

Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders and Cable Television Network (Regulation) Act, 1984

TAMILNADU

India

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Act 7 of 1984

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Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders and Cable Television Network (Regulation) Act, 1984(Tamil Nadu Act 7 of 1984)Statement of Objects and Reasons - Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders (Regulation) Act, 1984 (Tamil Nadu Act 7 of 1984). - It has been brought to the notice of the Government that cinematograph films are exhibited on Television screen through Video Cassette Recorder resulting in loss of entertainment tax. The Government have also decided to regulate the exhibition of films through Video Cassette Recorders. The Government have also decided to regulate the keeping of Video Libraries and to provide that no person shall give any exhibition of film on Television screen through Video Cassette Recorders elsewhere than in licensed places or keep any Video Library except under and in accordance with a licence granted specifically for the purpose. The licensing authority will be the Commissioner of Police in the City of Madras and the Collectors in the Districts. No licence will, however, be necessary for purposes of any exhibition of films on Television screen through Video Cassette Recorder for domestic purposes, to the family members of the household only.2. Any person giving an exhibition of film on Television screen through Video Cassette Recorder or keeping any Video Library without a licence under the Act shall be punishable with imprisonment which may extend to one year and shall also be liable to fine. The offence is made cognizable. Films exhibited in contravention of the provisions of the Act are liable for confiscation.3. In the case of a person giving an exhibition of film on Television screen through Video Cassette Recorder or keeping any Video Library immediately before 14th January 1984, he should obtain a licence within a period of four weeks from that date.4. Accordingly, the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders (Regulation) Ordinance, 1984 (Tamil Nadu Ordinance 2 of 1984) was promulgated by the Governor.5. The Bill seeks to

replace the above Ordinance. Published in the Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 18th February 1984. Statement of Objects and Reasons - Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders (Regulation) Amendment Act, 1987 (Tamil Nadu Act 47 of 1987). - The punishment provided for in section 15 of the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders (Regulation) Act, 1984 (Tamil Nadu Act 7 of 1984) is not deterrent enough to prevent the commission of offences under that Act. It has, therefore, been decided to make the punishment under section 15 more deterrent. 2. Under section 17 of the Act, the Assistant Commissioner of Police in the City of Madras or Deputy or Assistant Superintendent of Police elsewhere have been empowered to enter any premises, search and seize video cassettes, etc. It has been decided to entrust the above powers to Inspector of Police. 3. The Bill seeks to give effect to the above decisions. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 16th November 1987. Statement of Objects and Reasons - Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders (Regulation) Amendment Act, 1991 (Tamil Nadu Act 44 of 1991). - It has been brought to the notice of the Government that the Cable Television Operators are piping through Cable Television Video Cassette Programmes to their subscribers to be viewed by them in their respective houses by connecting row of houses through Cable resulting in loss of revenue to Government. There is no specific provision in the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorder (Regulation) Act, 1984, to regulate the Cable Television Network System. The Government have, therefore, decided to regulate, by licence, the exhibition of films through Cable Television. 2. The bill seeks to give effect to the above decisions. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 1st October 1991. Statement of Objects and Reasons - Tamil Nadu Exhibition of Films on Television Short title and Screen through Video Cassette Recorders and Cable Television Network (Regulation) Amendment Act, 1994 (Tamil Nadu Act 12 of 1994). - It has been brought to the notice of Government that there is no express requirement in the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders and Cable Television Network (Regulation) Act, 1984 (Tamil Nadu Act 7 of 1984) enabling the licensing authorities to give an opportunity of being heard to the applicants before refusing to grant licences under the said Act and enabling the objectors also to file an appeal against the orders of the licensing authority in granting licences under the said Act. The Government have, therefore, decided to amend the relevant sections of the said Act suitably for the above purpose. 2. The bill seeks to give effect to the above decision. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 31st December 1993. Statement of Objects and Reasons - Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders and Cable Television Network (Regulation) Amendment Act, 2004 (Tamil Nadu Act 35 of 2004). - It has been brought to the notice of the Government that there is a widespread practice of exhibition of pirated video films which is an offence punishable under sub-section (2) of section 15 of the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders and Cable Television Network (Regulation) Act, 1984 (Tamil Nadu Act 7 of 1984). To curb this menace, it has been decided to enhance the punishment and the fine as provided in the said sub-section (2) of section 15. Accordingly, the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders and Cable Television Network (Regulation) Amendment Ordinance, 2004 (Tamil Nadu Ordinance 11 of 2004) was promulgated by the Governor on the 1st October 2004 and the same was

published in the Tamil Nadu Government Gazette Extraordinary, dated the 1st October 2004.² The Bill seeks to replace the said Ordinance. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 17th November 2004. Received the assent of the Governor on the 10th March 1984 and published in Part IV-Section 2 of the Tamil Nadu Government Gazette Extraordinary, dated the 10th March 1984 (Pages 97-99). An Act to provide for the regulation of exhibition of films on Television Screen through Video Cassette Recorders [and through Cable Television Network] [Inserted by the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders (Regulation) Amendment Act, 1991 (Tamil Nadu Act 44 of 1991).] in the State of Tamil Nadu and for matter incidental or ancillary thereto. Whereas it is expedient to provide for the regulation of the exhibition of films on Television screen through Video Cassette Recorders [and through Cable Television Network] [Inserted by the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders (Regulation) Amendment Act, 1991 (Tamil Nadu Act 44 of 1991).] in the State of Tamil Nadu and for matters incidental or ancillary thereto; Be it enacted by the Legislature of the State of Tamil Nadu in the Thirty-fifth Year of the Republic of India as follows: -

1. Short title, extent and commencement.

- [(1) This Act may be called the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders and Cable Television Network (Regulation) Act, 1984.] [Substituted by the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders (Regulation) Amendment Act, 1991 (Tamil Nadu Act 44 of 1991).] (2) It extends to the whole of the State of Tamil Nadu. (3) It shall be deemed to have come into force on the 14th January 1984.

2. Definition.

- In this Act, unless the context otherwise requires, - (1) "cinematograph" includes any apparatus for the representation of moving pictures or series of pictures; [(1-A) "Cable Television Network" means a system of transmission of film through cable to a Television;] [Substituted by the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders (Regulation) Amendment Act, 1991 (Tamil Nadu Act 44 of 1991).] (2) "film" means a cinematograph film recorded on Video Cassette tape; (3) "Government" means the State Government; (4) "licensing authority" means, in relation to the City of [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).], the Commissioner of Police and elsewhere, the Collector of the district; (5) "place" includes a house, building, tent and any description of transport, whether by water, land or air; (6) "Video Cassette Recorder" means a cinematograph for the purpose of giving cinematograph exhibition of film recorded on Video Cassette tape; (7) "Video Library" means a place by whatever name called where, the business of selling, letting to hire, distribution, exchange or putting into circulation in any manner whatsoever, of film for purposes of exhibition is carried on; (8) words and expressions used, but not defined in this Act shall have the meanings assigned to them in the Tamil Nadu Cinemas (Regulation) Act, 1955 (Tamil Nadu Act IX of 1955).

3. Exhibition of film to be licensed.

(1)(a)Save as otherwise provided in this Act, no person shall give an exhibition of film on Television screen through Video Cassette Recorder -(i)except under and in accordance with a licence granted under section 6 read with section 5 of this Act; and(ii)elsewhere than in a place for which permission has been granted under section 7 read with section 5 of this Act.(b)Where, in respect of any place, a licence has been granted under this Act for exhibition of film on Television screen through Video Cassette Recorder, no business other than the exhibition of film on Television screen through Video Cassette Recorder shall be carried on in such place, by any person and at any time.[(1-A) Save as otherwise provided in this Act, no person shall give an exhibition of film through the Cable Television Network except and in accordance with a licence granted under section 6 read with section 5 of this Act.] [Inserted by the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders (Regulation) Amendment Act, 1991 (Tamil Nadu Act 44 of 1991).](2)Nothing contained in clause (a) of sub-section (1) shall apply to any exhibition of film on Television screen through Video Cassette Recorder for domestic purposes to the family members of the household only.(3)No person shall be eligible for applying for a licence under this section, if he has been convicted of an offence under clause (a) or sub-clause (i) of clause (b) of sub-section (1) of section 14 of the Tamil Nadu Entertainments Tax Act, 1939 (Tamil Nadu Act X of 1939) unless a period of two years has elapsed since his conviction.

4. Keeping a Video Library to be licensed.

(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 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.

5. Grant and refusal of licence.

(1)Every application for a licence or permission under this Act shall be in writing and contain, -(a)the name of the applicant;(b)the place at which the exhibition is to be given [or the Cable Television Network is to be operated] [Inserted by the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders (Regulation) Amendment Act, 1991 (Tamil Nadu Act 44 of 1991).] or the Video Library is to be kept;(c)the number of seats to be installed, in the case of exhibition of film; [***] [Word 'and' was omitted by the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders (Regulation) Amendment Act, 1991 (Tamil Nadu Act 44 of 1991).](cc)[the number of connections to be given through cables; and] [Clause (cc) was inserted by the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders (Regulation) Amendment Act, 1991 (Tamil Nadu Act 44 of 1991).](d)such other particulars as may be prescribed, and shall be made to the licensing authority.(2)Every licence or permission under this Act shall be granted in such form and subject to such terms, conditions and restrictions and on payment of such fee [not exceeding one thousand rupees] [Substituted for the

words 'not exceeding fifty rupees' by the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders (Regulation) Amendment Act, 1991 (Tamil Nadu Act 44 of 1991).] as may be prescribed.

6. Restrictions on powers of licensing authority.

(1)The licensing authority shall, in deciding whether to grant or refuse a licence for exhibition of film [on Television screen through Video Cassette Recorder or through Cable Television Network] [Inserted by the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders (Regulation) Amendment Act, 1991 (Tamil Nadu Act 44 of 1991).] have regard to the following matters, namely:-(a)the interest of the public generally;(b)the status, antecedents and previous experience of the applicant. Explanation.-For the purpose of this clause, the expression "antecedents" means the conduct of the applicant in relation to the payment of any tax or dues payable by him to the Government;(c)the suitability of the place where the exhibition of film on Television screen through Video Cassette Recorder is proposed to be given;(d)the adequacy of existing places for the exhibition of film on Television screen through Video Cassette Recorder in the locality;(e)the benefit to any particular locality or localities to be afforded by the opening of a new place of exhibition of film on Television screen through Video Cassette Recorder;(f)the possession by the applicant, of other places, if any, licensed under this Act, whether in the same locality or elsewhere, and whether at the time of applying for the licence or at any previous time;and shall also take into consideration any representations made by persons already giving exhibition of cinematograph film or film on Television screen through [Video Cassette Recorder or through Cable Television Network] [Substituted for the words 'Video Cassette Recorder' by the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders (Regulation) Amendment Act, 1991 (Tamil Nadu Act 44 of 1991).] in or near the proposed locality or by any local authority or police authority within whose jurisdiction the place proposed to be licensed is situated or by any association interested in the giving of exhibition of cinematograph film or film on Television screen through [Video Cassette Recorder or through Cable Television Network] [Substituted for the words 'Video Cassette Recorder' by the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders (Regulation) Amendment Act, 1991 (Tamil Nadu Act 44 of 1991).].(2)The licensing authority shall, in deciding whether to grant or refuse to grant or renew or refuse to renew a licence for keeping any Video Library, have regard to the interest of the public generally and such other matters as may be prescribed.(3)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 substantially complied with; and(b)in the case of an application for the grant of a licence for exhibition of film, 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 exhibitions therein.(4)The licensing authority may, by order in writing, refuse to grant a licence for exhibition of film [on Television screen through Video Cassette Recorder or through - Cable Television Network] [Substituted for the words 'Video Cassette Recorder' by the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders (Regulation) Amendment Act, 1991 (Tamil Nadu Act 44 of 1991).] or refuse to grant or renew a licence for keeping any Video Library, 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 willful 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 upon, any licence granted under this Act; or(c)in the case of an applicant for a licence for exhibition of film [on Television screen through Video Cassette Recorder or through Cable Television Network] [Substituted by the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders (Regulation) Amendment Act, 1991 (Tamil Nadu Act 44 of 1991).], such applicant has been convicted of an offence under the Cinematograph Act, 1952 (Central Act XXXVII of 1952), or the Tamil Nadu Cinemas (Regulation) Act, 1955 (Tamil Nadu Act IX of 1955) or the Tamil Nadu Entertainments Tax Act, 1939 (Tamil Nadu Act X of 1939).(5)The licensing authority may, after consideration of the matters set forth in sub-section (1), limit the number of places in any area in respect of which licences to exhibition of film on Television screen through Video Cassette Recorder [or through Cable Television Network] [Inserted by the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders (Regulation) Amendment Act, 1991 (Tamil Nadu Act 44 of 1991).] under this Act may be granted.(6)The licensing authority shall not grant a licence unless it is satisfied that adequate precautions have been taken in the place, in respect of which the licence has to be granted to provide for the safety, convenience and comfort of the persons attending exhibitions therein of, as the case may be, visiting the Video Library.(7)In granting or refusing to grant a licence under this Act, the licensing authority may consult such authority or officer as may be prescribed.(8)Subject to the foregoing provisions of this section, the licensing authority may grant licences under this Act to such persons and on such terms and conditions and subject to such restrictions as it may determine. When the licensing authority refuses to grant any licence, it shall do so by an order communicated to the applicant, giving the reasons in writing for such refusal:[Provided that no order prejudicial to the applicant shall be passed under this sub-section unless the applicant has been given a reasonable opportunity of being heard.] [Proviso was inserted by the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders and Cable Television Network (Regulation) Amendment Act, 1994 (Tamil Nadu Act 12 of 1994).](9)Every licence under this Act shall be personal to the person to whom it is granted and no transfer or assignment thereof, whether absolute or by way of security or otherwise shall be valid unless approved in writing by the licensing authority.

7. Licensing authority to permit construction and re-construction of building, installation of machinery, etc., for exhibition of film.

(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 film on Television screen through Video Cassette Recorder, or(c)to construct or re-construct any building for such exhibition of film, or(d)to install any machinery in any place where such exhibition of films are proposed to be given,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 the enactments specified below or in the rules made under, any of them in so far as it relates to any of the matters specified above shall not apply to any application made under this section: -(i)The Tamil Nadu Places of Public Resorts Act, 1888 (Tamil Nadu Act II of 1888);(ii)The [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of

Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] City Police Act, 1888 (Tamil Nadu Act III of 1888);(iii)The [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919);(iv)The Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971);(v)The Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1981);(vi)The Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920); and(vii)The Tamil Nadu Panchayats Act, 1958 [Tamil Nadu Act XXXV of 1958] [This Act has been repealed and re-enacted as the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994).].(2)The licensing authority shall, thereupon after consulting such authority or officer as may be prescribed, grant or refuse permission and the provisions relating to licences for exhibition of film on Television screen through Video Cassette Recorder shall, so far as maybe, apply to permission under this section.

8. Power to issue direction.

(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 licences for the exhibition of film on Television screen through Video Cassette Recorder [or through Cable Television Network] [Inserted by the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders (Regulation) Amendment Act, 1991 (Tamil Nadu Act 44 of 1991).] or the keeping of Video Library, to licensing authorities; and every licensing authority shall give effect to such orders and directions.(2)The licensing authority may, from time to time, issue directions to any licensee or licensees generally to whom licence for exhibition of film [on Television screen through Video Cassette Recorder or through Cable Television Network] [Substituted by the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders (Regulation) Amendment Act, 1991 (Tamil Nadu Act 44 of 1991).] 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 the licensee to exhibit more than three such slides at, or for more than four minutes in, any one show.

8A. [Licensee not to exhibit films without consent. [Inserted by the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders (Regulation) Amendment Act, 1991 (Tamil Nadu Act 44 of 1991).]

- No person licensed under this Act to give an exhibition of film on Television screen through Video Cassette Recorder or through the Cable Television Network shall exhibit or permit to be exhibited any film without 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.]

9. Letter of consent.

(1)Every person giving an exhibition of film on Television screen through Video Cassette Recorder [or through Cable Television Network] [Inserted by the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders (Regulation) Amendment Act, 1991 (Tamil Nadu Act 44 of 1991).] -(a)and licensed under section 6 read with section 5 of this Act; 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 an officer authorised by the Government in this behalf, [a letter of consent referred to in section 8-A for such exhibition] [Substituted for the expression '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' by the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders (Regulation) Amendment Act, 1991 (Tamil Nadu Act 44 of 1991).].(2)Every person keeping a Video Library licensed under this Act shall, in respect of each film in his possession, produce when demanded by an officer authorised by the Government in this behalf, [a letter of consent referred to in section 8-A] [Substituted for the expression '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' by the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders (Regulation) Amendment Act, 1991 (Tamil Nadu Act 44 of 1991).].

10. Licensee to exhibit only certified films.

(1)No person licensed under this Act to give an exhibition of film on Television screen through Video Cassette Recorder [or through Cable Television Network] [Inserted by the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders (Regulation) Amendment Act, 1991 (Tamil Nadu Act 44 of 1991).] 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 (Central Act XXXVII of 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.(2)No person licensed under this Act for keeping a Video Library shall sell, let to hire, distribute, exchange or put into circulation in any manner whatsoever 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 (Central Act XXXVII of 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.

11. Power of Government or licensing authority to suspend exhibition of film in certain cases.

(1)The Government in respect of the whole of the State or any part thereof, and the licensing

authority within his jurisdiction, may, if they are or he is, 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 through Cable Television Network] [Inserted by the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders (Regulation) Amendment Act, 1991 (Tamil Nadu Act 44 of 1991).]; 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 of district thereof, as the case may be.(2)No order shall be issued under sub-section (1) until the person concerned has been given a reasonable opportunity of showing cause against the order proposed to be issued in regard to him.(3)Where an order under sub-section (1) has been issued by the licensing authority, a copy thereof, together with a statement of the 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 either confirm or vary or discharge the order.(4)An order issued under sub-section (1) shall remain in force for a period of two weeks from the date thereof, 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 think fit:Provided that the Government or the licensing authority may review their own order.

12. Power to revoke or suspend licence.

(1)Where the holder of a licence for exhibition of film [on Television screen through Video Cassette Recorder or through Cable Television Network] [Substituted by the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders (Regulation) Amendment Act, 1991 (Tamil Nadu Act 44 of 1991).] has been convicted of an offence under clause (a) or sub-clause (i) of clause (b) of sub-section (1) of section 14 of the Tamil Nadu Entertainments Tax Act, 1939 (Tamil Nadu Act X of 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 (Central Act XXXVIII of 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 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 terms and conditions of, 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.(3)Where the licensing authority revokes or suspends any licence under subsection (2), it shall do so by an order communicated to the licensee giving the reasons in writing for such revocation or suspension.

13. Appeal.

(1)Any person aggrieved by an order of the licensing authority [granting or refusing to grant or renew a licence] [Substituted by the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders and Cable Television Network (Regulation) Amendment Act, 1994 (Tamil Nadu Act 12 of 1994).] or an order of revocation or suspension of a licence or a decision refusing to

approve any transfer or assignment of a licence under this Act may, within such time and, on payment of such fee as may be prescribed, appeal to the Commissioner for Land Administration or to such other authority as the Government may specify in this behalf. The Commissioner for Land Administration or such authority may make such orders as it may think fit.(2)The appellate authority referred to in sub-section (1) may stay the execution of any such order, pending exercise of its powers under sub-section (1) in respect thereof.

14. Powers of revision by Government.

(1)The Government may, on their own motion or on application, call for and examine the record of the appellate authority in respect of any proceeding under this Act, to satisfy themselves as to the legality of such proceeding or the correctness, legality or propriety of any order made thereunder; and if in any case it appears to the Government that any such proceeding or order should be modified, annulled, reversed or remitted for re-consideration, 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 as may be prescribed and shall be 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.

15. Penalties.

(1)Any person who contravenes or attempts to contravene or abets the contravention of the provisions of section 10 [in so far as it relates to the exhibition of film through Video Cassette Recorder] [Inserted by the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders (Regulation) Amendment Act, 1991 (Tamil Nadu Act 44 of 1991).] [shall be punishable with imprisonment for a term which shall not be less than two months but which may extend to six months and also with fine which shall not be less than one thousand rupees but which may extend to three thousand rupees and in the case of a continuing offence with a further fine which may extend to one thousand five hundred rupees for each day during which the offence continues] [Substituted by the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders (Regulation) Amendment Act, 1987 (Tamil Nadu Act 47 of 1987).].(2)Any person who contravenes or attempts to contravene or abets the contravention of any of the provisions of this Act other than section 10 or any rule made there under or the terms and conditions of, and restrictions upon, any licence granted under this Act, [in so far as it relates to the exhibition of film through Video Cassette Recorder] [Inserted by the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders (Regulation) Amendment Act, 1991 (Tamil Nadu Act 44 of 1991).] [shall be punishable with imprisonment for a term which may extend to two years or with fine which shall not be less than one lakh rupees but which may extend to five lakh rupees or with both] [Substituted by the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders and Cable Television Network (Regulation) Amendment Ordinance, 2004 (Tamil Nadu Act 35 of 2004).].[(2-A) If a person, having been convicted of an offence punishable under subsection (2) is again guilty of an offence punishable under that sub-section, he shall be

punishable for the second or subsequent offence for a term of imprisonment which shall not be less than one year but which may extend to two years or with fine which shall not be less than two lakh rupees but which may extend to five lakh rupees or with both.] [Inserted by the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders (Regulation) Amendment Act, 1991 (Tamil Nadu Act 44 of 1991).](3)[Any person who contravenes or attempts to contravene or abets the contravention of any of the provisions of this Act other than section 10 or any rule made thereunder or of the terms and conditions of, and restrictions upon, any licence granted under this Act in so far as it relates to the exhibition of film through Cable Television Network shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to three years and also with fine which shall not be less than fifty thousand rupees but which may extend to one lakh rupees.(4)Any person who contravenes or attempts to contravene or abets the contravention of the provisions of section 10 in so far as it relates to the exhibition of film through Cable Television Network shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to one year and also with fine which shall not be less than twenty-five thousand rupees but which may extend to seventy-five thousand rupees and in the case of a continuing offence with a further fine which may extend to ten thousand rupees for each day during which the offence continues.] [Sub-sections (3) and (4) were added by the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders (Regulation) Amendment Act, 1991 (Tamil Nadu Act 44 of 1991).]

16. 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 in-charge 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 officers 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.

17. Power to enter, search and seize.

(1)It shall be lawful for any police officer not below the rank of, an [Inspector of Police] [Substituted for the words 'Assistant Commissioner of Police in the City of Madras or a Deputy or Assistant Superintendent of Police else where' by the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders (Regulation) Amendment Act, 1987 (Tamil Nadu Act 47 of 1987).],-(a)to enter, if necessary by force, whether by day or night, with such assistants as he

considers necessary, any premises, which he has reason to suspect, are being used for purposes connected with the exhibition of films on the Television screen through Video Cassette Recorder [or through Cable Television Network] [Inserted by the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders (Regulation) Amendment Act, 1991 (Tamil Nadu Act 44 of 1991).] or keeping a Video Library in contravention of the provisions of this Act;(b)to search the premises and persons whom he may find 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 [on Television screen through Video Cassette Recorder or through Cable Television Network] [Inserted by the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders (Regulation) Amendment Act, 1991 (Tamil Nadu Act 44 of 1991).] or keeping a Video Library 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 exhibition of film or keeping a Video Library.(2)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).

18. Confiscation of film.

- Films exhibited or kept in contravention of the provisions of this Act, the rules made there under or the terms and conditions of, and restrictions upon, a licence granted under this Act along with the Video Cassette Recorder and the machinery used in the Cable Television Network, if any, used in the exhibition of film shall be liable to confiscation by an order of the Court having jurisdiction.

19. Power to try offence.

- No Court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the First Class shall try any offence punishable under this Act.

20. Offence under this Act to be cognizable.

- Any offence punishable under this Act shall be a cognizable offence within the meaning of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

21. Power to exempt.

- Notwithstanding anything contained in this Act, if the Government are satisfied that it is necessary or expedient in the public interest so to do, they may,by notification, exempt, subject to such conditions as they deem fit, any class of persons from the provisions of this Act in so far as they relate to the exhibition of film on Television screen through Video Cassette Recorder [or through Cable Television Network.] [Inserted by the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders (Regulation) Amendment Act, 1991 (Tamil Nadu Act 44 of 1991).]

22. Power to make rules.

(1)The Government may 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)(i)the form and the particulars to be furnished in an application for grant of licence under this Act;(ii)the guidelines to determine the suitability of the place for the purpose of clause (c) of sub-section (1) of section 6;(b)the form in which, and the terms, conditions and restrictions subject to which, a licence under section 3 or under section 4 may be granted, the fees to be paid in respect of such licence and the authority or officer which or who may be consulted in granting such licence;(c)the procedure to be followed by persons submitting applications for permission under section 7;(d)the documents and plans to be submitted together with such applications, and the fees to be paid on such applications;(e)the matter to be taken into consideration by the licensing authority before approving the site for the construction of the building, or the plans for the construction or re-construction of the building or the installation of machinery;(f)the terms, conditions and restrictions subject to which the licensing authority may accord approval in respect of the matters referred to in clause (e);(g)the action to be taken in cases of contravention of the terms, conditions and restrictions subject to which such approval was accorded;(h)the procedure to be followed by the licensing authority before granting or refusing permission under section 7 and any other matter incidental thereto;(i)the form in which the letter of consent under section 9 shall be obtained and the manner of display of such letter of consent; and(j)the fee to be paid in respect of an appeal or application for revision.(3)(a)All rules made under this Act shall be published in the Tamil Nadu Government Gazette, and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.(b)All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are published.(4)Every rule made or notification issued under this Act shall, as soon as possible after it is made or issued, be placed on the table of the [Legislative Assembly] [Substituted for the expression 'both Mouses of the Legislature' by the Tamil Nadu Adaptation of Laws and Order, 1987.], and if, before the expiry of the session in which it is so placed or the next session, [the Legislative Assembly agrees] [Substituted for the expression 'both Houses agree' by the Tamil Nadu Adaptation of Laws and Order, 1987.] in making any modification in any such rule or notification or [the Legislative Assembly agrees] [Substituted for the expression 'both Houses agree' by the Tamil Nadu Adaptation of Laws and Order, 1987.] that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, 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 or notification.

23. Savings.

(1)(i)Every person giving an exhibition of film on Television screen through Video Cassette Recorder, or(ii)every person keeping any Video Library, immediately before the 14th January 1984 shall obtain a licence under this Act, within a period of four weeks from the said date,[(1-A) Every person giving an exhibition of film on Television screen through Cable Television Network immediately before the date of the publication of the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders (Regulation) Amendment Act, 1991 (Tamil Nadu Act 44 of

1991) in the Tamil Nadu Government Gazette shall obtain a licence under this Act within a period of four weeks from the said date.] [Inserted by the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders (Regulation) Amendment Act, 1991 (Tamil Nadu Act 44 of 1991).](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.[(2-A) If the person referred to in sub-section (1-A) fails to obtain a licence within the period mentioned in sub-section (1-A), he shall discontinue such exhibition of film through Cable Television Network.] [Inserted by the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders (Regulation) Amendment Act, 1991 (Tamil Nadu Act 44 of 1991).](3)Nothing in the Tamil Nadu Cinemas (Regulation) Act, 1955 (Tamil Nadu Act IX of 1955) shall apply to exhibition of film on Television screen through Video Cassette Recorder [or through Cable Television Network-] [Added by the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders (Regulation) Amendment Act, 1991 (Tamil Nadu Act 44 of 1891).](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 (Central Act XXXVII of 1952) and the Tamil Nadu Entertainments Tax Act, 1939 (Tamil Nadu Act X of 1939), and any other law for the time being in force; and nothing contained herein shall exempt any person from any proceeding by way of investigation or otherwise which might, apart from this Act, be instituted against him.

24. Application of the provision of Tamil Nadu Act X of 1939 to exhibition of film on Television Screen through Video Cassette Recorder and through Cable Television Network.

- The provisions of the Tamil Nadu Entertainments Tax Act, 1939 (Tamil Nadu Act X of 1939) shall apply to exhibition of film on Television screen through Video Cassette Recorder [and through Cable Television Network] [Added by the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders (Regulation) Amendment Act, 1991 (Tamil Nadu Act 44 of 1891).] and governed by this Act.

25. Amendment to Tamil Nadu Act X of 1939.

- To clause (4) of section 3 of the Tamil Nadu Entertainments Tax Act, 1939 (Tamil Nadu Act X of 1939), the following Explanation shall be added, namely: -"Explanation. - For the purposes of this clause and other provisions of this Act, cinematograph exhibition, includes exhibition of film on Television screen through Video Cassette Recorder".

26. Repeal and saving.

(1)The Tamil Nadu Exhibition of Films on Television screen through Video Cassette Recorders (Regulation) Ordinance, 1984 (Tamil Nadu Ordinance 2 of 1984) is hereby repealed.(2)Notwithstanding such repeal anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.