

**Tamil Nadu Exhibition Of Films On Television Screen
Through Video Cassette Recorders (Regulation) Act, 1984**

7 of 1984

[10 March 1984]

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**Tamil Nadu Exhibition Of Films On Television Screen
Through Video Cassette Recorders (Regulation) Act, 1984**

7 of 1984

[10 March 1984]

An Act to provide for the regulation of exhibition of films on Television screen through Video Cassette Recorders in the State of Tamil Nadu and for matters incidental or ancillary thereto. Whereas it is expedient to provide for the regulation of the exhibition of films on Television screen through Video Cassette Recorders in the State of Tamil Nadu and for matters incidental or ancillary thereto. Be it enacted by the Legislature of the State of Tamil Nadu in the Thirty-fifth Year of the Republic of India as follows :-- 1 . Published in the Tamil Nadu Government Gazette Extraordinary to Part IV Section 2 dated 10th March 1984 at pp. 87-99.

1. Short Title, Extent And Commencement :-

- (1) This Act may be called the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders (Regulation) Act, 1984.
- (2) It extends to the whole of the State of Tamil Nadu.
- (3) It shall be deemed to have come into force on the 14th January, 1984.

2. Definitions :-

In this Act, unless the context otherwise requires,--

- (1) "cinematograph" includes any apparatus for the representation of moving pictures or series of pictures ;
- (2) "film" means a cinematograph film recorded on Video cassette tape ;
- (3) "Government" means the State Government ;
- (4) "licensing authority" means, in relation to the City of Madras, the Commissioner of Police and elsewhere, the Collector of the district;
- (5) "place" includes a house, building, tent and any description of transport, whether by water, land or air ;
- (6) "Video Cassette Recorder" means a cinematograph for the purpose of giving cinematograph exhibition of film recorder on Video cassette tape ;
- (7) "Video Library "means a place by whatever name called where, the business of selling, listing to hire, distribution, exchange or putting into circulation in any manner whatsoever, of film for purposes of exhibition is carried on ;
- (8) words and expressions used but not defined in this Act shall

have meanings assigned to them in the Tamil Nadu Cinemas (Regulation) Act, 1955 (Tamil Nadu Act IX of 1955).

3. Exhibition Of Film To Be Licensed :-

(1) (a) Save as otherwise provided in this Act no person shall give an exhibition of film on Television screen through Video Cassette Recorder--

(i) except under and in accordance with a licence granted under Section 6 read with Section 5 of this Act ; and

(ii) elsewhere than in a place for which permission has been granted under Section 7 read with Section 5 of this Act.

(b) Where, in respect of any place, a licence has been granted under this Act for exhibition of film on Television screen through Video Cassette Recorder, no business other than the exhibition of film on Television screen through Video Cassette Recorder shall be carried on in such place, by any person and at any time.

(2) Nothing contained in clause (a) of sub-section (1) shall apply to any exhibition of film on Television screen through Video Cassette Recorder for domestic purposes to the family members of the house-hold only.

(3) No person shall be eligible for applying for a licence under this section, if he has been convicted of an offence under clause (a) or sub-clause (i) of clause (b) of sub-section (1) of Section 14 of the Tamil Nadu Entertainments Tax Act, 1939 (Tamil Nadu Act X of 1939) unless a period of two years has elapsed since his conviction.

4. Keeping A Video Library To Be Licensed :-

(1) Save as otherwise provided in this Act, no person shall keep any Video Library except under, and in accordance with, a licence granted under this Act.

(2) Where a person keeps more than one Video Library whether in the same town or village or in different towns or villages, he shall obtain a separate licence in respect of each such Video Library.

(3) Every licence for keeping a Video Library shall, save as otherwise provided in this Act, expire on the last day of the year in which it was granted but may be renewed from year to year.

5. Grant And Refusal Of Licence :-

(1) Every application for a licence or permission under this Act shall be in writing and contain--

- (a) the name of the applicant;
 - (b) the place at which the exhibition is to be given or the Video Library is to be kept;
 - (c) the number of seats to be installed, in the case of exhibition of film ; and
 - (d) such other particulars as may be prescribed, and shall be made to the licensing authority.
- (2) Every licence or permission under this Act shall be granted in such form and subject to such terms, conditions and restrictions and on payment of such fee not exceeding fifty rupees as may be prescribed.

6. Restrictions On Powers Of Licensing Authority :-

(1) The licensing authority shall, in deciding whether to grant or refuse a licence for exhibition of film, have regard to the following matters namely :--

- (a) the interest of the public generally ;
- (b) the status, antecedents and previous experience of the applicant.

Explanation.--For the purpose of this clause the expression "antecedents" means the conduct of the applicant in relation to the payment of any tax or dues payable by him to the Government ;

- (c) the suitability of the place where the exhibition of film on Television screen through Video Cassette Recorder is proposed to be given ;
- (d) the adequacy of existing places for the exhibition of film on Television screen through Video Cassette Recorder in the locality ;
- (e) the benefit to any particular locality or localities to be afforded by the opening of a new place of exhibition of film or Television screen through Video Cassette Recorder ;
- (f) the possession by the applicant, of other places, if any licensed under this Act, whether in the same locality or elsewhere, and whether at the time of applying for the licence or at any previous time ;

and shall also take into consideration any representations made by persons already giving exhibition of cinematograph film or film on Television screen through Video Cassette Recorder in or near the proposed locality or by any local authority or police authority within whose jurisdiction the place proposed to be licensed is situated or by any association interested in the giving of exhibition of cinematograph film or film on Television screen, through Video

Cassette Recorder.

(2) The licensing authority shall, in deciding whether to grant or refuse to grant or renew or refuse to renew a licence for keeping any Video Library, have regard to the interest of the public generally and such other matters as may be prescribed.

(3) The licensing authority shall not grant a licence under this Act unless it is satisfied--

(a) that the rules made under this Act have been substantially complied with ; and

(b) in the case of an application for the grant of a licence for exhibition of film, 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 exhibitions therein.

(4) The licensing authority may, by order in writing, refuse to grant a licence for exhibition of film or refuse to grant or renew a licence for keeping any Video Library, if such authority is satisfied that--

(a) the applicant has not complied with the provisions of this Act or the rules made thereunder in respect of the application for the grant of a licence ; or

(b) the applicant has made wilful default in complying with, or knowingly acted in contravention of, any requirement of this Act or the rules made thereunder or the terms and conditions of, and restrictions upon, any licence granted under this Act ; or

(c) in the case of an applicant for a licence for exhibition of film, such applicant has been convicted of an offence under the Cinematograph Act, 1952 (Central Act XXXVII of 1952), or the Tamil Nadu Cinemas (Regulation) Act, 1955 (Tamil Nadu Act IX of 1955) or the Tamil Nadu Entertainments Tax Act, 1939 (Tamil Nadu Act X of 1939) ;

(5) The licensing authority may after consideration of the matters set forth in sub-section (1), limit the number of places in any area in respect of which licences to exhibition of film on Television screen through Video Cassette Recorder under this Act may be granted.

(6) The licensing authority shall not grant a licence unless it is satisfied that adequate precautions have been taken in the place, in respect of which the licence has to be granted to provide for the safety, convenience and comfort of the persons attending exhibition therein or, as the case may be, visiting the Video Library.

(7) In granting or refusing to grant a licence under this Act the licensing authority may consult such authority or officer as may be

prescribed.

(8) Subject to the foregoing provisions of this section, the licensing authority may grant licences under this Act to such persons and on such terms and conditions and subject to such restrictions as it may determine. When the licensing authority refuses to grant any licence, it shall do so by an order communicated to the applicant, giving the reasons in writing for such refusal.

(9) Every licence under this Act shall be personal to the person to whom it is granted and no transfer or assignment thereof, whether absolute or by way of security or otherwise shall be valid unless approved in writing by the licensing authority.

7. Licensing Authority To Permit Construction And Reconstruction Of Building, Installation Of Machinery, Etc., For Exhibition Of Film :-

(1) Any person who intends--

(a) to use any place for the exhibition of film on Television screen through Video Cassette Recorder, or

(b) to use any site for constructing a building thereon for the exhibition of film on Television screen through Video Cassette Recorder, or

(c) to construct or reconstruct any building for such exhibition of film, or

(d) to install any machinery in any place where such exhibition of film are proposed to be given,

shall make an application in writing to the licensing authority for permission thereof together with such particulars as may be prescribed, and any provision contained in the enactments specified below or in the rules made under any of them in so far as it relates to any of the matters specified above shall not apply to any application made under this section :--

(i) The Tamil Nadu Places of Public Resort Act, 1888 (Tamil Nadu Act II of 1888) ;

(ii) The Madras City Police Act, 1888 (Tamil Nadu Act III of 1888) ;

(iii) The Madras City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919) ;

(iv) The Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971) ;

(v) The Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1981) ;

(vi) The Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu

Act V of 1920) ; and

(vii) The Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958).

(2) The licensing authority shall thereupon after consulting such authority or officer as may be prescribed, grant or refuse permission and the provisions relating to licences for exhibition of film on Television screen through Video Cassette Recorder shall so far as may be, apply to permission under this section.

8. Power To Issue Direction :-

(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 licences for the exhibition of film 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.

(2) The licensing authority may, from time to time, issue directions to any licensee or licensees generally to whom licence for exhibition of film is granted under this Act, requiring the licensee or licensees to exhibit in each show such slides of public interest as may be supplied by that authority :

Provided that no direction issued under this section shall require the licensee to exhibit more than three such slides at, or for more than four minutes in, any one show.

9. Letter Of Consent :-

(1) Every person giving an exhibition of film on Television screen through Video Cassette Recorder--

(a) and licensed under Section 6 read with Section 5 of this Act ; or

(b) for domestic purposes to the family members of the household, shall, in respect of each film which he exhibits produce when demanded by an officer authorised by the Government in this behalf, a letter of consent for such exhibition from the person who is the first owner of the copyright of the cinematograph film under Section 17 of the Copyright Act, 1957 (Central Act XIV of 1957) and in case such copyright has been assigned under Section 18 of the said Act, from the assignee of such copyright.

(2) Every person keeping a Video Library licensed under this Act shall, in respect of each film in his possession, produce when demanded by an officer authorised by the Government in this behalf, a letter of consent from the person who is the first owner of

the copyright of the cinematograph film under Section 17 of the Copyright Act, 1957 (Central Act XIV of 1957) and in case such copyright has been assigned under Section 18 of the said Act, from the assignee of such copyright.

10. Licensee To Exhibit Only Certified Films :-

(1) No person licensed under this Act to give an exhibition of film on Television screen through Video Cassette Recorder 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.

(2) No person licensed under this Act for keeping a Video Library shall sell, let to hire, distribute, exchange or put into circulation in any manner whatsoever 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.

11. Power Of Government Or Licensing Authority To Suspend Exhibition Of Film In Certain Cases :-

(1) The Government in respect of the whole of the State or any part thereof, and the licensing authority within his jurisdiction, may, if they or he are or is of opinion that any film which is being or is about to be publicly exhibited is likely to cause a breach of the peace, by order, suspend the exhibition of such film on Television screen through Video Cassette Recorder ; and during such suspension, no person shall exhibit such film or permit it to be exhibited in any place in the State or any part or district thereof, as the case may be.

(2) No order shall be issued under sub-section (1) until the person concerned has been given a reasonable opportunity of showing cause against the order proposed to be issued in regard to him.

(3) Where an order under sub-section (1) has been issued by the licensing authority, a copy thereof, together with a statement of the reasons therefor shall forthwith be forwarded by him to the Government and the Government may, on a consideration of all the

facts of the case either confirm or vary or discharge the order.

(4) An order issued sub-section (1) shall remain in force for a period of two weeks from the date thereof, but the Government may, if they are of opinion that the order should continue in force, direct that the period of suspension shall be extended by such further period as they think fit :

Provided that the Government or the licensing authority may review their own order.

12. Power To Revoke Or Suspend Licence :-

(1) Where the holder of a licence for exhibition of film has been convicted of an offence under clause (a) or sub-clause (i) of clause (b) of sub-section (1) of Section 14 of the Tamil Nadu Entertainments Tax Act, 1939 (Tamil Nadu Act X of 1939), or has been permitted to compound such offence under Section 15 of the said Act, or has been convicted of an offence under Section 7 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952), or of an offence under this Act, the licence may be revoked or suspended by the licensing authority by an order in writing.

(2) If the licensing authority is satisfied, either on a reference made to it in this behalf or otherwise, that--

(a) a licence granted under this Act has been obtained by misrepresentation or fraud as to an essential fact, or

(b) the licensee has, without reasonable cause, failed to comply with any of the provisions of this Act or of the rules made thereunder, or any of the terms and conditions of, or restrictions upon, or subject to which, the licence has been granted,

then without prejudice to any other penalty to which the licensee may be liable under this Act, the licensing authority may, after giving the licensee an opportunity of showing cause, revoke or suspend the licence.

(3) Where the licensing authority revokes or suspends any licence under sub-section (2), it shall do so by an order communicated to the licensee giving the reasons in writing for such revocation or suspension.

13. Appeal :-

(1) Any person aggrieved by an order of the licensing authority refusing to grant or renew a licence or an order of revocation or suspension of a licence or a decision refusing to approve any transfer or assignment of a licence under this Act may, within such

time and on payment of such fee as may be prescribed, appeal to the Commissioner for Land Administration or to such other authority as the Government may specify in this behalf. The Commissioner for Land Administration or such authority may make such orders as it may think fit.

(2) The appellate authority referred to in sub-section (1) may stay the execution of any such order, pending exercise of its powers under sub-section (1) in respect thereof.

14. Powers Of Revision By Government :-

(1) The Government may, on their own motion or on application call for and examine the record of the appellate authority in respect of any proceeding under this Act, to satisfy themselves as to the legality of such proceeding or the correctness, legality or propriety of any order made thereunder ; and if in any case it appears to the Government that any such proceeding or order should be modified, annulled, reversed or remitted for reconsideration, they may pass orders accordingly :

Provided that every application to the Government for the exercise of the powers under this section shall be preferred within such time as may be prescribed and shall be accompanied by such fee as may be prescribed.

(2) No order prejudicial to any person shall be passed under sub-section (1) unless such person has been given an opportunity of making his representation.

(3) The Government may stay the proceeding or the execution of the order pending the exercise of their powers under sub-section (1) in respect thereof.

15. Penalties :-

(1) Any person who contravenes or attempts to contravene or abets the contravention of the provisions of Section 10 shall be punishable with imprisonment which may extend to three months or with fine which may extend to one thousand rupees or with both and in the case of a continuing offence with a further fine which may extend to one thousand rupees for each day during which the offence continues.

(2) Any person who contravenes or attempts to contravene or abets the contravention of any of the provisions of this Act other than Section 10 or any rule made thereunder or of the terms and conditions of, and restrictions upon, any licence granted under this

Act shall be punishable with imprisonment which may extend to one year and shall also be liable to fine.

16. Offences By Companies :-

(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed, was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.--For the purposes of this section,--

(a) "company" means any body corporate and includes a firm or other association of individuals ; and

(b) "director" in relation to a firm means a partner in the firm.

17. Power To Enter, Search And Seize :-

(1) It shall be lawful for any police officer not below the rank of an Assistant Commissioner of Police in the City of Madras or a Deputy or Assistant Superintendent of Police elsewhere,--

(a) to enter, if necessary by force, whether by day or night, with such assistants as he considers necessary, any premises which he has reason to suspect, are being used for purposes, connected with the exhibition of films on the Television screen through Video Cassette Recorder or keeping a Video Library in contravention of the provisions of this Act ;

(b) to search the premises and persons whom he may find therein ;

(c) to take into custody and produce before a Judicial Magistrate all such persons as are concerned or against whom a reasonable complaint has been made or credible information has been received

or a reasonable suspicion exists of their having been concerned with the exhibition of film or keeping a Video Library in contravention of the provisions of this Act.

(d) to seize all things found therein which are intended to be used or reasonably suspected to have been used in connection with such exhibition of film or keeping a Video Library.

(2) All searches under this section shall be made in accordance with the provisions of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

18. Confiscation Of Films :-

Films exhibited or kept in contravention of the provisions of this Act, the rules made thereunder or the terms and conditions of, and restrictions upon, a licence granted under this Act along with the Video Cassette Recorder, if any, used in the exhibition of films shall be liable to confiscation by an order of the court having jurisdiction.

19. Power To Try Offence :-

No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

20. Offence Under This Act To Be Cognizable :-

Any offence punishable under this Act shall be a cognizable offence within the meaning of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

21. Power To Exempt :-

Notwithstanding anything contained in this Act, if the Government are satisfied that it is necessary or expedient in the public interest so to do, they may, by notification, exempt subject to such conditions as they deem fit, any class of persons from the provisions of this Act in so far as they relate to the exhibition of film on Television screen through Video Cassette Recorder.

22. Power To Make Rules :-

(1) The Government may make rules for carrying out all or any of the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power such

rules may provide for--

- (a) (i) the form and the particulars to be furnished in an application for grant of licence, under this Act ;
 - (ii) the guidelines to determine the suitability of the place for the purpose of clause (c) of sub-section (1) of Section 6 ;
 - (b) the form in which, and the terms, conditions and restrictions subject to which, a licence under Section 3 or under Section 4 may be granted, the fees to be paid in respect of such licence and the authority or officer which or who may be consulted in granting such licence ;
 - (c) the procedure to be followed by persons submitting applications for permission under Section 7 ;
 - (d) the documents and plans to be submitted together with such applications, and the fees to be paid on such applications ;
 - (e) the matter to be taken into consideration by the licensing authority before approving the site for the construction of the building, or the plans for the construction or reconstruction of the building or the installation of machinery ;
 - (f) the terms, conditions and restrictions subject to which the licensing authority may accord approval in respect of the matters referred to in clause (e);
 - (g) the action to be taken in cases of contravention of the terms, conditions and restrictions subject to which such approval was accorded ;
 - (h) the procedure to be followed by the licensing authority before granting or refusing permission under Section 7 and any other matter incidental thereto ;
 - (i) the form in which the letter of consent under Section 9 shall be obtained and the manner of display of such letter of consent ; and
 - (j) the fee to be paid in respect of an appeal or application for revision.
- (3) (a) All rules made under this Act shall be published in the Tamil Nadu Government Gazette, and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.
- (b) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day come into force on the day on which they are published.
- (4) Every rule made or notification issued under this Act shall, as soon as possible after it is made or issued, be placed on the table of both Houses of the Legislature, and if, before the expiry of the session in which it is so placed or the next session, both Houses

agree in making any modification in any such rule or notification or both Houses agree that the rule or notification should not be made or issued, the rule or notification 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 or notification.

23. Savings :-

(1) (i) Every person giving an exhibition of film on Television screen through Video Cassette Recorder, or

(ii) every person keeping any Video Library, immediately before the 14th January, 1984 shall obtain a licence under this Act, within a period of four weeks from the said date.

(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.

(3) Nothing in the Tamil Nadu Cinemas (Regulation) Act, 1955 (Tamil Nadu Act IX of 1955) shall apply to exhibition of film on Television screen through Video Cassette Recorders.

(4) Save as otherwise provided in sub-section (3), the provisions of this Act, shall be in addition to, and not in derogation of the Cinematograph Act, 1952 (Central Act XXXVII of 1952) and the Tamil Nadu Entertainments Tax Act, 1939 (Tamil Nadu Act X of 1939), and any other law for the time being in force ; and nothing contained herein shall exempt any person from any proceeding by way of investigation or otherwise which might, apart from this Act, be instituted against him.

24. Application Of The Provisions Of Tamil Nadu Act X Of 1939, To Exhibition Of Film On Television Screen Through Video Cassette Recorder :-

The provisions of the Tamil Nadu Entertainments Tax Act, 1939 (Tamil Nadu Act X of 1939) shall apply to exhibition of films on Television screen through Video Cassette Recorder and governed by this Act.

25. Amendment To Tamil Nadu Act X Of 1939 :-

To clause (4) of Section 3 of the Tamil Nadu Entertainments Tax

Act, 1939 (Tamil Nadu Act X of 1939), the following Explanation shall be added, namely :--

"Explanation.--For the purposes of this clause and other provisions of this Act, cinematograph exhibition includes exhibition of film on Television screen through Video Cassette Recorder."

26. Repeal And Saving :-

(1) The Tamil Nadu Exhibition of Films on Television screen through Video Cassette Recorders (Regulation) Ordinance, 1984 (Tamil Nadu Ordinance 2 of 1984) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.