

Punjab Exhibition Of Films On Television Screen Through Video Cassette Players (Regulation) Rules, 1989

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Punjab Exhibition Of Films On Television Screen Through Video Cassette Players (Regulation) Rules, 1989

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 exiting places where films are exhibited on television screen through video cassette players on the payment for admission to such places and also to the Place which shall be used for the said purpose after the commencement of these rules

3. Definitions :-

(1) In these rules, unless there is anything repugnant in the context.-

(a) Act means the Punjab Cinemas (Regulation) Act, 1952 (Punjab Act No. 11 of 1952);

(b) Building mean 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 rule:

(e) Video Cassette Player means a cinematograph film 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 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 there of for admission to which an additional payment is required such additional payment is required such additional payment, whether actually made or not;

II. In case of free, surreptitious, unauthorized 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 word and expression used, but not defined in these rules, shall have the meaning assigned to them in the Punjab Cinemas (Regulation) Rule, 1952.

4. Licensing :-

No person shall exhibit films on television screen through video cassette player on payment for admission basis in any place unless he has obtained a licence under and in accordance with the terms and condition of a licence to be granted under their rules.

Provided that a person who, immediately before the commencement of these rule, hold a licence under any instructions issued by the state Government, shall be required to obtain a licence with in one month from such commencement or on the expiry of the licence, whichever period is earlier.

Chapter II.

5. Procedure For Granting :-

(1) A licence to be granted under these rule Shall be either for a fixed period of three year or a temporary licence for a period not exceeding three months at a time but not exceeding six month 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 players.

(3) The licence shall be granted for a Video Cassette player in respect of premise having seating capacity up to fifty seats only.

6. Application :-

Every person desiring to obtain a licence under these rules for any place shall apply to licensing authority in form 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. Fee :-

(1) the fees for a licence shall be: -

1. One hundred rupees per annum in the case of a licence for a period of three year and
2. Ten rupees per week in the case of a temporary licence.
3. The fees specified under the sub rule (1) shall be deposited in a 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 (regulation) rules, 1989 and treasury challan shall be attached to the application.

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 in a

period of thirty days after complying with the direction of the licensing authority failing which such application shall be deemed to have been rejected.

(2) If application received under the 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 rep

- i. Superintended 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 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 exhibition of films;
- iv. That adequate provisions are made for sanitation, ventilation, light, drinking water and toilet etc;
- v. That necessary precaution have been observed and provision is made to install fire fighting equipment;
- vi. That the provision 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.

8. Section 88 :-

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 vehicle Taxation Act, 1924 before a licence is granted to him.

10. Grant Or Refusal Of Licence :-

(1) on receipt of the report of the authority specified in rule 8 or the tax clearance certificate under rule 9, as the case may be, the licence authority may after taking in to consideration the following matters, either grant or refuse a licence under, these rule: -

- i. That the provisions of the act and these rule are substantially complied with for exhibition of films;
- ii. That adequate security precautions of the safety of persons attending exhibition have been taken at the place of where the films are to be exhibition;
- iii That the interest of public in general is not in any way prejudiced; and
- i v That the applicant is having good antecedents and also possesses experience in exhibited films;

Provided that before refusing a licence, the licensing authority shall afford an opportunity of being heard to the affected person.

Explanation.- For the purpose of this rule, the expression antecedents means the conduct of the applicant in the relation to the payment of any tax or any other outs 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 reason for such refusal shall be communicated to the applicant.

(3) Where an applicant 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 of the month of 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 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 condition of 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 purpose of these rules.

12. Grant Of Duplicate Licence :-

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

PART III

Licensing Authority to permit contraction and reconstruction of building installation of machinery etc. for exhibition of films.

13. Section 13 :-

(1) any person who intends

i.To use any place for exhibition of films in television screen through video cassette players; or

ii.To use any site for constructing a building proposed to be given for 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 provision relating to licence for exhibition of films on television screen through video cassette players shall so far as may be, apply to permission under this rule as well.

PART 1V-

MISCELLANEOUS

14. Prohibition On Transfer Of Licence :-

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

15. Licencee To Exhibit Only Certified Films :-

A licence shall exhibit on television screen through video cassette player only the films which have been certified to be suitable for public exhibition by authority constituted under section 3 of the Cinematograph Act, 1952 and such film, when exhibition shall display the mark of the aforesaid authority and the mark should not be altered or tampered with any manner.

16. Condition Regarding Seating Accommodation :-

The licence shall comply with following requirements in respect of seating accommodation etc. in a building: -

i. The building licenced for exhibition of films on television screen through video cassette Player shall not accommodate more than twenty people per nine square meters in the auditorium.

Note.- The area comprising the entrance, passage, corridor, gangway and stage shall, however, is 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 then ten feet;

iii There shall be a passage of 0.90 metres in width for every two rows of the seating accommodation;

iv The gangway shall not be less than 0.90 metres 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 with 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 doorways fitted with doors to open out wards;

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 or 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.c.s. and urinals as may be specified by the licensing authority;
- xi There shall be provided on portable fire extinguisher of CO.2 OR D.P.C type of one kilogram capacity and one bucket of nine liters filled with sand; and
- xii The drinking water shall be provided in such manner and in such quality as may be specified by the licensing authority.

17. Condition Regarding Electrical Installations :-

The building to be licenced under these rules shall comply with the following requirement in respect of electrical installations: - I Tthe cable or wires used shall be of I.S.I. Mark and the wiring shall pass thought 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

I V There shall be installed an automatic voltage regulator or stabilizer which can provide output voltage of 230 plus 6 per cent

V There shall be provided separate circuit of lights fans and other equipments

VI There shall be kept burning a dim light of about 25 watts to 40 watts bulbs placed at right angle sight of vision of 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 of 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 application on an application made by him with in 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 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 affair 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 applicant 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, 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 this rule, the same shall be referred to the government in the department of home affairs and Justice, for decision.