassette Recorder without a licence; and,(ii)in a place other than that in respect of which permission has been granted under section 6;(b)subject to the provision of the sub section (1),-(i)no business other than the exhibition on Television Screen through video Cassette Recorder shall be carried on in a place in respect of which permission has been granted under the Act by any person and at any time;(ii)no person shall be in possession of VCD or DVD which is contrary to the provision of the Act by any person and at any time.(iii)no person shall possess any pirated video cassette for exhibition of film or selling or buying or let on rent or distribution.(2)Nothing contained in clause (a) of sub-section (1) shall apply to any exhibition on Television Screen through Video Cassette Recorder for domestic purposes to the family members of a household.]

4. Video library to be licenced.

(1)Save as otherwise provided in this Act, no person shall keep any video library except under, and in accordance with a licence granted under this Act.(2)Where a person keeps more than one video library whether in the same town or village or in different towns or villages, he shall obtain a separate licence in respect of each such video library.(3)Every licence for keeping a video library shall, save as otherwise provided in this Act, expire on the last day of the year in which it was granted, but may be renewed from year to year.(4)(i)No person shall carry on the business of [buying, letting, selling, supplying] [Substituted 'buying, selling, supplying' by Act No. 13 of 2005, dated 8.4.2005.] or distributing recorded video cassettes [or VCDS or DVDS] [Inserted by Act No. 13 of 2005, dated 8.4.2005.] except under and in accordance with a licence granted under this Act.(ii)No person shall record a film on a video tape [or on a VCD or DVD] [Inserted by Act No. 13 of 2005, dated 8.4.2005.] in any shop, studio or in any business establishment except under and in accordance with a licence granted under this Act.(iii)A record shall be maintained by every licensee showing the details of all video cassettes [or VCDS or DVDS] [Inserted by Act No. 13 of 2005, dated 8.4.2005.] acquired by him from time to time and the said record shall be produced [to any Police Officer not below the rank of a Sub-Inspector] [Substituted 'to any police officer not below the rank of an Inspector' by Act No. 14 of 2011, dated 23.4.2011.] on demand.

5. Grant or refusal of licence.

(1)The licensing authority shall, in deciding whether to grant or refuse to grant or renew or refuse to renew any licence under this Act have regard to the interest of the public generally and such other matters as may be prescribed.(2)The licensing authority shall not grant a licence under this Act unless it is satisfied -(a)that the rules made under this Act have been complied with ; and(b)[in the case of an application for the grant of a licence for exhibition, buying, selling, letting, supplying or distributing of films through recorded Video Cassettes or VCDs or DVDs, that adequate precautions have been taken in the place, in respect of which the licence is to be granted, to provide for the safety, convenience and comfort of the persons attending exhibition therein.] [Substituted by Act No. 13 of 2005, dated 8.4.2005.](3)The licensing authority may, by order in writing, refuse to grant or renew a licence if such authority is satisfied that,(a)the applicant has not complied with the provisions of this Act or the rules made thereunder in respect of the application for the grant of a licence ;or(b)the applicant has made wilful default in complying with, or knowingly acted in contravention of, any requirement of this Act or the rules made thereunder or the terms and conditions of, and restrictions in any licence granted under this Act ; or(c)[in the case of an applicant for a licence for exhibition, buying, selling, letting, supplying or distributing recorded Video Cassettes or VCDs or DVDs such applicant has been convicted of an offence under the \Cinematograph Act, 1952 or the Andhra Pradesh Cinemas (Regulation) Act, 1955 or the Andhra Pradesh Entertainments Tax Act, 1939.] [Substituted by Act No. 13 of 2005, dated 8.4.2005.](4)An application for the grant or renewal of a licence or permission under this Act shall be made in such manner and within such time and shall be accompanied by such fees as may be prescribed.(5)Every licence or permission or the renewal thereof shall be in such form as may be prescribed.

6. Permission for construction of buildings or installation of machinery, etc.

(1) Any person who intends - (a) to use any place for the exhibition of film on television screen through video cassette recorder; or (b) to use any site for constructing a building thereon for the exhibition of films on television screen through video cassette recorders; or (c) to reconstruct any building for such exhibition of films; or (d) to install any machinery in any place where such films are proposed to be exhibited; or (e) to use any place to sell recorded video cassettes; shall make an application in writing to the licensing authority for permission thereof together with such particulars as may be prescribed, and any provision contained in any other law or the rules made thereunder in so far as it relates to any of the matters specified above shall not apply to any application made under this section. (g) [to use any place to buy or sell or let or distribute any VCD, DVD, or any other mode of recording of moving picture;] [Added by Act No. 13 of 2005, dated 8.4.2005.] (2) [The licensing authority shall there upon, after consulting such authority or officer as may be prescribed, grant or refuse to grant permission and the provisions relating to licences for exhibition, buying, selling, letting, supplying or distributing recorded Video Cassettes or VCDs or DVDs of films on television screen through Video Cassette Recorder shall, so far as may be, apply to permission under this section.] [Substituted by Act No. 13 of 2005, dated 8.4.2005.]

7. Power to issue directions.

- [(1) The Government may issue such orders and directions of a general character as they may consider necessary, in respect of any matter relating to licenses for the exhibition on Television Screen through Video Cassette Recorder or the keeping of Video Library, to licensing authorities; and every licensing authority shall give effect to such orders and directions.] [Substituted by Act No. 13 of 2005, dated 8.4.2005.] (2) The licensing authority may, from time to time, issue directions to any licensee or licensees generally to whom licence for exhibition of films is granted under this Act, requiring the licensee or licensees to exhibit in each show such slides of public interest as may be supplied by that authority: Provided that no direction issued under this section shall require any licensee to exhibit more than three such slides at, or for more than four minutes in any one show.

8. Letter of consent.

(1) Every person exhibiting any film on television screen through video cassette recorder [Video Cassette Recorder or V.C.Ds or D.V.Ds,] [Added by Act No. 13 of 2005, dated 8.4.2005.] (a) licensed under Section 5 ; or (b) for domestic purposes, to the family members of the household ; shall, in respect of each film which he exhibits, produce when demanded [by any officer of and above the rank of Sub-Inspector of Police] [Substituted 'by an officer authorised by Government' by Act No. 14 of 2011, dated 23.4.2011.] in this behalf a letter of consent for such exhibition from the person who is the first owner of the copyright of the cinematograph film under section 17 of the Copyright Act, 1957 (Central Act XIV of 1957) and in case such copyright has been assigned under section 18 of the said Act from the assignee of such copyright. (2) Every person keeping a Video library licensed under this Act shall, in respect of each film in the possession, produce when demanded [by any officer of and above the rank of Sub-Inspector of Police] [Substituted 'by an officer authorised by the Government' by Act No. 14 of 2011, dated 23.4.2011.] in this behalf a letter of consent from the

person who is the first owner of the copyright of the cinematograph film under Section 17 of the Copyright Act, 1957 (Central Act XIV of 1957) and in case such copyright has been assigned under Section 18 of the said Act, from the assignee of such copyright.(3)[Every person licensed under the Act, either to sell or to record recorded video cassettes or V.C.Ds or D.V.Ds shall in respect of each recorded video cassette or V.C.Ds or D.V.Ds in his possession, produce when demanded [by any officer of and above the rank of Sub-Inspector of Police] [Substituted by Act No. 13 of 2005, dated 8.4.2005.] in this behalf a letter of consent from the person who is the first owner of the copyright of the recorded video cassette under section 17 of the Copyright Act, 1957 and in case such copyright has been assigned under section 18 of the said Act, from the assignee of such copyright.]

9. Licensee to exhibit only certified films.

- [(1) No person licensed under the Act to exhibit films on television screen through video cassette recorders or V.C.Ds or D.V.Ds shall exhibit or permit to be exhibited, any film other than a film which has been certified as suitable for public exhibition by the authority constituted under section 3 of the Cinematograph Act, 1952 and which, when exhibited, displays the prescribed mark of that authority and has not been altered or tampered with in any way since such mark was affixed thereto.] [Substituted by Act No. 13 of 2005, dated 8.4.2005.](2)No person licensed under this Act, for keeping a video library shall sell, let on hire, distribute, exchange or put into circulation in any manner whatsoever any film other than a film which has been certified as specified in sub section (1).(3)[No person licensed under the Act, for selling recorded video cassettes or V.C.Ds or D.V.Ds shall sell, let on hire, distribute, exchange or put in to circulation in any manner whatsoever any recorded video cassette or V.C.Ds or D.V.Ds containing a film which has not been certified as specified in sub-section (1).] [Substituted by Act No. 13 of 2005, dated 8.4.2005.]

10. Power of Government or licensing authority to suspend the exhibition of films in certain cases.

(1)The Government in respect of the whole of the State or any part thereof and the licencing authority within his jurisdiction, may, if of opinion that any film which is being or is about to be publicly exhibited is likely to cause a breach of the peace, by order, suspend the exhibition of such film on television screen through [Video Cassette Recorder or V.C.Ds or D.V.Ds.] [Substituted 'video cassette recorder' by Act No. 13 of 2005, dated 8.4.2005.], and during such suspension, no person shall exhibit such film or permit it to be exhibited in any place in the State or any part there of as the case may be.(2)Where an order under sub section (1) has been issued by the licensing authority a copy thereof, together with a statement of the reasons there for shall fort with be forwarded by him to the Government and the Government may, on a consideration of all the facts of the case either confirm or vary or annul the order.(3)An order issued under sub section (1) shall remain in force for a period of two weeks from the date of its issue but the Government may, if they are of opinion that the order should continue in force direct that the period of suspension shall be extended by such further period as they may think fit:Provided that the Government or the licensing authority may review their own order.

11. Power to revoke or suspended licence.

(1)Where the holder of a licence for exhibition of films [on television screen through Video Cassette Recorder or V.C.D. or D.V.D.] [Inserted by Act No. 13 of 2005, dated 8.4.2005.] has been convicted of an offence under clauses (a), (b) or (c) of Section 14 of the Andhra Pradesh Entertainments Tax Act, 1939 or has been permitted to compound such offence under Section 15 of the said Act, or has been convicted of an offence under section 7 of the Cinematograph Act, 1952 or of an offence under this Act, the licence may be revoked or suspended by the licensing authority by an order in writing.(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 mis-representation 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 terms and conditions of the licence, 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, by an order in writing specifying the reasons therefor and communicate the same to the licensee.

12. Penalties.

- Any person who contravenes or attempts to contravene or abets the contravention of the provisions of this Act, or the rules made thereunder shall on conviction be punishable with imprisonment for a term which shall not be less than three months, but which may extend to three years and with fine which shall not be less than one thousand rupees but which may extend to ten thousand rupees.

13. Offences by companies.

(1)Where an offence under this Act, has been committed by a company, every person who at the time the offence was committed was incharge of and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall, be liable to be proceeded against and punished accordingly:Provided that nothing contained in this sub section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.(2)Notwithstanding anything contained in sub section (1) where any offence under this Act, has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.Explanation. - For the purposes of this section(a)"Company" means any body corporate and includes a firm or other association of individuals; and(b)"Director" in relation to a firm means a partner in the firm.

14. Power to enter, search and seize.

(1) It shall be lawful for any police officer not below the rank of [an officer of and above the rank of Sub-Inspector of Police] [Substituted 'an Assistant Commissioner of Police in the Twin Cities of Hyderabad and Secunderabad or a Deputy or Assistant Superintendent of Police' by Act No. 14 of 2011, dated 23.4.2011.] elsewhere (a) to enter, if necessary by force, whether by day or night, with such assistance as he considers necessary, any premises, which he has reason to suspect, are being used for purposes connected with the recording on any film or the exhibition of films on the television screen through video cassette recorder or keeping a video library or selling recorded video cassettes in contravention of the provisions of this Act; (b) to search the premises and persons found therein; (c) to take into custody and produce before a judicial Magistrate all such persons as are concerned or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of their having been concerned with the exhibition of film or keeping a video library or selling recorded video cassettes in contravention of the provisions of this Act. (d) to seize all things found therein which are intended to be used or reasonably suspected to have been used in connection with such recording on any film or with such exhibition of film or selling recorded video cassettes or keeping a video library. (2) [The powers of the nature referred to in sub-section (1) may also be exercised by such officer as may be empowered in this behalf by the Government.] [Substituted by Act No. 14 of 2011, dated 23.4.2011.] (3) All searches under this Section shall be made in accordance with the provisions of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

15. Confiscation of video cassettes, etc..

(1) Whenever an offence has been committed which is punishable under this Act, the Video cassettes, the video cassette recorder, the television set [VCDs, DVDs,] [Inserted by Act No. 13 of 2005, dated 8.4.2005.] and other equipment used in the commission of the offence shall be liable to confiscation by an order of the Magistrate trying the offence. (2) A Magistrate trying an offence under this Act, shall not order release of any property alleged to have been used in the commission of the offence until the disposal of the case.

16. Cognizance of offence.

- No court other than the court of a Magistrate of the first class shall take cognizance of or try an offence under this Act.

17. Offences under this Act to be Cognizable.

- Notwithstanding anything contained in the Code of Criminal Procedure, 1973, (Central Act 2 of 1974) every offence punishable under this Act, shall be a cognizable offence.

18. Appeal.

(1) Any person aggrieved by an order of the licensing authority refusing to grant or renew a licence or an order revoking or suspending a licence under this Act, may, within such time and on payment of such fee as may be prescribed, appeal to the Government. (2) The Government may stay the execution of any such order, pending exercise of its powers under sub section (1) in respect thereof.

19. Powers of revision.

(1) The Government may, either suo motu or on an application call for and examine the record of the licencing authority in respect of any proceedings under this Act, to satisfy themselves as to the legality or regularity of such proceeding or the correctness, or propriety of any order made therein; and if in any case it appears to them that any such proceeding or order should be modified, annulled, reversed or remitted for reconsideration, they may pass orders accordingly; Provided that every application to the Government for the exercise of the powers under this section shall be preferred within such time and accompanied by such fee as may be prescribed. (2) No order prejudicial to any person shall, be passed under sub section (1) unless such person has been given an opportunity of making his representation. (3) The Government may stay the proceeding or the execution of the order pending the exercise of their power under sub section (1) in respect thereof.

20. Power to make rules.

(1) The Government may, by notification make rules for carrying out all or any of the purposes of this Act. (2) 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. (3) Every rule made under this Act, shall immediately after it is made, be laid before the Legislative Assembly of the State if it is in session, and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions and if, before the expiration of the session in which it is so laid or the session immediately following the Legislative Assembly agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

21. Savings.

(1) Every person (i) [exhibiting any film on television screen through video cassette recorder, or V.C.Ds or D.V.Ds, or;] [Substituted by Act No. 13 of 2005, dated 8.4.2005.] (ii) keeping any video library, or selling [buying, letting on hire, or distributing] [Inserted by Act No. 13 of 2005, dated 8.4.2005.] recorded film cassettes; immediately before the commencement of this Act, shall obtain a

licence under this Act, within a period of four weeks from such commencement.(2)[If the person referred to in sub-section (1) fails to obtain the licence within the period mentioned in sub-section (1), he shall discontinue such exhibition and in the case of video library, he shall close such video library and in the case of selling, buying, letting on hire or distributing recorded film cassettes, discontinue such transactions.] [Substituted by Act No. 13 of 2005, dated 8.4.2005.](3)Nothing in the Andhra Pradesh Cinemas (Regulation) Act, 1955 shall apply to exhibition of film on television screen through video cassette recorders (Act IV of 1955)(4)Save as otherwise provided in sub section (3), the provisions of this Act, shall be in addition to and not in derogation of the Cinematograph Act, 1952 and the Andhra Pradesh Entertainments Tax Act, 1939, and any other law for the time being in force ; and nothing contained therein shall exempt any person from any proceedings by way of investigation or otherwise which might, apart from this Act, be instituted against him.

22. Protection of acts done in good faith.

- No suit, prosecution or other legal proceeding shall lie against any officer of the Government for anything which is in good faith done or intended to be done under this Act, or the rules made thereunder.