
Rajasthan Video Films Regulation Of Exhibition Act, 1990**11 of 1991****[17 May 1991]****CONTENTS**

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Rajasthan Video Films Regulation Of Exhibition Act, 1990**11 of 1991****[17 May 1991]**

An Act to provide for the regulation of exhibition of video films and matters incidental or ancillary thereto in the State of Rajasthan. Be it enacted by the Rajasthan State Legislature in the Forty-first year of the Republic of India as follows :-

1. Short Title And Commencement :-

(1) This Act may be called the Rajasthan Video Films (Regulation of Exhibition) Act, 1990. (2) It shall come into force on such date as the State Government may by notification in the official Gazette appoint. 1. Came into force on 1-6-1992 vide Notification dated 1-6-1992, Published in Raj. Gaz. Ext. Pt. IV-C (ii) dt. 1-6-1992, P. 85.

2. Definitions :-

In this Act, unless the context otherwise requires,-- (a) "Commercial Taxes Officer" means the person holding office with that designation under the State Government ; (b) "Commissioner Commercial Taxes" means a person appointed by the State Government to be the Commissioner Commercial Taxes ; (c) "Deputy Commissioner (Administration)" means a person appointed by the State Government to be the Deputy Commissioner of Commercial Taxes (Administration) ; (d) "Divisional Commissioner" means a Commissioner or Additional Commissioner appointed under Section 17 of the Rajasthan Land Revenue Act, 1956 (Act No. 15 of 1956) ; 1 [(e) "exhibition of video film" means exhibition of film on television screen through video cassette recorder and video cassette player ;] (f) "Licensing Authority" for video cinemas means the District Magistrate of the area concerned and for video parlors, the Commercial Taxes Officer of the area concerned ; (g) "Place" means any space including a building, hotel, restaurant, temporary structure of any description or conveyance or transport whether by land, water or air ; 1 [(h) "video cinema" means the entire place licensed for exhibiting by means of video on a screen of one hundred or more centimetres and admitting fifty or more but not more than one hundred and fifty persons in a permanent building and includes appurtenances, plants and apparatus located therein ; (i) "video film" includes a work produced by a process analogous to that of cinematography ; (j) "video parlour" means entire place licensed for exhibiting by means of video on a screen of less than 100 centimetres and admitting less than 50 persons in a permanent building and includes appurtenances, plants and apparatus located therein. 1. Substituted by Raj. Act No. 15 of 1992, (w.e.f. 1-6-1992).

3. Exhibition Of Video Film :-

(1) Save as otherwise provided in sub-Section (4) no person shall make the exhibition of video film-- (a) except under and in accordance with a licence granted under Section 4 ; and (b) at a place other than that for which a licence has been granted to him. (2) Where at a place the exhibition of a video film is made during the course of a service or any other business, such exhibition shall, irrespective of whether anything was or was not specifically charged for such exhibition, be deemed to be an exhibition under this Act. (3) No person shall exhibit or permit to be exhibited a video film which has not been certified as suitable for public exhibition under the Cinematograph Act, 1952 or the rules made or the guidelines

issued thereunder. (4) Nothing contained in sub-sections (1) and (2) shall apply to the exhibition of a video film in the residential premises of a family for the members of the house-hold, their relatives and personal friends.

4. Grant Of Licence And Levy Of Fee/Entertainment Tax :-

(1) Every person, becoming liable to obtain a licence on or after the commencement of this Act, shall, within 30 days of such commencement or, as the case may be, of his so becoming liable make an application in the prescribed form to the Licensing Authority having jurisdiction. (2) The application for a licence shall be accompanied by such licence fee or other fee as may be prescribed from time to time and such other documents as may be prescribed. 1[(3) The entertainment tax for admission to video cinema/parlour shall be levied at such rates not exceeding one hundred percent of payment of admission as may be notified by the State Government from time to time or on such compound basis as may be prescribed, and] (4) The Licensing Authority may, on being satisfied-- (a) that it is not against the provisions of this Act and any rules made thereunder as also of any other law for the time being in force ; (b) that it is not opposed to public policy or against public interest or the orders or directions issued by the State Government under Section 7 ; (c) that the safety, convenience and comfort of the persons to be admitted to the exhibition have been ensured ; (d) that the applicant has not been previously convicted of an offence under this Act or the Rajasthan Entertainments and Advertisements Tax Act, 1957 (Rajasthan Act 24 of 1957); 2[(e) that the applicant has given an undertaking that he will screen only legal cassettes authorised for commercial exhibition ; and (f) that in case any cable, wire or other apparatus is used for exhibition of video film, the applicant has obtained a licence for laying of such cable, wire or other apparatus under, over, along, across or upon any public land, ground, street, road or place as per Indian Telegraph Act, 1885 (Act 13 of 1885),] grant a licence applied for under sub-section (1). (5) The Licensing Authority may, after giving a reasonable opportunity of being heard and for reasons to be recorded in writing refuse to grant a licence. (6) A person aggrieved by a refusal under sub-section (5) may, within a period of thirty days from the date of the order of such refusal prefer an appeal before the Divisional Commissioner for video cinema and before the Deputy Commissioner (Administration) for video parlours. 1. Substituted by Raj. Act No.15 of 1992 (w.e.f. 1-6-

1992). 2. Inserted by Raj. Act No. 15 of 1992, (w.e.f. 1-6-1992).

5. Terms And Conditions Of Licence :-

(1) The licence granted under Section 4 shall be subject to the provisions of this Act and the rules made thereunder and to such orders or directions as are issued under Section 7. (2) Where a person makes the exhibition of a video film at more than one place, whether in the same city, town or village or in different cities, towns or villages, he shall obtain a separate licence for each such place. (3) A licence shall be granted for a financial year or a part thereof and shall expire on the last day of such year. (4) The licence shall be non-transferable and shall be deemed to have expired on the death of the licensee. 1[(5) A licence to exhibit video films shall be granted only for exhibition of those video films for which rights have been acquired from the genuine copyright holder. 1. Inserted by Raj. Act No. 15 of 1992, (w.e.f. 1-6-1992).

6. Renewal Of Licence :-

(1) A licence granted under Section 4 may, on an application in the prescribed form and on payment of the prescribed fee, within two months before the expiration of the term of the licence, be renewed by the Licensing Authority for one year : Provided that where such an application is made after such expiration, the fee payable shall be equal to double the amount of the fee prescribed as aforesaid. (2) The provisions of Section 5 and those of sub-sections (5) and (6) of Section 4 shall be applicable to the renewal of a licence in the same manner as they are applicable to the grant of a licence.

7. Power Of State Government To Issue Orders Or Directions :-

The State Government may, from time to time and having regard to the interest of the general public, issue such orders or directions as it may consider necessary for proper control on the exhibition of video films, and such orders or directions shall have effect notwithstanding anything contrary contained in the terms and conditions and restrictions of the licence.

8. Power To Suspend Or Cancel A Licence :-

(1) The Licensing Authority may, on being satisfied that the exhibition of a video film is in contravention of any provisions of this Act or the rules made thereunder or to such orders or directions as are issued under Section 7, by order suspend a licence granted under Section 4. (2) The person holding a licence shall not during the period of suspension of his licence exhibit a video film to

any person for any purpose. (3) The Licensing Authority may after giving to the licence holder a reasonable opportunity of being heard and for reasons to be recorded in writing, cancel the licence.

9. Appeal :-

A person aggrieved by an order of suspension or cancellation of the licence may, within a period of thirty days from the date of the order, prefer an appeal to the Divisional Commissioner for video cinemas and to the Deputy Commissioner (Administration) for video parlours.

10. Punishment On Conviction :-

Any person who contravenes any of the terms, conditions and restrictions of the license granted to him or any of the provisions of this Act or the rules made thereunder, shall, on conviction, be punishable in the case of the first offence, with imprisonment which may extend to six months or with fine which may extend to ten thousand rupees or with both, and in the case of a second or subsequent offence, with imprisonment which may extend to one year or with fine which may extend to twenty thousand rupees or with both : Provided that in the case of a continuing offence, such persons shall be punishable with a further fine which may extend to five hundred rupees for each day till the offence continues.

11. Search And Seizure :-

(1) The Licensing Authority or an officer specially authorised by Commissioner, Commercial Taxes in this behalf or an Executive Magistrate or a police officer not below the rank of a Sub-Inspector of Police shall have power to enter into and search the place expected of being used for exhibition of a video film in contravention of any of the provisions of this Act or the rules made thereunder or such orders or directions as are issued under Section 7. (2) It shall be lawful for the Licensing Authority or an officer specially authorised by the Commissioner, Commercial Taxes under sub-section (1) or the executive magistrate or the police officer making the search to seize a television set, video cassette recorder, video cassette player, monitoring screen and video film or any other things being used in connection with the exhibition of a video film. (3) The provisions of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) shall be applicable in regard to the entry, search and seizure under this section. (4) Notwithstanding anything contained in any law for the time being in force, an offence punishable under this Act shall be cognizable and bailable.

12. Confiscation Of Video Film, Etc. :-

In case of conviction under Section 10, the video film, the video cassette recorder, video cassette player, television set or other equipments and articles used in connection with the exhibition shall be liable to be confiscated by the Court convicting such person.

13. Power To Exempt :-

Notwithstanding anything contained in this Act, the Government may, on being satisfied that it is necessary or expedient so to do in public interest, exempt prospectively or retrospectively by notification in the Official Gazette, any person, society, body or institution from all or any of the provisions of the Act.

14. Power To Make Rules :-

(1) The Government may, by notification in the Official Gazette, make rules for the purpose of carrying out all or any of the provisions of this Act. (2) Every rule made under sub-section (1) shall be laid as soon as may be after it is so made before the House of State Legislature while it is in session for a total period of thirty days which may be comprised in one session or two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the House agrees in making any modification in the rule or agrees that the rule should not be made, the rule 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.

15. Levy, Assessment And Collection Of Entertainment Tax :-

1[15. Levy, assessment and collection of entertainment tax Subject to the provisions of this Act and the rules made thereunder, for the purpose of carrying out all or any provisions of this Act, the authorities for the time being empowered to assess, re-assess, collect and enforce the payment of tax under the Rajasthan Entertainments & Advertisements Tax Act, 1957 (Act No. 24 of 1957), and the rules made thereunder, shall assess, re-assess, collect and enforce payment of tax, fees penalty, interest or any other sum payable by a proprietor of video cinema/parlor, as if the tax, fees, penalty, interest or other sum payable by such proprietor were payable under the said Act, and for this purpose they may exercise all or any of the powers they have under the said Act and

the rules made thereunder and provisions relating to returns, advance payment of tax, assessment, composition of tax, appeal, rectification, revision, refunds, rebates, penalties, charging or payment of interest, prosecution and compounding of offences shall, mutatis mutandis apply.] 1. Inserted by Raj. Act No. 15 of 1992 (w.e.f. 1-6-1992).