

The 14th April 1985

No. GA.267/84/341—In exercise of the powers conferred under Section 10 of the Meghalaya Cinemas (Regulation) Act, [the Assam Cinemas (Regulation) Act, 1953 as adapted by Meghalaya]. The Governor of Meghalaya hereby makes the following Rules, namely:—

"The Meghalaya Cinemas (Exhibition of Films on Video Equipment") Rules, 1985.

1. Short title, extent and commencement:— (1) These Rules may be called the Meghalaya Cinemas (Exhibition of Films on Video Equipment) Rules, 1985.

(2) They shall extend to the whole of the State of Meghalaya.

(3) They shall come into force at once.

2. Definitions:—In these rules, unless there is anything repugnant in the subject or context.

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

(b) "District Magistrate" means the District Magistrate of the District concerned ;

(c) "Government" means the Government of Meghalaya.

(d) "Exhibition" means an exhibition of any picture or series of pictures by means of any video cassette recorders or Players, video discs or by any other technological adaptation of the same, and the word "exhibit" shall be construed accordingly ;

(e) "Films" means a cassette, tape, disc or any other appliance in which a picture or series of pictures is recorded ;

(f) "License" means a license granted under these rules, and "licensee" shall be construed accordingly ;

(g) "place" includes a house, building, tent and any description of transport whether by water, land or air.

3. Exhibition to be licensed:—A person shall not make any exhibition of film on video equipment for commercial purposes without a license granted under these rules: provided that these rules shall not apply to exhibition and use of video equipment in private homes where public are not admitted for gain or other purposes.

4. Eligibility:—Any person other than a company or Association shall not be entitled to obtain or hold any license under these rules unless such person has attained the age of 21 years.

5. **“Application for a license”**—(1) An application for grant of a license shall be made in writing to the concerned District Magistrate in form I appended to these rules and shall state—

- (a) the full name and address of the applicant ;
- (b) the location of the place where exhibition is proposed to be made ;
- (c) the full particulars regarding ownership and rights in the place and in the cinematograph apparatus to be used therein ;
- (d) the location and particulars of construction of the place including its size, floor area and nature of construction.

(2) The application in Sub-rule (1) shall also be accompanied by—

- (a) proof of payment of all license fees due on the cinematograph apparatus ;
- (b) when either the ownership of or the right in either the place or the apparatus intended to be used do not vest with the applicant a certificate of “no objection” to issue of license from the person with whom such rights vest ;
- (c) A “no objection” certificate from the Municipal Board, Town Committee or Local Durbar having jurisdiction over the area, to the grant of the license ;
- (d) A clearance certificate from the concerned Superintendent of Taxes in respect of all taxes due under the Meghalaya Amusement and Betting Tax Act (The Assam Amusement and Betting Tax Act, 1939, as adapted by Meghalaya) ;
- (e) A Treasury receipt for the application fee paid.
- (f) Proof of age of applicant.

6. **Consideration of License**.—In considering grant of license, the District Magistrate shall satisfy himself that the proposed place of exhibition is—

- (a) provided with adequate fire extinguisher, ventilation, seating arrangements, lavatory arrangements, additional safety exit and other precautions ;
- (b) maintained in a clean and hygienic manner.
- (c) equipped with suitable electrical installations which are in good condition ; and
- (d) located in a place which is consistent with public safety and convenience.

7. Grant of a license.—(1) If the District Magistrate is otherwise satisfied he may on payment of license fee prescribed in rule 8 grant a license in form II appended to these rules for a period of 12 months initially. The license may, on application being made fulfilling the requirement of rule 5, be granted for a further period of 12 months at a time.

(2) The license shall not be transferable.

8. Fees:—(a) A fee of Rs.200 only shall be paid for each application for a license. In case the application is rejected the fee shall be refunded within 30 days from the date of rejection to the applicant.

(a) A fee of Rs 20 only shall be levied for every month or part thereof for the period for which the license is granted. If the licence is revoked for 30 days or more under rule 17 the fee shall not be leviable.

(c) A fee of Rs.10 only shall be paid for a copy of the licence which may be issued as duplicate in case of loss or destruction of the original licence ;

(d) A fee of Rs.100 shall be charged for renewal of licence.

(e) All fees in these rules shall be paid into the concerned Treasury and credited into the head of Account "....."

9. Maintenance of records:—The licensee shall at all time keep and maintain full and up-to-date records relating to exhibition of films including books connected with the sales of tickets, accounts and wages of the Manager or any other employees employed for the business.

10. Inspection:—The licensee or his agent or manager shall offer free access to the District Magistrate or any officer authorised by him, to enter and inspect the place for verifying compliance with the provisions of the rules and observance of the terms and conditions of the license, and also to other officers of the Government for the purpose of checking and assessing taxes.

11. Revocation or suspension of the license:—A license granted in these rules may at any time be revoked or suspended by the District Magistrate if he is satisfied that—

(a) the license is obtained by fraud or mis-representation ; or

(b) any of the provisions of these rules, or the conditions of the license, have been violated ; or

(c) the exhibition is used in a manner prejudicial to public interest ;

Provided that the licensing authority shall give a reasonable opportunity (notice not exceeding 10 days) to show cause before action is taken under this rule.

12. **Appeal:**—Any person aggrieved by the orders of District Magistrate refusing granting of a license or revoking or suspending a license already granted, may prefer an appeal to the Government within 30 days from the date of receiving the said orders from the District Magistrate.

13. **Conditions for grant of a licensee:**—The following conditions shall be enforced for grant of a license under these rules, namely:—

- (a) the maximum number of persons to be admitted to one show shall not exceed 50 (fifty).
- (b) the location of the place of exhibition shall not be anywhere within 100 metres from any educational institution, hospital dispensary, place of worship, or other place of exhibition of cinemas authorised under these rules or the Meghalaya Cinemas (Regulation) Act.
- (c) not more than four exhibitions shall be made in one day, and no exhibition of films shall be made after 12 midnight;
- (d) distance between the screen of exhibition and the first of row of viewers shall not be less than 2 metres;
- (e) no person shall smoke, and no licensee or his agent or manager shall permit smoking, in the place of exhibition.
- (f) the size of the screen for video exhibition shall not less than 51 centimetres.
- (g) no addition to or alteration of any portion of the premises licensed for exhibition shall be made without written permission of the District Magistrate, and such permission shall only be granted on receipt of an application in writing accompanied by complete plans and specification of the proposed plan alteration.
- (h) the rates of admission to the place of exhibition shall be affixed by the District Magistrate after taking into consideration the seating capacity of the place, the amenities provided in the place of exhibition, the prevailing rates of admission in similar places of exhibition, operating under licenses issued under the Meghalaya Cinemas (Regulation) Act, etc. The prescribed rates of admission shall be clearly indicated by means of a Board or otherwise in a prominent manner outside the place of exhibition.
- (i) a dim light by means of a bulb having power not below 25 watts and not more than 50 watts shall be kept on throughout the period of exhibition of films. The bulb shall be placed at right angles to the line of vision of the viewers.

14. **Censorship Certificates:**—The license shall not exhibit any film that does not carry a certificate granted by the Central Board of Film Certification under one of the Forms IV:A, V:A, VI:A, or VII:A prescribed under rule 35 of the Cinematograph (Certification) Rules, 1983 as amended. In making such exhibition the licensee shall be bound by the specific conditions of the certificate granted to each film regarding the nature of and age of the audience.

15. **Miscellaneous matters.**—In all matters not covered in these rules, the final decision will rest with the Government.

16. **Compliance with orders etc.**—The licensee shall also abide with all orders connected with these rules which the Government or the licensing authority may issue from time to time.

17. **Powers to revoke license**—The District Magistrate shall have absolute discretion to revoke a license, if the exhibition of films under such license is likely to cause obstruction, inconvenience, annoyance, risk, danger or damage to the public or to passers-by in the vicinity of the place of exhibition: provided that the reasons for the revocation of the license shall be recorded in writing by the District Magistrate. Provided further, that unless the revocation is agreed to by the Government, it shall cease to operate after 30 days and the license shall be voided.

R. V. LINGDOH,
Addl. Chief Secretary to the Govt. of Meghalaya,
General Administration Department.

FORM— I

(See rule 5)

Application for license under rule 5 of the Meghalaya Cinema (Exhibition of Films on Video Equipment) Rules, 1985 :—

- (i) Name of Applicant :—
- (ii) Father's Name :—
- (iii) Age of the Applicant :—
- (iv) Permanent Address of Applicant :—
- (v) Temporary Address :—
- (vi) Location and description of :—
place proposed for exhibition.
- (vii) Name of owner of equipment :—
for exhibition.
- (viii) Name of owner of place of :—
exhibition.
- (ix) Location and particulars :—
of the nature of construction size, and floor area.
- (x) Proposed maximum number :—
of viewers per show.

I hereby declare that the above statement is true to the best of my knowledge and belief. I also enclose the documents required by rule 5(ii) of the Meghalaya Cinemas (Exhibition of Films on Video equipment) Rules, 1985.

Signature of applicant.

FORM—II

(See rule 7)

Licenses for exhibition of films on Video equipment (issued under rule, 7 of the Meghalaya Cinemas (Exhibition of Films on Video equipment) Rules, 1935.

Under the powers vested in the District Magistrate within his jurisdiction under the above rules, license is hereby granted to the person named mentioned below for giving exhibition of films on video equipment subject to the provisions of the said rules. The licensee shall abide by all the conditions and restriction imposed by the rules, and by the orders issued by orders of the Government or the Licensing authority issued from time to time.

- (i) Name:—
- (ii) Father's Name and address:—
of the licensee.
- (iii) Area in square metres:—
- (iv) Special conditions, if any:—
- (v) Rates of admission:—

(Seal)

Signature of Licensing Authority.