

Gujarat Cinemas (Regulation Of Exhibition By Video) Rules, 1984

CONTENTS

CHAPTER 1 :- PRELIMINARY

1. Short Title, Extent And Commencement
2. Definitions

CHAPTER 2 :- BUILDING

3. Licensing
4. Independent Entrance On Public Thoroughfare
5. Seating
6. Ventilation
7. Sanitary Convenience
8. Exemption

CHAPTER 3 :- ELECTRIC INSTALLATION

9. Regulation Of Electric Installation

CHAPTER 4 :- LICENCE

10. Video Cinema Licence
11. Application For Video Cinema Licence
12. Grant Of Licence
13. Power To Refuse Licence
14. Duration Of Licence
15. Renewal Of Licence
16. Fee

CHAPTER 5 :- GENERAL

17. Licensee Or His Nominee To Be Present
18. Display Of Licence
19. Access To Inspecting Officers
20. Licences Not Transferable
21. Licensee Liable For Acts Of His Employees
22. Penalty For Failing To Comply

CHAPTER 6 :- SUSPENSION AND CANCELLATION OF LICENCE

23. Suspension Or Cancellation Of Licence
24. Appeal Against Refusal To Grant Licence
25. Saving

Gujarat Cinemas (Regulation Of Exhibition By Video) Rules, 1984

WHEREAS Draft Gujarat Cinema (Regulation of Exhibition by Video) Rules, 1984 were published as required by sub-section (4) of the Section 9 of the Bombay Cinemas (Regulation) Act, 1953 (Bom. XI of 1953) at pages 89-II to 89-II of the Gujarat Government Gazette, Extra-ordinary, Part IV-B, dated 26th April, 1984. under Government Notification, Information, Broadcasting and Tourism Department No. GT/84/21/BCR. 1984-229.A, dated 25th April. 1984. inviting objection and suggestions from all persons likely to be affected thereby. AND WHEREAS objections and suggestions received have been considered by Government. NOW, THEREFORE, in exercise of the powers conferred by Section 9 of the Bombay Cinemas (Regulation) Act, 1953 (Bom. XI of 1953) the Government of Gujarat hereby makes the following rules, namely:--

CHAPTER 1 PRELIMINARY

1. Short Title, Extent And Commencement :-

(1) These rules may be called the Gujarat Cinema (Regulation of Exhibition by Video) Rules, 1984. (2) They extend to the whole of the State of Gujarat. (3) They shall come into force on and with effect from the 15th June, 1984.

2. Definitions :-

In these rules, unless the context otherwise requires,-- (a) "the Act" means the Bombay Cinemas (Regulation) Act, 1953 (Bom. XI of 1953); (b) "exhibition by video" means an exhibition of a cinematograph film or moving picture or series of pictures in public organised by playing or re-playing a pre-recorded cassette by means of a video cassette player or recorded either on the screen of a television set or video-scope or otherwise; (c) "film" means a cinematograph film; (d) "form" means a form appended to these rules; (e) "video cinema" means any place wherein a public exhibition by video is provided for a commercial purpose.

CHAPTER 2 BUILDING

3. Licensing :-

No Video cinema shall be licensed under these rules unless the cinema conforms to the rules laid down in this chapter.

4. Independent Entrance On Public Thoroughfare :-

(1) There shall be an independent entrance on the public thoroughfare upon which the site of such cinema abuts. (2) There shall be at least two door ways fitted with doors to open outwards.

5. Seating :-

(1) Subject to sub-rule (4) the seats in the auditorium shall be according to the area of the auditorium and shall be firmly arranged and secured for public convenience. (2) The distance between the video screen and the first row of seats shall not be less than two metres and no person shall be admitted within such space. (3) In all cases there shall be a distance of at least 35 centimetres between the back of one seat and the front of immediately behind seat measured between perpendiculars. (4) The number of seats shall not exceed the seating capacity specified below, namely:--
Television or Video

Width of the screen		Maximum Seats
(i) Not exceeding	50 c.m.	30 Seats
(ii) " "	67.5 c.m.	50"
(iii) " "	77.5 c.m.	75"
(iv) " "	100.0 c.m.	100"
(v) Exceeding	100.0 c.m.	125 "

6. Ventilation :-

(1) There shall be adequate opening for ventilation purposes to ensure a balanced air supply.

7. Sanitary Convenience :-

(1) Every video cinema shall be provided with sufficient and separate water closet or privy accommodation as also urinal accommodation for the use of males and females.

8. Exemption :-

(1) Subject to sub-rule (2) nothing in this Chapter shall apply to any exhibition by video in an omnibus, which is used as a contract carriage. (2) The owner of such omnibus when so required shall have to produce a photo-stat copy of the registration of the vehicle made by the authority competent to register the vehicle under the Motor Vehicles Act, 1939.1 Footnote: 1. Now Motor Vehicles Act, 1988.

CHAPTER 3

ELECTRIC INSTALLATION

9. Regulation Of Electric Installation :-

(1) There shall be a separate circuit controlled by a suitable linked switch for the supply of electricity taken to the video cinema. (2) Three pin plugs with the third pin effectively connected to earth shall be used. (3) Separate circuits shall be provided for lights, fans and other equipment. (4) An automatic voltage regulator or stabilizer which can provide an output of 230 volts shall be installed before the video equipment. (5) A dim light by means of a bulb having power not below 25 watts and not more than 40 watts shall be kept burning throughout the period of exhibition of films. The bulb shall be placed at right angles to the line of vision of the public. (6) Nothing in the foregoing provisions of this rule shall apply to an exhibition by video in an omnibus which is used as a contract carriage.

CHAPTER 4 LICENCE

10. Video Cinema Licence :-

No place shall be opened or allowed to remain open for use as a video cinema unless the person being owner, tenant or occupier thereof shall have obtained a licence therefor.

11. Application For Video Cinema Licence :-

The application for a video cinema licence shall be made in Form I to the licensing authority. Such application shall be accompanied by the following documents, namely:-- (a) in the case of a building-- (i) site plan of the building as approved by the Municipal Corporation, Municipality, Nagar Panchayat, Gram Panchayat, or as the case may be, any other local authority concerned. (ii) certificate of Superintendent of Police or the officer under him regarding character of the licensee. (iii) Photo-stat copy of licence obtained for the commercial use of video or television under the Indian Telegraph Act, 1885 (No. 13 of 1885); (iv) documents showing the ownership or tenancy of the place; (b) in the case of an omnibus used as a contract carriage, a photo-stat copy of the document of its registration under the Motor Vehicles Act, 1939.

12. Grant Of Licence :-

(1) The licensing authority may, on receipt of an application under Rule 11 with the required documents and after having satisfied 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. (2) The licensing authority while granting or

renewing the licence shall fix the maximum number of persons to be admitted at a time.

13. Power To Refuse Licence :-

(1) The licensing authority shall have absolute discretion to refuse a licence if the video cinema is likely to cause obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passers by in the vicinity of the cinema.¹ (2) The licensing authority shall refuse a licence if the distance between the existing permanent, semi-permanent or touring cinema and the video cinema is less than 150 metres.

14. Duration Of Licence :-

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

15. Renewal Of Licence :-

The licensing authority may, on application being made to it, renew the cinema licence. An application for renewal of licence shall be made three months before the expiry of licence, on an ordinary paper by the licensee. The application shall be accompanied by the fee prescribed in Rule 16.

16. Fee :-

The fee for a licence or renewal of a licence for a video cinema for three years shall be as follows, namely:--

Sr. No.	Number of Seats	Fee Rs.
1	2	3
(i)	Not exceeding 50 seats	1000
(ii)	Exceeding 50 seats but not exceeding 100 seats	2000
(iii)	Exceeding 100 seats but not exceeding 150 seats	3000
(iv)	Exceeding 150 seats but not exceeding 200 seats	4000

Footnotes: 1. See Gujarat Video Association v. State of Gujarat, (1985)2Guj LR 806. 2. Subs. by Noti. No. GHT-2003.2/VDO/102002/213-E, dated 29.1.2003.

CHAPTER 5

GENERAL

17. Licensee Or His Nominee To Be Present :-

Either the holder of the video cinema licence or some person or some one of several persons whom the licensee has nominated as manager or managers and whose name or names have been entered in the licence shall be present at the video cinema to which the licence applies during the whole time for which such premises

are open to public.

18. Display Of Licence :-

The licensee shall have the licence displayed prominently:-- (a) in the case of a video cinema other than an omnibus used as a contract carriage, on the wall of the office, of the cinema. (b) in the case of an omnibus used as a contract carriage, inside the omnibus.

19. Access To Inspecting Officers :-

The licensee shall give free access to the video cinema at all hours to-- (i) the licensing authority or any officer nominated by the licensing authority under the Act and the rules and for checking that the provisions of the Act and the rules are being complied with; (ii) any Police-Officer who is required by a general or special order of the licensing authority of the District Superintendent of Police or the Commissioner of Police, as the case may be.

20. Licences Not Transferable :-

A licence granted under these rules shall not be transferable but shall be personal for the benefit only of the person to whom it is granted and on the death of the licensee shall be deemed to be revoked.

21. Licensee Liable For Acts Of His Employees :-

The licensee shall be responsible for all acts and omissions of his managers, servants or agents arising out of, or in connection with, the video cinema to which his licence relates.

22. Penalty For Failing To Comply :-

Any person failing to comply with or contravening the provisions of any of these rules shall on conviction be punished with fine which may extend to one thousand rupees.

CHAPTER 6

SUSPENSION AND CANCELLATION OF LICENCE

23. Suspension Or Cancellation Of Licence :-

1[(1) The licensing authority may-- (a) suspend or cancel any licence granted under these rules for contravention of any of these rules or of the conditions of the licence granted under these rules, or (b) suspend or revoke any licence granted under these rules on recommendation of the prescribed officer under Section 20-A of the Gujarat Entertainment Tax Act, 1977: Provided that the Licensing Authority shall give the licensee an opportunity to show cause before taking any action under this rule.] (2) Notwithstanding

anything contained in sub-rule (1), the licence granted under these rules shall be liable to immediate suspension or cancellation by the licensing authority if in the opinion of the licensing authority the video cinema is likely to cause danger to the safety or health of or inconvenience to, the public.

24. Appeal Against Refusal To Grant Licence :-

An appeal against an order of the licensing authority refusing to grant a licence under Section 8 of the Act shall be made within thirty days from the date of receipt of such order by the applicant.

25. Saving :-

Nothing in the Bombay Cinema Rules, 1954 shall apply to video cinemas to which these rules apply. Footnote: 1. Subs. by Notin. No. GHT-94-9-BCR-1092-2634(2) E, Dated 14-2-1994, Published in G.G. Gaz. Pt. IV-B Ext., dt.14.2.94. p.26 (1) for the following sub-section (1):-- "(1) The licensing authority may suspend or cancel any licence granted under these rules for contravention of any of these rules or of the conditions of the licence granted under these rules: Provided that the licensing authority shall give the licensee an opportunity to show cause before taking any action under this rule."