

BILL NO. 15 OF 1989

THE MANIPUR EXHIBITION OF VIDEO FILMS (REGULATION

Act ~~BILL~~, 1989

An
~~BILL~~ **Act**

to provide for the regulation of exhibition of video films in the State of Manipur and for matters incidental or ancillary thereto.

WHEREAS it is expedient to provide for the regulation of exhibition of video films in the State of Manipur and for matters incidental or ancillary thereto;

BE it enacted by the Legislature of Manipur in the Fortieth Year of the Republic of India as follows :—

1. **Short title, extent and commencement.**—(1) This Act may be called the Manipur Exhibition of Video Films (Regulation) Act, 1987.

(2) It extends to the whole of the State of Manipur.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. **Definition.**—In this Act, unless the context otherwise requires,—

(a) "cinematograph" includes any apparatus for the representation of moving pictures or series of pictures;

- (b) "exhibition of video film" means exhibition of film on Television Screen through Video Cassette Recorder and Video Cassette Player;
- (c) "Government" means the Government of Manipur;
- (d) "licence" means a licence granted under section 13;
- (e) "licensing authority" means such officer of the Government as the Government may, by notification in the Official Gazette, specify as licensing authority and where no such officer is so specified, the District Magistrate;
- (f) "permission" means the permission granted under section 10;
- (g) "place" includes a house, building, tent, walled enclosure and any description of transport, whether by water or land;
- (h) "prescribed" means prescribed by rules made under this Act;
- (i) "Video Cassette Recorder and Video Cassette Player" means a cinematograph use for exhibition of film recorded on Video Cassette tape;
- (j) "Video film" means a cinematograph film recorded on Video Cassette tape;
- (k) "Video Library" means a place by whatever name called where the business of selling, letting to hire, distribution, exchange or putting into circulation in any manner whatsoever, of video film for the purposes of exhibition of carried on;
- (l) words and expressions used but not defined in this Act but defined in the Cinematograph Act, 1952, shall have the meanings assigned to them in that Act.

3. **Exhibition of video film to be licensed.**—(1) Save as otherwise provided in this Act no person shall give exhibition of video film :—

- (a) elsewhere than in a place for which permission has been granted; and
- (b) except under and in accordance with the terms and conditions of licence:

Provided that the provisions of this sub-section shall not apply to exhibition of video film for domestic purpose of the household.

Explanation:—For the purpose of this provision, exhibition of video film within the residential building of the person giving the exhibition to his family members, but not otherwise, shall be deemed to be exhibition for domestic purposes and home viewing.

(2) Where, in respect of any place a licence has been granted under this Act for exhibition of video film, no business other than the exhibition of video film shall be carried on in such place, by any person at any time.

4. 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 place or at different places, he shall obtain separate licence in respect of each Video Library.

5. Application for permission or licence.—(1) Every application for permission or licence under this Act shall be made to the licensing authority in the prescribed form along with blue prints and other documents as may be prescribed.

(2) The fee payable on an application for permission or licence shall be as may be prescribed.

6. Matters to be considered in granting or refusing permission.—(1) In granting or refusing permission, the licensing authority shall have regard to the following matters, namely,—

- (a) interest of general public;
- (b) suitability of the site for exhibition of video film;
- (c) adequacy or otherwise of existing place of exhibition of video film in the locality;
- (d) benefit to the locality to be afforded by the opening of the new place of exhibition of video film;
- (e) suitability of the place with reference to the security and such other specifications as may be prescribed.

(2) The licensing authority may, after consideration of the matters referred to in the sub-section (1), limit the number of places in any locality in respect of which permission for exhibition of video film may be granted.

7. No-objection Certificate for construction or renovation of building.—(1) If a person desires to obtain No-objection Certificate of the licensing authority for construction or renovation of a building for exhibition of video film before making application for permission, he may apply for such No-objection Certificate to the licensing authority along with blue prints and such other documents as may be prescribed.

(2) The fee payable on an application for No-objection Certificate shall be as may be prescribed.

8. Matters to be considered in granting or refusing No-objection Certificate.—In granting or refusing No-objection Certificate, the licensing authority shall have regard to the matters referred to in clauses (a), (b), (c) and (d) of Section 6.

9. Notice of application for permission or No-objection Certificate.—The licensing authority shall publish notice of every application for permission or No-objection Certificate in such manner as may be prescribed.

10. Grant of permission or No-objection Certificate.—(1) Before granting or refusing permission or, as the case may be, No-objection Certificate, the licensing authority shall consult such authorities as may be prescribed and shall take into consideration any representation from local authorities, District Superintendent of Police, association of persons of the locality or persons already giving exhibition of video film in or near the locality.

(2) Where the licensing authority is satisfied having regard, in respect of grant of permission, to the matters referred to in section 6, and in respect of grant of No-objection Certificate to the matters referred to in clauses (a), (b), (c) & (d) of that section, that the permission or, as the case may be, the No-objection Certificate may be granted, it may grant the permission or No-objection Certificate, as the case may be, subject to such terms and conditions as it may specify:

Provided that where the application for permission has already obtained No-objection Certificate in respect of the construction or renovation of the building, the licensing authority shall take into consideration only the matters referred to in clause (e) of section 6 in granting or refusing permission in respect of that building:

Provided further that no person shall be entitled to get renew more than one permission at the same time or during the same period.

(3) The permission and the No-objection Certificate shall be valid for such period as may be prescribed.

11. Matters to be considered in granting or refusing licence or renewal thereof.—(1) The licensing authority shall, in deciding whether to grant or refuse a licence for exhibition of video film, have regard to the following matters, namely,—

(a) status and antecedents of the applicant;

(b) desirability of granting licence to applicant;

who does not possess licence in other place under this Act or under the Cinematograph Act, 1952 whether in the same locality or elsewhere at any time.

Explanation:—For the purpose of this sub-section, the expression "antecedent" means the conduct of the applicant in relation to payment of any taxes or dues payable by him to the Government.

(2) In granting or refusing to grant licence for keeping Video Library, the licensing authority shall have regard to the interest of the general public and such other matters as may be prescribed.

(3) The licensing authority shall not grant or renew a licence unless it is satisfied that,

(a) in the case of licence for exhibition of video film, the applicant has taken adequate precaution of video film;

- (b) the applicant has not been convicted of any offence under the Cinematograph Act, 1952 or Chapter I of the Assam Amusement and Betting Tax Act, 1939 or the copyright Act, 1957 as in force in Manipur within a period of two years before the date of making application for grant or renewal of licence;
- (c) the applicant has substantially complied with the provisions of this Act, the rules made thereunder and in case of renewal, with the terms and conditions of the licence;
- (d) in the case of licence for exhibition of video film, the applicant has obtained permission in respect of the place where exhibition is proposed to be given.

12. **Consultation with other authority.**—Before granting or refusing to grant a licence for exhibition of video film, the licensing authority shall consult such authority or officer as may be prescribed.

13. **Grant of licence.**—Subject to the other provisions of this Act and general control of the Government, the licensing authority may grant licence to such person as it thinks fit for such period and subject to such terms and conditions, as may be prescribed, including the fulfilment of the specifications of the place referred to in clause (e) of sub-section (1) of section 6 and provision for safety, convenience and comfort of the persons attending the exhibition of video film referred to in clause (a) of section 11.

14. **Refusal of licence.**—Where the licensing authority refuses to grant a licence, it shall do so by order in writing and for reasons to be recorded therein to be communicated to the applicant.

15. **Permission and licence to be personal.**—Every permission and licence granted under this Act shall be personal to the person to whom they are 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.

16. **Power to issue directions.**—(1) The Government may, from time to time, issue direction to the licensing authority as the Government thinks necessary for carrying into effect the provisions of this Act and the rules made thereunder.

(2) The licensing authority may, from time to time, issue directions to any licensee for securing adequate exhibition of films having educational value, documentary films, films on current events or news or for exhibition of slides and where any such directions have been issued they shall be deemed to be additional terms and conditions of the licence.

Provided that no direction issued under this sub-section shall require the licensees to exhibit more than three or any number of slides for more than four minutes in any one show.

17. Particulars to be included in video films:—No person shall publish a video film in respect of any work unless the following particulars are displayed in the video film, when exhibited, and on the video cassette or other container thereof, namely,—

- (a) if such work is a cinematograph film required to be certified for exhibition under the provisions of the Cinematograph Act, 1952 (37 of 1952) a copy of the certificate granted by the Board of film Certification under Section 5-A of the Copyright Act, 1957 in respect of such work;
- (b) the name and address of the person who has made the video film and a declaration by him that he has obtained the necessary licence, or consent from the owner of the copyright in such work for making such video film, and
- (c) the name and address of the owner of the copyright in such work.

18. Power to suspend exhibition of video film in certain cases.—

(1) The Government, in respect of the whole of the state or any part thereof, and the District Magistrate within his jurisdiction may, if it or he is of opinion that any video film which is being publicly exhibited is likely to cause a breach of the peace, suspend, by order the exhibition of such film; and during such suspension no person shall exhibit such film or permit it to be exhibited in any place in the area.

(2) Where an order under sub-section (1) has been issued by the District Magistrate, he shall immediately send up a copy thereof, together with a statement of reasons therefor to the Government and, thereupon, the Government may, confirm or vary or discharge the order.

(3) An order issued under sub-section (1) shall remain in force for such period not exceeding two weeks as may be specified therein, but the Government may, if it is of opinion that the order should further continue, direct that the period of suspension shall be extended by such further period as it thinks fit:

Provided that the Government or the District Magistrate may, at any time, review its or his order, save however, that the District Magistrate shall not review his order after the Government has extended the period of suspension.

19. Power to revoke licence.—(1) Where—

- (i) a licence has been obtained by fraud or misrepresentation as to essential fact, or
- (ii) the licensee has since been convicted of an offence under this Act or under Chapter I of the Assam Amusements and Betting Tax Act, 1939 or the Copyright Act, 1957 as in force in Manipur or under the Cinematograph Act, 1952, or

- (iii) the licensee has, without reasonable ground; failed to comply with any provision of this Act or of the rules made thereunder or with any term and condition of the licence, or with any provision of Chapter I of the Assam Amusements and Betting Tax Act, 1939 as in force in Manipur or of the Cinematograph Act, 1952,

the licensing authority shall, without prejudice to any prosecution or penalty to which the person may be liable, revoke the licence:

Provided that no order of revocation of licence shall be made except after giving an opportunity of making representation and considering the representation, if any.

(2) Every order of revocation shall be in writing any reasons to be recorded therein and shall be communicated to the licensee.

20. Power to suspend licence.—(1) When the licensing authority has, on information or otherwise, reasonable ground to believe that a licence is liable to be revoked under section 20, that authority may order suspension of the licence for such period as it thinks fit pending the inquiry for revocation, as shall forthwith deliver a copy of the order of suspension to the licensee together with a notice to show cause as to why the licence should not be revoked.

(2) Upon considering representation, if any, of the licensee, if the licensing authority is satisfied that the default of licensee is rectifiable by taking adequate steps in relation to the licensed building or installation of machinery and the licensee has since taken such adequate steps to comply with the provisions of the Act and the rules made thereunder the term and condition of licence, it may revoke the order of the suspension and in all other cases, that authority shall revoke the licence.

21. Appeal.—(1) Any person aggrieved by an order of the licensing authority refusing to grant permission or licence or to renew a licence or refusing to approve transfer or assignment of a licence or by an order of revocation of licence, may, within such time and on payment of such fee as may be prescribed, appeal to such officer of the Government as the Government may, by notification in the Official Gazette, specify as appellate authority.

(2) The appellate authority referred to the sub-section (1) may make such order as it may think fit or proper.

(3) The appellate authority may stay the operation of the order appealed against for such period and pass such interim order as it thinks fit pending the appeal.

22. Revision.—(1) The appellate authority may, on its own motion or on application made within such period as may be prescribed, call for and examine the records of the licensing authority in respect of any proceeding under this Act, to satisfy itself as to the legality of any order of the licensing authority and if it is satisfied that any or such proceeding or order should, on the ground of irregularity or illegality, be modified, annulled, reversed or remitted for reconsideration, it may pass order accordingly:

Provided that no order prejudicial to any person shall be passed under this sub-section unless such person has been given an opportunity of making his representation.

(2) The appellate authority may pass such interim order as it thinks fit pending the exercise of the power under sub-section (1).

23. Offences.—Any person who contravenes, or attempts to contravene or abets the contravention of any of the provisions of this Act, or of any rule made thereunder or of any term and condition of a licence granted under this Act shall, without prejudice to any proceeding, penalty or sentence to which the person is liable under any other law for the time being in force, be punishable with imprisonment for a term which may extend to one year and shall also be liable to fine which may extend to five thousand rupees and, in the case of a continuing offence, with a further fine which may extend to five hundred rupees for each day during which the offence continue.

24. Offences by companies.—(1) Where an offence under this Act has been committed by a company, every person who, at the time of commission of the offence, was in charge of, and was responsible to the company for the conduct of 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 has committed without his knowledge or that he had exercise 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.

25. Power to enter, search, arrest and seize.—(1) Any police officer not below the rank of the office-in-charge of the police station may—

- (a) enter, if necessary be reasonable force, whether by day or night, with such assistance as he considers necessary any premises, which he has reason to suspect, are being used for the purposes connected with exhibition of video films or keeping Video Library in contravention of the provisions of this Act;

- (b) search the premises and persons against whom he may have reasonable suspicion of their having been concerned with giving such exhibition of video film or keeping the Video Library;
- (c) arrest without warrant 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 giving of the exhibition of video film or keeping a Video Library in contravention of the provisions of this Act ;
- (d) seize all things found therein which are intended to be used or reasonably suspected to have been used in connection with such exhibition of Video film or keeping 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).

(3) Every offence punishable under this Act shall be a cognizable offence within the meaning of the Code of Criminal Procedure, 1973.

26. Confiscation of film.—Video films exhibited or kept in contravention of the provisions of this Act, the rules made thereunder or the terms and conditions of a licence granted under this Act along with the Video Cassette Recorder and Video Cassette Player, if any, used in the exhibition of video film, shall be liable to confiscation by an order of the court.

27. Power to exempt.—Notwithstanding anything contained in this Act, if the Government is satisfied that it is necessary or expedient in the public interest so to do, it may, by notification, exempt, subject to such condition as it deems fit, any class of persons from the provisions of this Act.

28. Licensee and applicant not entitled to compensation.—Where grant of any permission or No-objection Certificate or licence is refused or any licence is suspended or revoked or not renewed, the applicant or licensee shall not be entitled to any compensation.

29. Refund of licence fee.—Where grant or renewal of licence is refused, the licence fee or, as the case may be, the fee for renewal thereof shall be refunded.

30. Bar of legal proceedings.—No suit or other legal proceeding shall lie against the Government, licensing authority or any public servant, as the case may be, in respect of anything which is, in good faith, done or intended to be done under this Act.

31. Power to make rules.—(1) The Government may, by publication in the official Gazette, make rules for carrying out all or any of the purposes of this Act.

(2) Without prejudice to the generality of the foregoing powers such rules may provide for—

- (a) guidelines to determine suitability of site for exhibition of video film;

- (b) specifications of place for exhibition of video film for the purpose of clause (e) of sub-section (1) of section 6;
- (c) the form of applications for permission, licence and No-objection Certificate and particulars of documents to be furnished with such applications;
- (d) authorities or officers to be consulted in granting or refusing permission, licence and No-objection Certificate;
- (e) forms of permission, licence and No-objection Certificate;
- (f) terms and conditions of licence including specifications of the place referred to in clause (b) and provisions for safety, convenience and comfort of persons attending the exhibition of video film;
- (g) rates of fees payable on application for permission, licence and No-objection Certificate and on memorandum of appeal and petition for revision;
- (h) procedure for disposal of application for permission, licence and No-objection Certificate;
- (i) terms and conditions subject to which permission and No-objection Certificate, may be granted;
- (j) actions to be taken in cases of contravention of terms and conditions referred to in clause (i);
- (k) form of letter of consent and manner of display thereof;
- (l) period of validity of permission, licence and No-objection Certificate;
- (m) fees and renewal of licence;
- (n) period of limitation and procedure for appeal and revision;
- (o) registers and records to be maintained by licensees in respect of video films exhibition thereof and other related matters and things;
- (p) any other matter which is required to be, or may be, prescribed or provided for by rules.

(3) Every rule made under this Act shall be laid, as soon as may be, before the Legislative Assembly while it is in session, for a total period of twenty days which may be comprised in one session or in two or more successive sessions, and if, before expiry of the session immediately following or successive sessions aforesaid, the House agrees in making modification in the rule or 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 amendment shall be without prejudice to the validity of anything previously done under that rule.

32. Savings.—(1) Every person giving exhibition of video film on licence immediately before the date of commencement of this Act, and every person keeping Video Library immediately before the said date shall obtain a licence thereof and, in the case of exhibition of video film, the permission within a period of two months from the said date failing which he shall close such exhibition or Video Library.

(2) Part III of the Cinematograph Act, 1952 shall, from the date of commencement of this Act, cease to apply to exhibition of video film.

(3) Save as otherwise provided in sub-section (2), the provisions of this Act, shall be in addition to, not in derogation of the Cinematograph Act, 1952 the Assam Amusements and Betting Tax Act, 1939 and any other law for the time being in force, and nothing contained herein shall be deemed to exempt any person from any proceeding, investigation, prosecution, sentence or penalty to which he may be liable under those Acts and other laws.