

MANIPUR EXHIBITION OF VIDEO FILMS (REGULATION) ACT, 1989

THE MANIPUR EXHIBITION OF VIDEO FILMS (REGULATION) ACT, 1989 (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 This Act may be called 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. Aft, contexte (a) "cinematograph" includes any apparatus for the representation of moving pictures or series of pictures; 2 (b) "exhibition of video film" means exhibition of film on a screen through Video Cassette Recorder and Video Player ; (c) (d) (e) (g) (h) (i) (j) (k) "Government" means the Government of Manipur; "licence" means a licence granted under section 13; "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; "permission" means the permission granted under section 10; "place" includes a house, building, tent, walléd enclosure and any description of transport, whether by water or land; "prescribed" means prescribed by rules made under this Act; "Video Cassette Recorder and Video Cassette a cinematograph use for exhibition of film recorded on Video Cassette tape; "Video film" means a film recorded on Video Cassette tape* "Video Library" means a place by whatever name 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 Acts 1952, shall have the meaning assigned to them in that Act

3. Exhibition of video film to be save as otherwise provided in this Act no person shall give exhibition of video film (a) in a place which is a dwelling; and (b) except under and with Provided that the provisions of this sub-section shall not apply to exhibition of video film -purpose of the household. of this provision, exhibition of Video film within the dwelling of the person giving exhibition with his family member, shall be exempted for domestic purpose and home viewing. (2) Where, this Act for exhibition of video film, no business other than that be carried on by any time. 3 Act any Video Library exempt under and in accordance with a licence granted under this Act. (2) Where- a person keeps more than one Video library, in the same place or at different places, he shall obtain separate in respect of each Video Library. So. Every application for or under this Act shall be made to the licensing authority in the prescribed form along with blue prints and other may be - prescribed (2). The fee payable on an application for permission be as may be prescribed. 6. to be in refusing In granting or refusing permission, the authority shall have regard to the following matters, namely,— (a) (b) (c) (d) (e) (2) interest of general public; suitability of the site for exhibition of video film; adequacy or otherwise of existing of video film in the locality; benefit to be afforded by the of the film; suitability of the place with reference to the security and such other specifications as may be prescribed. The licensing authority may, after consideration: of referred to in the sub-section thenumber of in respect of which permission for exhibition of Video film -may be granted, 7. No-objection Certificate for or renovation of If a person desires to obtain No-objection Certificate of NE authority for construction or - renovation of a for exhibition of video film before making application for he may apply for such No-objection Certificate to the licensing authority along with blue prints and such other documents as may be (2) The fee payable on an for No-objection Certificate shall be as may be to be -considered in refusing No-objection or refusal- 'licensing authority* shall have regard (a), (b), (c) and (d) of Section 6

9. Notice of objection for certificate.—The licensing authority shall publish notice of every application for or No-objection Certificate in such manner as may be prescribed, -before or after the grant of the No-objection Certificate, the : such authority may refuse to grant a film in or near the locality. or, to in clauses (a), (b), (c) & (d) of that section, that' We may grant the permission or No-objection Certificate, as case may subject to such terms and conditions as it may specify : Provided that where the application for, has already obtained No-objection Certificate -of the or renovation of the building, the licensing-authority shall in only the matters referred to in clause (e) b 2 in relation to granting or refusing that- Provided further

that no person shall get more than one permission at the same time during the same period. (3) The permission and the No-objection Certificate shall be valid for such period as may be specified in the matters relating to the grant or refusal of licence or whether for— (a) status and antecedents of the applicant; (b) fitness of the applicant; who does not possess licence in place— under or under the Cinematograph Act, 1952 or whether in the place elsewhere at any time. Explanation :—For the purpose of this sub-section, the expression 'the applicant' means any person who is liable to pay any tax or dues payable by him to the Government, unless (a) if the case of licence for exhibition of video film, the applicant has taken adequate precaution of video film; or (b) the 1952 or Chapter I of the Assam Amusement and Betting Tax Act, 1939 or the Copyright Act, 1957, in force in Manipur within a year of the date of making application for grant or renewal of licence; or (c) the applicant has substantially complied with the provisions of the Cinematograph Act, 1952 or Chapter I of the Assam Amusement and Betting Tax Act, 1939 or the Copyright Act, 1957, in force in Manipur within a year of the date of making application for grant or renewal of licence; (d) in the case of licence for exhibition of video films the applicant has obtained permission in respect of the place where exhibition is proposed to be held; and (e) in the case of licence for exhibition of video films, 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 the control of the Government, the licensing authority may grant licence to such person as it thinks fit on such terms and conditions, as may be prescribed, including the fulfilment of the specifications of the place referred to in clause (e) of Section 1 of the Cinematograph Act, 1952 or Chapter I of the Assam Amusement and Betting Tax Act, 1939 or the Copyright Act, 1957, in force in Manipur within a year of the date of making application for grant or renewal of licence; (2) Where the licensing authority grants a licence, it shall do so by order in writing and for reasons to be communicated to the applicant, in writing by the licensing authority. to the person to, granted and no transfer or other writing by the licensing authority. to the person may, in writing, be made thereunder. (2) The licensing authority may, from time to time, issue directions. value, documentary films, films current exhibition of slides and such directions have been issued, shall the of any 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, 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 therein, but Government may, if it is of opinion that the order should 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 as to essential fact, or (ii) the licensee has been of an offence under this Act or under Chapter I of the Assam Amusement 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 provision of this Act or of made thereunder or with any term and condition of the licence, or with any provision of Chapter I of the Assam Amusement and Betting Tax Act, 1939 as in force in Manipur or of the Cinematograph Act, 1952, 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 When the licensing authority of 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. 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 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 in 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 order as it thinks fit pending the appeal. **22. Revision.**—(1) The appellate authority may, on its own motion or 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 that any or such order should, on the ground of irregularity or illegality, be modified, annulled, reversed or remitted for reconsideration, it pass order accordingly: 8 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 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 continues

24. Offences by 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 been 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 (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 Any police officer not below the rank of the officer-in-charge of the police station may—(a) enter, if necessary by 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 of video library in contravention of the provisions of this Act; 9 (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 or credible information has been 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 property.—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 to 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, the case may be, in respect of anything which is, in good faith, done or intended to be done under this Act. 31. Rules. 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 rules may provide for— (a) guidelines to determine suitability of site for exhibition of video (b) (c) (g) (j) (k) (m) (n) (p) Video Certificate and particulars of documents to be submitted with such applications; (d) (e) (f) (h) (i) (l) (o) (q) (r) (s) (t) (u) (v) (w) (x) (y) (z) (aa) (ab) (ac) (ad) (ae) (af) (ag) (ah) (ai) (aj) (ak) (al) (am) (an) (ao) (ap) (aq) (ar) (as) (at) (au) (av) (aw) (ax) (ay) (az) (ba) (bb) (bc) (bd) (be) (bf) (bg) (bh) (bi) (bj) (bk) (bl) (bm) (bn) (bo) (bp) (bq) (br) (bs) (bt) (bu) (bv) (bw) (bx) (by) (bz) (ca) (cb) (cc) (cd) (ce) (cf) (cg) (ch) (ci) (cj) (ck) (cl) (cm) (cn) (co) (cp) (cq) (cr) (cs) (ct) (cu) (cv) (cw) (cx) (cy) (cz) (da) (db) (dc) (dd) (de) (df) (dg) (dh) (di) (dj) (dk) (dl) (dm) (dn) (do) (dp) (dq) (dr) (ds) (dt) (du) (dv) (dw) (dx) (dy) (dz) (ea) 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