

# **Punjab Exhibition of Films on Television Screen through Video Cassette Players (Regulation) Rules, 1989**

PUNJAB

India

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### **Rule**

### **PUNJAB-EXHIBITION-OF-FILMS-ON-TELEVISION-SCREEN-THROUGH of 1989**

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Punjab Exhibition of Films on Television Screen through Video Cassette Players (Regulation) Rules, 1989 Rules Published in the Punjab Gazette, Legislative Supplement, Part 3, dated January 27, 1989/Magha 7, 1910, 13th January, 1989 No. G.S.R. 12/P.A. 11/52/S.9/89 - In exercise of the powers conferred by Section 9 of the Punjab Cinemas (Regulation) Act, 1952 (Punjab Act No. 11 of 1952), the President of India is pleased to make the following rules for regulating the exhibition of films on television screen through video cassette players, namely :-

## **Part I – General**

### **1. Short title**

- These rules may be called the Punjab Exhibition of Films on Television Screen through Video Cassette Players (Regulation) Rules, 1989.

### **2. Application.**

- These rules shall apply to all the existing places where films are exhibited on television screen through video cassette players on payment for admission to such places and also to the places which shall be used for the said purpose after the commencement of these rules.

### 3. Definitions.

(1) In these rules, unless there is any repugnant in the context, -(a)'Act' means the Punjab Cinemas (Regulation) Act, 1952 (Punjab Act No. 11 of 1952);(b)'building' means a building which is constructed with stone, mud, bricks, mortar, cement or other non-inflammable material;(c)'film' means a cinematograph film on Video Cassette tape;(d)'form' means a form appended to these rules;(e)'Video Cassette Player' means a cinematograph for giving exhibition of motion pictures through the use of any video tape, video cassette or video record;(f)'payment for admission' includes -(i) any payment made by a person admitted to any part of a place where films are exhibited on television screen, through video cassette players and in a case where such person is subsequently admitted to another part thereof for admission to which an additional payment is required such additional payment, whether actually made or not;(ii) in cases of free, surreptitious, unauthorised or concessional entry, whether with or without the knowledge of the proprietor, the payment which would have been made if the person concerned had been admitted on payment of the full charges ordinarily chargeable for such admission;(iii) any payment for any purpose whatsoever in connection with the exhibition of films on television screen through video cassette players which a person is required to make as a condition of attending such exhibition or continuing to attend in addition to the payment, if any, for admission; and (g)'transport vehicle' means the transport vehicle as defined in the Motor Vehicles Act, 1939.(2) the words and expressions used, but not defined in these rules, shall have the meaning assigned to them in the Punjab Cinemas (Regulation) Rules, 1952.

### 4. Licensing.

- No person shall exhibit films on television screen through video cassette players on payment for admission basis in any place unless he has obtained a licence under and in accordance with the terms and conditions of a licence to be granted under these rules. Provided that a person who, immediately before the commencement of these rules, holds a licence under any instructions issued by the State Government, shall be required to obtain a licence within one month from such commencement or on the expiry of the licence, whichever period is earlier.

Part-II Procedure For Granting Licences

### 5.

(1) A licence to be granted under these rules shall be either for a fixed period of three years or a temporary licence for a period not exceeding three months at a time but not exceeding six months in aggregate in a calendar year.(2) A licence for a period of three years shall be granted or renewed only in respect of a place permanently equipped for exhibition of films on television screen through video cassette player.(3) The licence shall be granted for a Video Cassette Player in respect of a premises having seating capacity upto fifty seats only.

## **6. Application.**

- Every person desiring to obtain a licence under these rules for any place shall apply to the licensing authority in Form I and furnish eight copies thereof. Provided that for the grant of a licence for transport vehicle the application shall be made in quadruplicate in Form-II.

## **7. Fees.**

(1) The fees for a licence shall be :- (i) One hundred rupees per annum in the case of licence for a period of three years; and (ii) Ten rupees per week in the case of a temporary licence. (2) The fees specified under sub-rule (1) shall be deposited in treasury under head "0045 - Other Taxes and Duties on Commodities and Services".

## **800. - Other Receipts.**

**03. - Licence fees under the Punjab Exhibition of Films on Television Screen through Video Cassette Players (Regulations) Rules, 1989 and treasury challan shall be attached to the application.**

## **8. Licensing Authority to obtain reports of certain agencies**

(1) If the application received under rule 6 is not in order, the licensing authority shall return the same to the applicant with the direction for presenting fresh application within a period of thirty days after complying with the directions of the Licensing authority failing which such application shall be deemed to have been rejected. (2) If the application received under rule 6 is found in order and it does not pertain to a transport vehicle the licensing authority shall forward a copy thereof each to the following authorities having jurisdiction in the area where the place for which the licence is to be granted is situated for obtaining their report :- (i) The Superintendent of Police. (ii) The Executive Engineer, Public Works Department (Building and Roads); and (iii) The Executive Engineer, Public Works Department (Public Health). (3) The authorities specified in sub-rule (2), after having due regard to the following matters, shall furnish their reports within a period of fifteen days from the date of receipt of application by them under sub-rule (2) :- (i) that there is a need for such a licence in the place for which the licence is sought; (ii) that the exhibition of films will not endanger public safety; (iii) that the building and electrical installations are reasonably adequate and safe for the exhibition of films; (iv) that adequate provisions are made for sanitation, ventilation, light, drinking water and toilet etc.; (v) that necessary precautions have been observed and provision is made to install fire fighting equipment; (vi) that the provisions of these rules regarding exhibition of films have been complied with; and (vii) that there is otherwise no objection to the grant of a licence.

## **9. Matters to be kept in view for grant of licence in respect of transport vehicle.**

- Notwithstanding anything contained in rule 8 where a licence pertains to exhibition of films on television screen through video cassette player in a transport vehicle, the licensing authority shall direct the applicant to obtain and produce a tax clearance certificate in respect of tax payable by them under the Punjab Motor Vehicles Taxation Act, 1924 before a licence is granted to him.

## **10. Grant or refusal of licence.**

(1) On receipt of the reports of the authorities specified in rule 8 or the tax clearance certificate under rule 9, as the case may be, the licensing authority may after taking into consideration the following matters, either grant or refuse a licence under these rules :-(i) that the provisions of the Act and these rules are substantially complied with for exhibition of films; (ii) that adequate security precautions of the safety of the persons attending exhibition have been taken at the place of where the films are to be exhibited; (iii) that the interest of the public in general is not in any way prejudiced; and (iv) that the applicant is having good antecedents and also possesses experience in exhibiting films; Provided that before refusing a licence, the licensing authority shall afford an opportunity of being heard to the affected person. Explanation. - For the purposes of this rule, the expression 'antecedents' means the conduct of the applicant in relation to the payment of any tax or any other dues payable by him to the State Government. (2) Where an application for the grant of a licence is refused, the order of such refusal indicating the reasons for such refusal shall be communicated to the applicant. (3) Where the application for the grant of a licence is not refused, the licensing authority may grant a licence in Form-III within fifteen days from the date of receipt of reports under rule 8 or the certificate referred to in rule 9, as the case may be, subject to the provisions of the Act and the rules and on such terms and conditions as may be set forth in the licence and also subject to such restrictions as it may deem fit to impose. Provided that no licence shall be granted for a building under these rules, if such building is worth accommodating more than fifty spectators at a time. (4) Every licence shall, unless previously suspended, cancelled or revoked, expire on the last day of the week of the month or the month of the year specified at the time of grant or renewal of the licence, as the case may be.

## **11. Renewal of a licence.**

(1) An application in Form-I for the renewal of a licence together with such fees as is payable under rule 7 shall be made so as to reach the licensing authority not less than thirty days before the date on which the licence expires: Provided that the licensing authority may entertain the application after the expiry of the said period but not later than fifteen days after the expiry of the licence if it is satisfied that the applicant was prevented by sufficient cause from applying for renewal within time. (2) If, on an application for renewal of a licence the licensing authority does not, for any reason, before the expiry of the licence, either renew or refuse to renew, it shall grant a temporary permit to the applicant subject to the conditions of the licence sought to be renewed and such temporary permit shall be valid for such period not exceeding two months as the licensing authority may direct

and during the period so specified it shall be deemed to be a licence for the purposes of these rules.

## **12. Grant of a duplicate licence**

:- If the licence is defaced, lost, destroyed or becomes illegible, a licensee may get a duplicate licence on an application to be made in this behalf to the licensing authority alongwith a treasury challan receipt of twenty five rupees.

## **Part III – Licensing Authority To Permit Construction And Reconstruction Of Building Installation Of Machinery Etc. For Exhibition Of Films**

### **13.**

(1)Any person who intends -(i)to use any place for exhibition of films on television screen through Video Cassette Players; or(ii)to use any site for constructing building proposed to be given for such exhibition of films; shall make an application in writing to the licensing authority for permission thereof together with such particulars as may be specified by the licensing authority.(2)The licensing authority shall thereupon, after consulting the authorities specified under sub-rule (2) of rule 8, grant or refuse such permission. The provisions relating to licences for exhibition of films on television screen through video cassette players shall, so far may as may be, apply to permission under this rule as well.

## **Part IV – Miscellaneous**

### **14. Prohibition on transfer of licence.**

- A licence granted under these rules shall not be transferred in any manner whatsoever without the approval of the licensing authority in writing.

### **15. Licensee to exhibit only certified films.**

- A licensee shall exhibit on television screen through Video Cassette Player only the films which have been certified to be suitable for public exhibition by the authority constituted under Section 3 of the Cinematograph Act, 1952 and such films, when exhibited shall display the mark of the aforesaid authority and the mark should not be altered or tampered with in any manner.

### **16. Conditions regarding seating accommodation.**

- The licensee shall comply with the following requirements in respect of seating accommodation etc. in a building :- (i)the building licensed for exhibiting films on television screen through Video

Cassette Player shall not accommodate more than twenty persons per nine square metres in the auditorium. Note - The area comprising the entrance, passage, corridor, gangway and stage shall, however, be deducted for the purpose of calculating the area available for seating accommodation; (ii) the distance between the television screen and first row of seats shall not be less than ten feet; (iii) there shall be a passage of 0.90 metre in width for every two rows of the seating accommodation; (iv) the gangway shall not be less than 0.90 metre in width and shall be so arranged that no seat shall be more than ten feet away from gangway; (v) the chairs shall be battened together in complete lengths; (vi) there shall be an intervening space of at least 0.35 metre between the back of one seat and the front of the seat immediately behind measured between perpendicular; (vii) there shall be two door ways fitted with doors to open outwards; (viii) there shall be opening of one and half square metres for every ten persons to ensure good ventilation; (ix) there shall be an open space of not less than ten feet in width on any two sides of the building and open space of twenty feet on the third side for parking of vehicles; (x) there shall be provided such number of W.Cs. and urinals as may be specified by the licensing authority; (xi) there shall be provided one portable fire extinguisher of CO 2 or D.P.C. type of one kilogram capacity and one bucket of nine litres filled with sand; and (xii) the drinking water shall be provided in such manner and in such quantity as may be specified by the licensing authority.

## **17. Conditions regarding electrical installations.**

- The building to be licensed under these rules shall comply with the following requirements in respect of electrical installations :- (i) the cables or wires used shall be of I.S.I. Mark and the wiring shall pass through conduit pipes; (ii) there shall be a separate circuit controlled by a suitable linked switch for the supply of electricity taken to the auditorium; (iii) there shall be used three pin plugs with the third pin effectively connected to the earth; (iv) there shall be installed an automatic voltage regulator or stabilizer which can provide out-put voltage of 230 plus 6 per cent; (v) there shall be provided separate circuits for lights and other equipments; (vi) there shall be kept burning a dim light of about 25 watts to 40 watts bulb placed at right angle sight of vision of the public throughout the exhibition of films; and (vii) there shall be provided the extractors, exhaust fans and the ceiling fans in such manner as may be specified by the licensing authority.

## **18. Refund**

- In the case of refusal to grant a licence or to renew a licence, as the case may be, a refund at the rate of one half of the total amount of the fee paid shall be made to the applicant on an application made by him within thirty days from the date of receipt of order refusing to grant or renew a licence. Provided that if the applicant has preferred an appeal against the order of the licensing authority during the grant or renewal of a licence, as the case may be, the refund, if any, shall be made after the disposal of the appeal.

## **19. Appeal.**

(1) Any person aggrieved by an order of the licensing authority under these rules may appeal to the Secretary to the Government in the Department of Home Affairs and Justice within thirty days of

the receipt of the order of the licensing authority.(2)An appeal shall be made in duplicate in the form of a memorandum accompanied by a treasury challan of fifty rupees setting forth concisely the grounds of objections to the order which is the subject of the appeal along with original or a certified copy of the order appealed against.(3)The memorandum of appeal shall be signed by the appellant or by an agent duly authorised by the appellant, in writing, and presented to the appellate authority in person or by that agent at any time during the office hours on any working day or sent through registered post.(4)The appellate authority shall fix a date for hearing of the appeal and on the date so fixed or such further date to which the appeal will be adjourned, the appellate authority shall, after hearing the parties or their agents pass such orders on the appeal as it may deem it.

## **20. Interpretation.**

- If any question arises as to the interpretation of these rules, the same shall be referred to the Government in the Department of Home Affairs and Justice, for decision. Form I (See rule 6) Application for Grant or Renewal of Licence for Exhibition of Films on Television through Video Cassette Player To The District Magistrate, (Name of the District) Sir, I hereby apply for grant/renewal of licence for exhibition of films on television screen through video cassette player :-

### **1. Name**

### **2. Address**

### **3. Is the application for the grant of licence ?**

### **4. Details of place where the video apparatus is proposed to be installed**

(A) Place/House No. and Address :- Locality \_\_\_\_\_

Village \_\_\_\_\_ Town \_\_\_\_\_ District \_\_\_\_\_ (B) Is any other trade or business carried on in the same place where the video shows are to be exhibited ? (i) Has licence for such trade or business been obtained from the competent authority ? (ii) Whether by conducting the exhibition of films on television screen through video cassette player the trade or business for which the licence has been granted is likely to be affected ?

### **5. Area in square metres of the :-**

(a) Building (b) Auditorium (c) Passage and gangways (d) Urinals and WC's

### **6. Whether necessary fee has been paid and the treasury challans have been enclosed ?**

(a) Challan No. and date. (b) Amount deposited. (c) Name of the treasury.

## **7. Copy of the entertainment tax clearance certificate.**

Signature of applicant. Form II (Vide rule 6) Application For Grant or Renewal of a Licence for Exhibition of Films on Television Through Video Cassette Player in Transport Vehicles To The District Magistrate, (Name of the District) Sir, I hereby apply for grant/renewal of licence for exhibition of films on television screen through video cassette player in Transport vehicle :-

### **1. Name of the applicant**

### **2. Full address**

### **3. Is the application for grant/renewal of licence ?**

### **4. Details of the transport vehicles :**

(a) Registration number (b) Model (c) Number of seats (d) Name and make of the vehicle

## **5. Copy of clearance certificate issued under the Punjab Motor Taxation Act, 1924.**

## **6. Copy of entertainment tax clearance certificate.**

## **7. Amount of prescribed fee deposited alongwith challan number and date.**

Signature of the applicant. Form III (See rule 10) Licence to be granted under The Punjab Exhibitions of Films on Television screen through Video Cassette Player (Regulation) Rules, 1989

### **1. Name of the licensee**

### **2. Address**

### **3. Situation of the place**

### **4. Area in square metres of -**

(a) Building (b) Auditorium (c) Passage and gangway (d) Urinals and WC's

### **5. Special conditions, if any, on which licence is granted**



## **6. Period for which licence is to be in force**

## **7. Fee paid**

## **8. (a) Maximum number of persons permitted**

(b)Maximum rate of admission allowedConditions of the LicenceThe licence is granted subject to the provisions of Punjab Cinemas (Regulation) Act, 1952 and the Punjab Exhibition of Films on Television Screen through Video Cassette Player (Regulation) Rules, 1989 and the conditions specified below :-(1)The licensee shall not 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 4 of Cinematograph Act, 1952 and which when exhibited displays the prescribed mark of the Central Board of Film Censors and has not been altered or tampered with in any manner since such mark was affixed thereto.(2)The licensee shall submit the synopsis of the film to the licensing authority forty eight hours before exhibiting the same on Television Screen through Video Cassette Player if such a film has not been released and exhibited on the cinema screen.(3)No film suspended under Section 6 of the Cinematograph Act, shall be exhibited.(4)The licensee shall not allow any film exhibited by means of cinematograph before 12.00 noon or after 10.00 P.M. or as may be specified by the Licensing authority, except in transport vehicles.(5)The licensee shall not exhibit advertisement slides relating to sexual diseases and medicines to correct sexual disorder or purporting to assist the child-less in getting children.(6)The licensee shall not exhibit or cause to be displayed any photograph, picture or poster which depicts or represents or purports to represent or depict a scene or shot which has been excised from any film under the order of the Central Board of Film Censors or the Central Government.(7)Smoking and consumption of alcoholic liquor during the exhibition shall not be permitted.(8)The number of persons admitted or the number of tickets issued into any part of the auditorium shall not exceed the number specified in the licence.(9)The licensee shall not permit obscene or objectionable poster or pictorial publicity material to be displayed in the licensed premises.(10)The licensee shall not exhibit or permit to be exhibited to any person who is not an adult any film which has been certified by the Central Board of Film Censors as suitable for public exhibition restricted to adults.