

उद्देश्य और कारण

उत्तर प्रदेश चलचित्र (विनियमन) अधिनियम, 1955, चलचित्र या वीडियो के माध्यम से फिल्म प्रदर्शनों को विनियमित करने हेतु अधिनियमित किया गया है। विज्ञान एवं प्रौद्योगिकी में हुए तीव्र विकास तथा निर्माण की तकनीकों में हुए परिवर्तन के कारण उक्त अधिनियम में संशोधन करना आवश्यक हो गया है। अतएव यह विनिश्चय किया गया है कि उक्त अधिनियम में संशोधन करके मुख्य रूप से निम्नलिखित व्यवस्था की जाय :-

(क) सिनेमा/मल्टीप्लेक्सेज के निर्माण की अनुमति प्रदान करने हेतु "सक्षम प्राधिकरण" को परिभाषित किया जाना;

(ख) आर्थिक रूप से व्यवहार्य लघु सिनेमा-निर्माण को प्रोत्साहित करने हेतु "मिनी सिनेमा" को परिभाषित किया जाना ;

(ग) डिजिटाइजेशन के पश्चात् सेट टॉप बॉक्स के अधिष्ठापन की अनिवार्यता के कारण टेलीविजन सिग्नल रिसीवर एजेन्सी के लाइसेन्स की व्यवस्था को हटाया जाना ;

(घ) उत्तर प्रदेश आगोद और पणकर अधिनियम, 1979 के निरसन के पश्चात् अन्य मनोरंजनों के आयोजन की अनुमति दिया जाना;

(ङ) सिनेमा/मल्टीप्लेक्सेज का लाइसेन्स तथा अन्य मनोरंजन की अनुमति विहित समय के अन्तर्गत प्रदान करने के लिए ऑन लाइन प्रणाली किया जाना, जिसमें विफल होने पर लाइसेंस या अनुमति प्रदान किया गया समझा जायेगा ;

(च) राजमन्, राज्य सरकार का सचिवालय और उच्च न्यायालय के लिये ही न्यूनतम दूरी का उपबन्ध निर्वन्धित किया जाना ;

(छ) शारित एवं प्रशमन प्रभार पुनरीक्षित किया जाना;

(ज) सिनेमा/मल्टीप्लेक्सेज के लिए लाइसेन्स/नवीकरण की समयावधि में वृद्धि किया जाना।
तदनुसार, उत्तर प्रदेश चलचित्र (विनियमन)(संशोधन) विधेयक, 2017 पुरस्थापित किया जाता है।

आज्ञा से,
वीरेन्द्र कुमार श्रीवास्तव,
प्रमुख सचिव।

No. 2722(2)/LXXIX-V-1-17-1(ka) 24/17

Dated Lucknow, January 6, 2018

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 the Uttar Pradesh Chalchitra (Vinayam) (Samsodhan) Adhiniyam, 2017 (Uttar Pradesh Adhiniyam Sankhya 7 of 2018) as passed by the Uttar Pradesh Legislature and assented to by the Governor on January 5, 2018 :-

THE UTTAR PRADESH CINEMAS (REGULATION)

(AMENDMENT) ACT, 2017

[R.P. Act No. 7 of 2018]

(As passed by the Uttar Pradesh Legislature)

AND

ACT

to amend the Uttar Pradesh Cinemas (Regulation) Act, 1955.

Enacted in the Sixty-eighth Year of the Republic of India as

follows :-

(1) This Act may be called the Uttar Pradesh Cinemas (Regulation) Act, 2017. Short title and extent

(2) It shall extend to the whole of Uttar Pradesh.

Amendment of
section 2 of U.P.
Act no. 3 of 1956

2. In section 2 of the Uttar Pradesh Cinemas (Regulation) Act, 1955 *hereinafter* referred to as principal Act,-

(a) for clauses (a), (a-1) and (a-2) the following clauses shall be *substituted*, namely:-

“(a) **“appellate authority”** means the State Government when the appeal is preferred against the order of an Officer, notified by the State Government for this purpose and the Divisional Commissioner when the appeal is preferred against an order of the District Magistrate.

(a-1) **“Competent Authority”** means the local authority created or established under any law for the time being in force by the State Government which exercises authority over land under its jurisdiction, and has powers to give permission for development of such immovable property;

(a-2) **“Entertainment”** includes any exhibition, performance, amusement, game, sport (including horse race), Direct-To-Home Broadcasting services, Cable Services, exhibition by means of cinematograph, Digital Projection System and Video, to which persons are admitted for payment and, in the case of exhibition by means of cinematograph and Digital Projection System includes exhibition news-reel, documentaries, cartoons, advertisements, shorts and slides, whether before or during the exhibition of a feature film or separately. It also includes any activity notified as entertainment by the State Government from time to time;

(a-3) **“exhibition by means of video”** means an exhibition to or in public, on payment for admission of moving pictures or series of pictures, by playing or replaying a pre-recorded cassette or any other device, by whatever name called or by means of a video cassette player or any other apparatus, by whatever name called whether on screen of a television set or video scope or otherwise;

(a-4) **“Mini Cinema”** means a single screen cinema licensed for cinematograph exhibition or exhibition through digital projection system in a permanent building with seating capacity not exceeding 125;

(a-5) **“Multiplex”** means a group or conglomeration of two or more than two cinema halls within the same premises with commercial, cultural and other entertainment related facilities;”

(b) clauses (f-1) and (f-2) shall be *omitted*.

(c) in clause (i) the words and figures “the Uttar Pradesh Entertainments and the Betting Tax Act, 1979” shall be *omitted*.

Amendment of
section 3

3. In section 3 of the principal Act,-

(a) for clause (a) the following clause shall be *substituted*, namely:-

“(a) give an exhibition by means of cinematograph or digital projection system, or”;

(b) clause (d) shall be *omitted*.

Amendment of
section 4

4. For section 4 of the principal Act the following section shall be *substituted*, namely:-

“4. The authority having power to grant license under this Act
Licensing Authority (hereinafter referred to as the licensing authority) shall be the District Magistrate:

Provided that the State Government may, by notification in the *Gazette*, confer upon an Officer, notified by the State Government for this purpose, for the whole or any part of the State, such of the powers of the licensing authority under this Act, as it may specify in the notification, either concurrently with or to the exclusion of the District Magistrate.

Provided further that where any of such powers are exercisable concurrently by the District Magistrate and an Officer, notified by the State Government for this purpose, each of them shall keep the other informed of all orders passed by them, and in case of difference of opinion between them on any matter a reference shall be made to the State Government whose decision shall be final."

5. After section 4 of the principal Act the following sections shall be inserted, namely:-

Insertion of sections 4-A and 4-B

"4-A. (1) No entertainment on which any tax is leviable, whether
 Permission for holding entertainment exempted from the liability to pay tax or not, shall be held without obtaining prior permission of the District Magistrate.

(2) The District Magistrate may permit any such entertainment after satisfying himself that proper precaution has been taken for electrical and fire safety, law and order, public order and safety, and extra safety measure have been taken for any arrangement of air cooling or air conditioning facility and any other electrical installations at the place where the entertainment is proposed to be held.

(3) Notwithstanding anything to the contrary contained in any provision of this Act or any other law for the time being in force, the District Magistrate or any other officer authorized by the State Government in this behalf, may prohibit the holding of such entertainment, if he is satisfied that—

(a) the proprietor has given any false information which is likely to result in the evasion of tax;

(b) the proprietor has committed or likely to commit a breach of any of the provisions of this Act or the rules made thereunder; or

(c) the holding of the entertainment is prejudicial to public safety, decency or morality :

Provided that nothing in this section shall apply to Direct-to-Home, cable services and all entertainments licensed under the provisions of this Act."

"4-B. (1) A license required for the entertainments, as provided in
 Provisions related to the licensing and permission section 3 may be granted by the licensing authority for a period not exceeding five years.

(2) A permission, as provided in section 4-A may be granted by the District Magistrate for the required period as mentioned in an application not exceeding five years.

(3) On submission of an application complete in all respect the licensing authority or the District Magistrate shall grant or refuse to grant license or permission within 30 days from the date of receipt of an application in such manner as may be prescribed by the State Government. On expiry of the said period, the license or the permission shall be deemed to be granted.

(4) The applicant may submit his/her application on departmental web portal along with necessary documents and payment of fees (if any). If the application is complete in all respect and the applicant is eligible, the license or permission shall be granted through the web portal within 30 days and the same shall be sent through email to the applicant. The applicant may also download the said license or permission from the departmental web portal:

Provided if the license or permission is obtained by misrepresentation of fact or concealment of fact or on the basis of forged document then such license or permission shall be deemed null and void and may be cancelled by the licensing authority or District Magistrate and legal action shall be taken against applicant."

Amendment of
section 5

6. In section 5 of the principal Act,-

(a) in sub-section (1),-

(i) in clause (aa) for sub clause (i) the following sub clause shall be *substituted*, namely:-

"(i) is situated at a distance of not less than 200 metres from the Raj Bhawan, the State Government Secretariat or the High Court ;"

(ii) sub clauses (ii) and (iii) shall be *omitted*.

(b) clause (bb) shall be *omitted*.

(c) in the Explanation appearing after clause (c);

(i) Explanation (1) shall be *omitted*;

(ii) *after* Explanation (2) the following note shall be *inserted*, namely;

"**NOTE**-The certificate of actual measurement in Metre-Kilogram-Second (M.K.S.) system shall be provided by the Competent Authority or the person authorized by him."

Amendment of
section 6-A

7. In section 6-A of the principal Act,-

(a) in sub-section (1) *for* the words "video library or television signal receiver agency" the words "video library" shall be *substituted*.

(b) in sub-section (4) *for* the words "cinematograph or video" the words "cinematograph or digital projection system or video" shall be *substituted*.

Amendment of
section 8

8. In section 8 of the principal Act,-

(a) in sub-section (1) *for* the words "video library or television signal receiver agency" the words "video library or holds entertainment" and *for* the words "ten thousand rupees" the words "twenty thousand rupees" shall be *substituted*;

(b) in sub-section (2) *for* the words "five thousand rupees" the words "ten thousand rupees" shall be *substituted*.

(c) in sub-section (3) *for* the words "twenty five thousand rupees" the words "fifty thousand rupees" shall be *substituted*.

Amendment of
section 13

9. In section 13 of the principal Act, in sub-section (2),-

(a) in clause (a) *for* the words "video library or television signal receiver agency" the words "video library" shall be *substituted*.

(b) in clause (aa) *for* the words "fifty thousand rupees" the words "two lakh rupees" shall be *substituted*.

Insertion of
section 13-A

10. After section 13 of the principal Act, the following section shall be *inserted*, namely:-

"13-A. The provisions of this Act as amended by the Uttar Pradesh Validation Cinemas (Regulation) (Amendment) Act, 2017 shall also apply and Savings to the applications pending and approval given for construction of permanent building and license granted before the commencement of the said Act of 2017."

STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh Cinemas (Regulation) Act, 1955 has been enacted to regulate the exhibitions of films through cinematograph or video. Due to fast development in science and technology and change in construction techniques it has become necessary to amend the said Act. It has, therefore, been decided to amend the said Act mainly to provide for:-

(a) defining "Competent Authority" for the grant of permission regarding construction of Cinema/Multiplexes;

(b) defining "Mini Cinema" to promote the construction of economically viable small cinemas;

(c) omission of licensing of Television Signal Receiver Agency due to compulsory installation of Set Top Boxes after digitization;

(d) permission of holding other entertainments after repealing the Uttar Pradesh Entertainment and Betting Tax Act, 1979;

(e) online system for granting the license of cinema/multiplexes and permission of other entertainment within prescribed time, failing which license or permission will be deemed to have been granted;

(f) restricting the provision of minimum distance only to the Raj Bhavan, the State Government Secretariat and the High Court;

(g) revising the penalty and composition charges; and

(h) extending the time period of license/renewal for Cinema/ Multiplexes.

The Uttar Pradesh Cinemas (Regulation) (Amendment) Bill, 2017 is introduced accordingly.

By order,

VIRENDRA KUMAR SRIVASTAVA,

Pramukh Sachiv.