

IN pursuance of the provisions of clause (3) of article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of notification no. 1116/X-MK-89-XXR(1)/84, dated April 27, 1989 :

No. 1116/X-MK-89-XXR(1)-84

Dated Lucknow April 27, 1989

IN exercise of the powers under section 13 of the Uttar Pradesh Cinema (Regulation Act 1955 (U.P. Act no. 3 of 1956) the Governor is pleased to make the following rules with a view to amending the Uttar Pradesh Cinemas (Regulation of Exhibition by Means of Video) Rules, 1988 :

THE UTTAR PRADESH CINEMAS (REGULATION OF EXHIBITION BY MEANS OF VIDEO) (FIRST AMENDMENT) RULES, 1989

Short title and commencement

1. (1) These rules may be called the Uttar Pradesh Cinema (Regulation of exhibition by means of Video) (First Amendment) Rules, 1989.

(2) They shall come into force with effect from May 1, 1989.

Amendment of Rule 2

2. In rule 2 of the Uttar Pradesh Cinemas (Regulation of Exhibition by means of Video) Rules, 1988, herein after referred to as the said rules *after* clause (j) the following clauses shall be *inserted* namely:

(k) "Hotel" Means and establishment which provides facility of lodging and boarding on payment basis.

(l) Local area shall have meaning assigned to it in the Uttar Pradesh Entertainments and Betting Tax Act, 1979.

Amendment of Rule 4

3. In rule 4 of the said rules *for* the existing sub-rule (4) set out in column I below the sub-rule as set out in column II shall be *substituted* namely:—

COLUMN I

Existing sub-rule

(4) In case the auditorium is constructed on the first floor or the second floor of a building it shall have 1.6 metres wide varandah on any two sides with of last two cases to ground floor on two different sides out of which one should about the main though fare the width of the staircase shall not be less than 1.34 metres with 16 cms. riser and 25 cms. tread and there shall not be less than 3 and not more than 15 stairs at a stretch. The open space required under sub-rule (2) shall be provided on ground floor. The other requirements shall be the same as in the preceding sub-rules.

COLUMN II

Sub rule as hereby substituted

(4) In case the auditorium is constructed on the first floor of a building, it shall have 1.6 metres wide varandah on any two sides with atleast two stair cases to ground floor on two different sides, out of which one should about the main thoroughfare. The width of the stair case shall not be less than 1.34 metres with 16 cms. Riser and 25 cms. tread and there shall not be less than three and not more than 15 stairs at a stretch. The open space required under sub-rule (2) shall be provided on ground floor. The other requirements shall be the same as in the preceding sub-rules :

Provided that the consent of the occupier of the ground floor for the construction, if any, shall be obtained in case the auditorium is constructed on the first floor.

Amendment of rule 10, 11, 13, 14 and 17

4. In the said rules *for* the existing rules 10, 11, 13, 14 and 17 set out in column I below the rules, as set out against each in column II shall be *substituted* namely:—

COLUMN I

Existing rules

10. Application for licence for exhibition by means of video—(1) The application for licence for giving exhibition by means of video shall be submitted in Form no. 1 to the licensing authority alongwith the documents mentioned in sub-rules (2), (3) or (4) as the case may be.

COLUMN II

Rules as here by substituted

10. Application for licence for exhibition by means of video—(1) The application for license for giving exhibition by means of video shall be submitted in Form no. 1 to the licensing authority alongwith the documents mentioned in sub-rules (2), (3) or (4) as the case may be.

COLUMN I

Existing sub-rules

(2) In the case of permanent building other than a hotel or restaurant the application shall be accompanied with the following documents—

(i) A site plan in duplicate showing location of the premises in relation to adjacent premises within a radius of 100 metres and public thoroughfare on which the building abuts including the place marked for parking of vehicles drawn the scale of 1.5.

(ii) A building plan in duplicate including longitudinal and latitudinal sections and seating plan containing therein the arrangement of seats in each class including gangway and places left open drawn on the scale of 1.1.

(iii) No objection certificate from the Municipal corporation, Municipal Board, Gaon Panchayat or any other local authority concerned.

(iv) Photostat copy of licence obtained for the commercial use of video or television under the Indian Telegraph Act 1885 (Act 13 of 1885).

(v) Documents showing the ownership or tenancy of the place, building and the apparatus.

(3) In the case of a temporary building, hotel and restaurant the application shall be accompanied with the documents referred to in clauses (iii), (iv) and (v) of sub-rule (2).

(4) In the case of public service vehicle, the application shall be accompanied with the documents referred to in clause (iv) of sub-rule (2) and a photostat copy of documents of its registration under Motor Vehicles Act denoting therein the route if any of operation of the said vehicle.

11. *Other conditions for grant of licence—*
Licence shall not be granted for a video cinema if it is situated—

(i) within a radius of 500 metres of permanent cinema either existing or under construction in a town with a population exceeding 5 lakhs.

(ii) within a radius of 1000 metres of a permanent cinema either existing or under construction in a town with a population exceeding 50,000 but not exceeding 5 lakhs.

(iii) within a radius of 1500 metres of a permanent cinema either existing or under construction in a town with a population not exceeding 50,000.

(iv) within a distance of 400 metres of another video cinema.

COLUMN II

Sub rules as hereby substituted

(2) In the case of permanent building other than a hotel the application shall be accompanied with the following documents—

(i) A site plan in duplicate showing location of the premises in relation to adjacent premises within a radius of 100 metres and public thoroughfare on which the building abuts including the place, marked for parking of vehicles drawn on the scale one inch is equal to 10 metres :

(ii) A building plan in duplicate including longitudinal and latitudinal sections and seating plan containing therein the arrangements of seats in each class including gangway and places left open drawn on the scale one inch is equal to five metres,

(iii) Photostat copy of licence obtained for the commercial use of video or television under the Indian Telegraph Act, 1885 (Act 13 of 1885).

(iv) Documents showing the ownership or tenancy of the place, building and the apparatus or the vehicle.

(3) In the case of a temporary building and a hotel, the application shall be accompanied with the documents referred to in clause (iii) and (iv) of sub-rule (2).

(4) In the case of public service vehicle the application shall be accompanied with the documents referred to in clause (iv) of sub-rule (2) and a photostat copy of documents of its registration under Motor vehicle Act and fitness certificate of the vehicle denoting therein the route, if any, of operation of the said vehicle.

11. *Other conditions for grant of licence—*
(1) Licence shall not be granted for a video cinema if it is situated:—

(i) within the limits of a local area already having a cinema in a permanent building or where the same is under construction.

(ii) within the radius of 500 meters of the outer limits of a local area with population exceeding 5 lakhs and having a cinema in a permanent building.

(iii) Within the radius of 1000 metres of the outer limits of a local area with population exceeding 50,000 but not exceeding 5 lakhs and having a cinema in a permanent building.

(iv) Within the radius of 1500 metres of the outer limits of a local area with population upto 50,000 and having a cinema in a permanent building.

COLUMN I
Existing Sub-rule

COLUMN II

Sub-rule as hereby substituted

Explanation—(i) For the purposes of this rule the population of the latest census shall be taken into account while granting licence.

(ii) The aforesaid restrictions shall not apply in case of grant of a licence to a person, already giving exhibition by means of video in a permanent building before the commencement of these rules.

13. *Relaxation in respect of existing permanent buildings*—Any persons already holding exhibitions by means of video a permanent building before the date of commencement of these Rules may be granted relaxation by the licensing authority from any of the provisions of rule 4 if the licensing authority is satisfied that the public safety security and convenience is not Jeopardised by such relaxation.

14. *Power to refuse licence*—The licensing authority may for reasons to be recorded in writing refuse a licence if he is satisfied that the exhibition by means of video in a video cinema or hotel or restaurant is likely to cause obstruction in convenience, annoyance, risk, danger or damage to the residents or passers by in the vicinity of the place of exhibition.

17. *Fee*—

(1) The fee for grant or renewal of licence shall be as follows :—

(i) *Video Cinema*
Number of seats

Not exceeding 50 seats
Exceeding 50 seats but not exceeding 100 seats
Exceeding 100 seats but not exceeding 125 seats

(ii) *Hotel and Restaurants*

Fee
Rs. 600 per year or part thereof.
Rs. 900 per year or part thereof.
Rs. 1200 per year or part thereof.
Rs. 600 per year or part thereof per video cassette player.

(v) Within 500 metres of another video cinema.

(vi) In a restaurant or any other establishment, by whatever name called, engaged in serving or catering meals, snacks, hot or cold drinks etc.

(2) A travelling video cinema shall not be licensed within the radius of 2 kms. of a cinema in a permanent building.

Explanation—For the purposes of this rule, the population of the latest census of which the relevant figures have been published shall be taken into account while granting licence.

13. *Relaxation in respect of existing permanent building*—(1) Any person already holding exhibitions by means of video in a permanent building before the date of commencement of these Rules, may be granted relaxation by the licensing authority from any of the provisions of rule 4 if the licensing authority is satisfied that the public safety, security and convenience is not jeopardised by such relaxation.

(2) The State Government may grant relaxation from any of the provisions of rule 4 in respect of all other cases to which sub-rule (1) does not apply, if the State Government is satisfied that the public safety, security and convenience is not jeopardised by such relaxation.

14. *Power to refuse licence*—The licensing authority may for reasons to be recorded in writing refuse a licence, if he is satisfied that the exhibition by means of video in a video cinema or hotel or a public service vehicle is likely to cause obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passers by in the vicinity of the place of exhibition.

17. *Fee*—

(1) The fee for grant or renewal of licence shall be as follows :

(i) *Video Cinema*
Number of seats

Not exceeding 50 seats
Exceeding 50 seats but not exceeding 100 seats
Exceeding 100 seats but not exceeding 125 seats

(ii) *Hotel*

Fee
Rs. 600 per year or part thereof
Rs. 900 per year or part thereof
Rs. 1200 per year or part thereof.
Rs. 600 per year or part thereof per video cassette player

| COLUMN I Existing sub-rule | COLUMN II Sub-rule as hereby substituted |
|--|---|
| (iii) Public Service vehicles Rs. 600 per year or part thereof. | (iii) Public Service Vehicle Rs. 600 per year or part thereof. |
| (iv) The fee for the grant or renewal of a travelling video cinema shall be Rs. 50 per month or part thereof. | (iv) The fee for the grant or renewal of a travelling video cinema shall be Rs. 50 per month or part thereof. |
| (2) In case there is any such arrangement where exhibition is given by means of video on a number of different television screens, video screens or video scopes an additional licence fee of Rs. 50 per year or part thereof, shall be levied for each such screen, feeded by the said apparatus by whatsoever name it may be called. | (2) In case there is any such arrangement where exhibition is given by means of video on a number of different television screens video screen or video scopes, an additional licence fee of Rs. 50 per year or part thereof, shall be levied for each such screen, fed by the said apparatus, by whatsoever name it may be called. |
| 5. In rule 18 of the said rules for sub-rule (2) set out in column I below the sub-rule set out in column II shall be substituted namely:— | |

| COLUMN I Existing sub-rule | COLUMN II Sub-rule as hereby substituted |
|---|--|
| (2) The licensing Authority may grant or renew the licence for keeping a video library on payment of fee of Rs. 900 for one year or part thereof. | (2) The licensing authority may grant or renew the licence for keeping the video library on payment of Rs. 1200 in a local area with a population upto 2 lakhs and Rs. 2400 in other areas for one year or part thereof. |
| (b) after sub-rule (6) the following sub-rule shall be inserted namely:— | |
| (7) No person who has been granted licence for keeping a video library shall sell/let or hire to and distribute or exchange with in any manner whatsoever any video cassette of moving pictures to any person other than a licensee authorised to give exhibition by means of video or to a person obtaining it for home viewing. A certificate to this effect shall be appended by the licensee against every transaction of the above nature and a suitable endorsement shall be made on every cash/credit memo pertaining to such transaction. | |
| 6. In the said rules, for the existing rule 21 set out in column I below, the rule as set out in column II shall be substituted namely:— | |

| COLUMN I Existing sub-rule | COLUMN II Sub-rule as hereby substituted |
|---|---|
| 21. Provision for fire extinguisher etc.—The portable fire extinguisher of C. T. C. and one of soda Acid of 1 Kgs. capacity and one bucket (9 litres) filled with sand and four buckets (9 litres) filled with water shall be provided in the premises of video cinema and travelling video cinema. | 21. Provision for fire extinguisher etc.—The portable fire extinguisher of BCF 2Kg. capacity and one of soda Acid of 9 litres capacity one buckets (9 litres) filled with sand and four buckets (9 litres) filled with water shall be provided in the premises of a video cinema and a travelling video cinema. |
| 7. In the said rules, after rule 23 the following rules shall be inserted namely:— | |

24. *Inspection*—The following officers may at any time enter into and inspect the premises of a video cinema, Video Library, hotel or the Vehicle licensed under these rules for ensuring compliance of the rules:

(i) Commissioner, Deputy Commissioner, Assistant Commissioner, District Entertainment Tax Officer and Inspector of the entertainment and Betting Tax Department.

(ii) Deputy Director (Entertainment Tax) Revenue and Intelligence Directorate, Uttar Pradesh.

(iii) Not exceeding two police officers not below the rank of sub-Inspector deputed by the licensing authority in consultation with the superintendent of police.

(iv) Not exceeding two Magistrates nominated by the licensing authority.

(v) Electrical Inspector to the Government, and

(vi) Senior most professional officer of the U. P. fire service of the district.

25. *Screening or authorised cassettes*—(i) The licensee of a video cinema shall exhibit only those cassettes which have been certified as suitable for public exhibition by an authority constituted under section 3 of cinematograph Act, 1952 (Act no. 37 of 1952) and granted certificates in form IV-A, V-A and VI-A under cinematograph (Certification) Rules, 1983.

(ii) The licensee of a video cinema shall submit to the licensing authority previous information of every film proposed to be exhibited together with its synopsis consent from the person who is the first owner of the copyright under section 17 of the copyright Act, 1957 (Act no. 14 of 1957) and in case such copyright is assigned under section 18 of the said Act no. 14 of 1957 from the assignee of such copyright at least 48 hours before the proposed exhibition.

(iii) A copy of the synopsis and information required above shall be kept at the cinema also and produced for inspection when demanded by the officers authorised for inspections.

8. In the said rules, for the existing Form I set out in column I below the Form I as set out in column II shall be substituted, namely:—

Substitution of
Form I

COLUMN I
Existing Form I
Form I
(See Rule 10)

COLUMN II
Form I as hereby substituted
Form I
(See Rule 10)

Form of application for licence for exhibition by means of video.

- (i) Name of applicant
- (ii) Father's Name
- (iii) Age and Sex
- (iv) Address—
- (i) Permanent
- (duly verified)
- (ii) Present address

2. Name and description of the place

Exact location with house or plot no., if any, where exhibition by means of video is proposed and in case of public service vehicle registration number with route of operation, if any.

3. (i) Site plan in duplicate under rule 10(2)(i).
- (ii) Building plan in duplicate under Rule 10(2)(ii).

(iii) No objection certificate from Municipal Corporation, Municipal Board or any other local authority concerned under Rule 10(2)(iii).

Form of Application for
Licence for exhibition by means of video.

- (i) Name of applicant
- (ii) Father's Name
- (iii) Age and Sex
- (iv) Address—
- (i) Permanent
- (duly verified)
- (ii) Present Address

2. Name and description of the place

Exact location with house or plot number, if any where exhibition by means of video is proposed and the population of that local area where it is situated and in case of public service vehicle registration number with route of operation if any.

3. (i) Site Plan in duplicate under rule 10(2)(i)
- (ii) Building plan in duplicate under Rule 10(2)(ii)

(iii) Photostate copy of the licence obtained for commercial use of video or television under Indian Telegraphs Act, 1885.

COLUMN I
Existing Form I
Form I
(See Rule 10)

(iv) Photostate copy of the licence obtained for commercial use of video or television under Indian Telegraph Act, 1885.

(v) Documents showing the ownership or tenancy of the place, building and apparatus Rule 10(2)(v).

(vi) In the case of partnership firm, name and addresses of the partners.

4. In the case of Video Cinema and Travelling Video Cinema—

(i) Number of shows proposed to be held daily with show timings of each show.

(ii) Width of—

(a) Television screen

(b) Video screen

(iii) Total seating capacity with classwise seating arrangement of each class.

(iv) Rates of admission and amount entertainment tax for each ticket of (separately of each class)

(v) Proposed date of start of exhibition by means of video.

(vi) Name of manager, if any.

5. In the case of Hotel and Restaurant—

(i) Number of television screens/video screen/video scope.

(ii) number of video cassette players.

(iii) Proposed date of start of exhibition by means of video.

(iv) Name of Manager, if any.

6. Number and date of Treasury challan with which the amount of prescribed fee/renewal fee has been deposited.

Date :

Signature of the applicant with address duly verified by any gazetted Officer.

COLUMN II
Form I as hereby substituted
Form I
(See Rule 10)

(iv) Documents showing the ownership or tenancy of the place, building, apparatus and vehicles Rule 10(2)(iv).

(v) In the case of partnership firms, name and addresses of the partners.

4. In the case of Video Cinema and travelling video cinema—

(i) Number of shows proposed to be held daily with show timings of each show.

(ii) Width of—

(a) television screen

(b) video screen

(iii) Total seating capacity with class wise seating arrangement of each class.

(iv) Rates of admission inclusive of tax for each ticket.

(v) Name and address of manager if any.

(vi) Proposed date of start of exhibition by means of video.

5. In the case of hotel—

(i) Number of television screens/video screens/video scope

(ii) Number of video cassette players.

(iii) proposed number of rooms with facility of exhibition by means of video.

(vi) Proposed date of start of exhibition by means of video.

(v) Name and address of the Manager.

6. Number and date of treasury challan by which the amount of prescribed licence fee/renewal fee has been deposited.

Date :

Signature of the applicant with address duly verified by a gazetted Officer.

By order,

NRIPENDRA MISRA,
Sachiv.