

DELHI CINEMATOGGRAPH (EXHIBITION OF FILMS BY VIDEO CASSETTE RECORDER/PLAYER)RULES, 1986

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In exercise of the powers conferred by section 16 of the Cinematograph Act, 1952 (Act No. 37 of 1952) read with the Government of India, Ministry of Home Affairs, Notification No.

20/8/52 Judl., dated 23.7.52, the Lt. Governor of the Union territory of Delhi is pleased to make the following rules, namely :

PART 1

Introductory

1. Short title and commencement :-

- (i) These rules may be called the Delhi Cinematograph (Exhibition of Films by Video Cassette Recorder/Player) Rules, 1986.
- (ii) They extend to the whole of the Union territory of Delhi.
- (iii) They shall come into force at once.

2. Definitions :-

In these rules, unless the context otherwise requires :

- (i) 'Act' means the Cinematograph Act, 1952 (Act No. 37 of 1952).
- (ii) 'Administrator' means the Lt. Governor of Delhi
- (iii) 'Auditorium' means an enclosure, covered or open, where people can assemble for watching a film on VCR/VCP
- (iv) 'Chief Fire Officer' means the Chief Fire Officer holding the charge of the Delhi Fire Service
- (v) 'Electric Inspector' means the Electrical Inspector of the Union territory of Delhi or other officer appointed by the Administrator to perform the functions of the Electric Inspector under these rules
- (vi) 'Place' includes a house, building, tent and any description of transport whether by sea, land or air
- (vii) 'Enclosure' means that portion, or place licensed under section 10 of the Act in which the Cinematograph apparatus is erected
- (viii) 'Executive Engineer' in relation to the licensing authority of any place for cinematograph exhibitions means the officer holding charge of the Delhi State Division of the Public Works Deptt. or such other officer as may be appointed by the Administrator to perform the duties of the Executive Engineer under these rules
- (ix) 'Exit' means a passage, channel or means of egress from any building, storey or floor area to street or other open space of safety
- (x) 'Film' means a cinematograph film recorded on video cassette tape

(xi) 'Fire resisting material' means any material which has certain degree of fire resistance

(xiii) 'Form' means a form appended to these rules

(xiii) 'Licensing Authority' means the authority having powers to grant cinematograph licences under section 11 of the Cinematograph Act, 1952 (Act 37 of 1952), read with section 146 of the Delhi Police Act, 1978 (Act 34 of 1978)

(xiv) 'Parking space' means an area enclosed or unenclosed sufficient in size to park vehicles together with drive-way connecting parking spaces with a street or alloy and permitting easy ingress and egress of the vehicles

(xv) 'Public Service Vehicles' means a motor vehicle which is used to carry passengers from one place to another

(xvi) 'Public Exhibition' means exhibition of films for consideration and includes exhibitions organised by club/society/association for its members

(xvii) 'Exhibition by Video' means an exhibition of a cinematograph film or moving pictures or series of pictures in public organised by playing or replaying or pre-recorded cassette by means of a video cassette player or recorder either on the screen of a TV set or video-scope or otherwise; and

(xviii) 'Video cinemas' means any place wherein a public exhibition by video is provided for commercial purposes.

PART 2

Video Cinema Licence

3. . :-

No place shall be opened or allowed to remain open for use as a video cinema unless the owner, tenant or occupier thereof shall have obtained a cinematograph licence therefor, under section 10 of the Cinematograph Act, 1952 provided that no such licence shall be necessary for exhibition of film on television screen through video cassette recorder for domestic purposes to the family members of the household.

4. Application for grant of licence :-

An application for a licence shall be made in the prescribed form to the Licensing Authority and it shall be accompanied by the following documents, namely (A court fee of Rs. 1.25 shall also be

payable thereon):

(i) A building/site plan duly certified by the Executive Engineer (PWD) that the building is safe for being used as a cinema.

(ii) A certificate from the MCD/NDMC/Cantonment Board regarding suitability of site from land use, building and health point of view and to the effect that the premises in respect of which licence is asked for, is not unauthorised or illegal.

(iii) Documents showing the ownership/tenancy of the place,

(iv) 'No Objection Certificate' of the District Deputy Commissioner of Police regarding public safety and convenience. In the case of a public service vehicle, a 'No Objection Certificate' from the State Transport Authority will be required.

(v) Photocopy of the licence obtained for the commercial use of video or TV under the Indian Telegraph Act, 1885 (No. 13 of 1885).

(vi) 'No Objection Certificate' from the Chief Fire Officer regarding suitability of the premises from the point of view of fire safety and means of ingress and egress.

(vii) A certificate from the Electrical Inspector that reasonable precautions have been taken by the applicant in regard to his premises and the apparatus to protect spectators and employees from electric shocks and to prevent outbreak of fire into the building as a result of electric wiring/installation/apparatus.

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(viii) A certificate from Film Division, Ministry of Information and Broadcasting, Govt. of India, for supply of video cassette of approved films".] Provided that in respect of a public service vehicle, it shall not be necessary to supply documents specified in sub-rules (1), (2) (6) and (7) above.

1. Subs. vide Noti. No. F. 18/5/88/-H.P.-II Dt. 5.9.1988.

5. Grant of a licence under the rules :-

The Licensing Authority may, on receipt of an application for issue of licence under rule 4 and after having satisfied himself that all the rules have been complied with, grant a licence to the applicant on such terms and conditions and subject to such restrictions as the Licensing Authority may determine. The licence shall be in Form II.

While granting a licence the Licensing Authority shall fix the maximum number of seats in the Auditorium/Video Cinema as under:

6. Power to refuse a licence :-

The Licensing Authority shall have absolute discretion to refuse a licence, if in his opinion, the video cinema is likely to cause obstruction, inconvenience, annoyance, risk, or for any other reason to be recorded in writing.

7. Duration of the validity of a licence :-

A licence granted or renewed under these rules shall be valid for a maximum period of one year from the date of its issue or renewal, as the case may be.

8. Renewal of licence :-

The Licensing Authority may, on an application being made to it, renew the video cinema licence for the requisite period not exceeding one year. An application for renewal of a licence shall be made 30 days before the expiry of the licence on an ordinary paper by the licensee. The application shall be accompanied by 'no objection certificates' from the authorities mentioned in rule 4 of these rules. The application shall also be accompanied with the fee prescribed in rule 9:

Provided that if an application for the renewal of a licence is made after the prescribed date, the Licensing Authority may on being satisfied about the reasons for delay nevertheless renew the licence as a special case.

9. Fee :-

The fee for a licence or renewal of a licence shall be as follows :

- (i) Not exceeding 50 seats Rs. 100 for one year.
- (ii) Exceeding 50 seats but not exceeding 100 seats Rs. 150 for one year.
- (iii) Exceeding 100 seats Rs. 200 for one year.

In addition, there shall be an inspection fee of Rs. 20 for each inspection carried out by the Electrical Inspector or by Chief Fire Officer or any other officer authorised by each of them in this behalf.

10. Casual Licence :-

A casual licence for video cinema for a period not exceeding 7 days may "be granted by the Licensing Authority in respect of any place for public exhibition of films after satisfying himself about the fitness of apparatus, Censor Certificate of films and suitability of place. A fee amounting to Rs. 20 per day shall be payable on each Casual Licence.

11. Revocation/Suspension/Cancellation of Licence :-

The Licensing Authority may at any time revoke or suspend or cancel a licence granted by him for any of the reasons mentioned in rule 6 or any breach of these rules or of the conditions of the licence or for any other reasons to be recorded by him in writing: Provided that the licensee shall be given an opportunity to present his case before such a decision is taken by the Licensing Authority.

12. Appeals :-

Any person, aggrieved by the decision of the Licensing Authority refusing to grant or renew or revoking or suspending or cancelling a licence, may appeal to the Administrator within 30 days from the date of such decision. The Administrator may, after such enquiry into the matter as he considers necessary and hearing the appellant, if he so desires, pass such orders thereon, as he thinks fit.

PART 3

Specifications for Building

13. Rule :-

No cinematograph licence to exhibit films on video cassette recorder/player shall be granted under the Act unless the premises in respect of which a licence is asked for, conforms to five rules and specifications given hereunder:

(1) The premises shall have free means of exit and entrance for patrons.

(2) No wooden post shall be allowed in the auditorium.

(3) The net and gross occupant load may be as under: Net occupant Load 0.45 sq/m/person. Gross occupant load 0.60 sq/m/person.

(4) The Seating in the building shall be so arranged that there is free access to exits. The distance between back of one row of seats to the back of another row of seats, immediately behind it, shall not be less than 90 cm. where push back seats are used and 98

cm. where fixed seats are used. The width of the seats shall not be less than 50 cm. where arms are provided and 45 cm. where arms are not provided.

(5) The rows of seats shall be so arranged that there is a clear space of not less than 38 cm. between the back of one seat and the fore most portion of the seat arm of the frame behind it measured between perpendiculars. All seats shall be securely fixed to the floor.

(6) The distance between the front row of the seats and the screen of the apparatus shall not be less than 2.40 metres and no person shall be admitted within such space.

(7) The rows of seats shall be numbered continuously from one end to the other in the Auditorium.

(8) A clear passage shall be left at the sides and in the centre of the seats in the Auditorium.

(9) All gangways, exits, steps and stairways shall be covered with non- slippery surface.

(10) Druggets, matting or floor covering, if provided in gangways shall be securely fastened to the floor.

(11) In an auditorium there shall be at least two doors providing a clear opening space of not less than 210 metres and 1.50 metres. All exit doors shall open outwards.

(12) The auditorium shall be provided with sufficient means of ventilation, direct to the open air at the rate of not less than 26 Cu.m/person/hour.

(13) If more than one exhibition is given on any day, the whole of the auditorium shall be flushed with air for at least 15 minutes before each exhibition, no spectators will be permitted to remain inside or be in the auditorium during any part of the period.

(14) One W.C. and one Urinal for every 50 persons and less for exclusive use of each sex shall be provided. Similarly, a provision of drinking water taps and wash basins @1 for every 100 persons or part thereof shall be made.

(15) All lighting shall be provided by electricity. No gas, acetylene, oil, or other lamps shall be used for lighting the video cinema or any part thereof.

(16) Every portion of the video cinema devoted to the use or accommodation of the public and also all outlets leading outside the video cinema including corridors shall be well and properly lighted during every performance and the same shall be lighted until the entire public have left the video cinema after the performance is over.

(17) Sufficient emergency lighting shall be provided for use in case of failure of the electric lighting in the auditorium, gangways, passages, stairways and exit ways.

(18) All the cables/wires used shall be of 1st grade and wiring shall pass through conduit pipes only.

(19) There shall be a separate circuit controlled by a suitable linked switch for the supply of electricity taken to the video cinema.

(20) Three pin plugs with the third pin effectively connected to earth shall be used.

(21) Separate circuits shall be provided for lights, fans and other equipment.

(22) Video films shall not be exhibited in a totally dark room or auditorium. A dim light (about 25 watts to 60 watts bulb) shall be kept on throughout the exhibition of films. The bulb shall be placed at right angles to the line of the public.

(23) The building where such exhibition is given shall be provided with one open space of not less than 3 metres in width each on two sides of the building, and an open space of not less than 6 metres in width on the third side for parking of vehicles.

(24) The clear height of the exhibition hall shall not be less than four metres and not more than six metres.

PART 4

Miscellaneous

14. Rule :-

The licensee shall be responsible for observance of the provisions of these rules and of the conditions of his licence for maintenance of the video cinema at all times and in all respects in conformity with the standards, prescribed by these rules and taking all necessary safety measures before any cinematograph exhibition is commenced.

15. Rule :-

Either the holder of the video cinema licence or some person or some of the several persons, whom the licensee has nominated as manager or managers and whose names have been entered as such in the licence shall be in general incharge of the video cinema, during the whole time when an exhibition is in progress. The licensee shall be responsible for all acts and omissions of his managers, servants or agents which are committed and arising out of or in connection with the video cinema to which his licence relates.

16. Rule :-

The Licensing Authority may, before the grant of licence, inspect the premises intended to be used for the purpose of cinematograph himself or cause it to be inspected by an officer authorised by it in order to satisfy himself about the suitability of the premises for grant of a licence applied for. Such authority or an officer authorised by it may also inspect the video cinema or the film which is proposed to be exhibited and the licensee or his representative should make such arrangements for the inspection as the inspecting officer may require.

17. Rule :-

The licensee shall have a photostat copy of the licence displayed prominently on the wall of the office or prominently outside the premises of the video cinema.

18. Rule :-

A licence granted under these rules shall not be transferable.

19. Rule :-

No addition to, or alteration of, any portion of any premises licensed under section 10 of the Act shall be made without the previous sanction of the Licensing Authority.

20. . :-

The licensee shall not without the permission of the Licensing Authority, assign, sub-let or otherwise transfer the licence or the video cinema nor shall the licensee, without permission as aforesaid, allow any other persons during the period of currency of the licence, to exhibit films in the video cinema.

21. Rule :-

The number of tickets issued for any performance shall not exceed the seating accommodation prescribed in the licence and on every

ticket issued, the following particulars shall be shown:

(a) the date and time of performance;

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(b) serial number of tickets; and

(c) the cost of admission and entertainment tax paid thereon.

1. Subs. vide Noti. No. F. 18/5/88/-H.P.-II Dt. 5.9.1988.

22. Rule :-

No person below the age of 18 years shall be admitted to any show commencing before 3 p.m. except on Saturday or a holiday notified by the Administrator or any day during the period of 1st May to 14th July and periods of autumn break and winter break in educational institution, notified by the Director of Education, Delhi : Provided that this prohibition shall not apply to the admission of children below 5 years of age or to the children accompanying their parents or guardians.

23. Rule :-

The licensee shall obtain a clearance certificate in respect of entertainment tax dues from the concerned authority and enclose the same alongwith the application for the renewal of a cinema licence.