

**Andhra Pradesh Exhibition Of Films On Television Screen  
Through Video Cassette Recorders (Regulation)  
(Amendment) Act, 2005**

**13 of 2005**

**[13 April 2005]**

**CONTENTS**

1. Short Title, Extent And Commencement
2. Substitution Of Section 2
3. Substitution Of Section 3
4. Amendment Of Section 4
5. Amendment Of Section 5
6. Amendment Of Section 6
7. Amendment Of Section 7
8. Amendment Of Section 8
9. Amendment Of Section 9
10. Amendment Of Section 10
11. Amendment Of Section 11
12. Amendment Of Section 15
13. Amendment Of Section 21

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AN ACT TO AMEND THE ANDHRA PRADESEXHIBITION OF FILMS  
ON TELEVISION SCREEN THROUGH VIDEO CASSETRECORDERS  
(REGULATION) ACT, 1993. Be it enacted by the Legislative  
Assembly of the State of Andhra Pradesh in the Fifty-sixth 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)  
(Amendment) Act, 2005.

- (2) It extends to the whole of the State of Andhra Pradesh.
- (3) It shall come into force on such date as the State Government may, by notification, appoint.

## **2. Substitution Of Section 2 :-**

In the Andhra Pradesh Exhibition of Films on Television Screen through Video Cassette Recorders (Regulation) Act, 1993 (Act 12 of 1993) (herein after referred to as the principal Act), for section 2, the following shall be substituted namely:

2. "Definition.--(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 Networks (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. Substitution Of Section 3 :-**

For section 3 of the principal Act, the following shall be substituted namely,

3. "Exhibition through Video Cassette Recorder to be Licensed.--

(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. Amendment Of Section 4 :-**

In section 4 of the principal Act, in sub-section (4),

- (i) in clause (i),  
(a) for the words "buying, selling, supplying", the words "buying, letting, selling, supplying" shall be substituted;  
(b) after the words "Video Cassettes", the words "or VCDS or DVDS" shall be inserted,  
(ii) in clause (ii), after the words "Video Tape", the words "or on a VCD or DVD", shall be inserted;  
(iii) in clause (iii), after the words "Video Cassettes", the words "VCDS or DVDS" shall be inserted.

#### **5. Amendment Of Section 5 :-**

In section 5 of the principal Act,-

- (i) in sub-section (2), for clause (b), the following shall be substituted namely,  
"(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,"  
(ii) in sub-section (3), for clause (c), the following shall be substituted namely,

"(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 (Central Act XXXVII of 1952) or the Andhra Pradesh Cinemas (Regulation) Act, 1955 or the Andhra Pradesh Entertainments Tax Act, 1939 (Act 10 of 1939)."

#### **6. Amendment Of Section 6 :-**

In section 6 of the principal Act,

(i) in sub-section (1), after clause (f), the following clause shall be added namely,

"(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;"

(ii) for sub-section (2), the following shall be substituted namely,

"(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."

#### **7. Amendment Of Section 7 :-**

In section 7 of the principal Act, for sub-section (1), the following shall be substituted namely,-

"(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."

#### **8. Amendment Of Section 8 :-**

In section 8 of the principal Act,-

(i) in sub-section (1), in the opening paragraph, after the word "video cassette recorder", the words "Video Cassette Recorder or V.C.Ds or D.V.Ds," shall be added;

(ii) for sub-section (3), the following shall be substituted namely,

"(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 an officer authorized by the Government 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. Amendment Of Section 9 :-**

In section 9 of the principal Act,

(i) for sub-section (1), the following shall be substituted namely,

"(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 (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.";

(ii) for sub-section (3), the following shall be substituted namely,

"(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)."

#### **10. Amendment Of Section 10 :-**

In section 10 of the principal Act, in sub-section (1), for the words "Video Cassette Recorder", the words, "Video Cassette Recorder or V.C.Ds or D.V.Ds." shall be substituted.

#### **11. Amendment Of Section 11 :-**

In section 11 of the principal Act, in sub-section (1), after the words "for exhibition of films", the words "on television screen through Video Cassette Recorder or V.C.D. or D.V.D. shall be inserted.

#### **12. Amendment Of Section 15 :-**

In section 15 of the principal Act, in sub-section (1), after the words "the television set", the words "VCDs, DVDs," shall be

inserted.

### **13. Amendment Of Section 21 :-**

In section 21 of the principal Act,-

(i) in sub-section (1), for clause (i), the following shall be substituted namely,-

"(i) exhibiting any film on television screen through video cassette recorder, or V.C.Ds or D.V.Ds, or.";

(ii) in clause (ii), after the words "or selling", the words "buying, letting on hire, or distributing" shall be inserted.

(iii) for sub-section (2), the following shall be substituted namely,

"(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.".