The Uttar Pradesh Cinemas (Regulation) (Amendment) Act, 1974

Act 27 of 1974

Keyword(s):
Exhibition by Means of Video, Video Library

Amendments appended: 21 of 1986, 32 of 1995, 8 of 2001, 7 of 2018
THE UTTAR PRADESH CINEMAS (REGULATION) (AMENDMENT) ACT, 1974
[U. P. Act No. 27 of 1974]

* (Authoritative English Text of the Uttar Pradesh Chal-Chitra (Viniyaman) (Sanshodhan) Adhiniyam, 1974).

AN ACT

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

It is HEREBY enacted in the Twenty-fifth Year of the Republic of India as follows:—

1. This Act may be called the Uttar Pradesh Cinemas (Regulation) (Amendment) Act, 1974.

2. In section 5 of the Uttar Pradesh Cinemas (Regulation) Act, 1955, hereinafter referred to as the principal Act, in sub-section (1),—

(i) after clause (a), the following clause shall be inserted, namely:—

"(aa) the building or other place in which cinematograph exhibition proposed to be given—

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

(ii) is situated at such minimum distance as may be prescribed from other public buildings and from recognised educational and other public institutions and public hospitals;

(iii) is not situated in a locality which is exclusively residential in character or is reserved exclusively for residential purposes; and";

(ii) after clause (b), the following clause shall be inserted, namely:—

"(c) the grant of licence is not otherwise contrary to the public interest.";

(iii) at the end, the following Explanation shall be inserted, namely:—

"Explanation—(1) Different minimum distances may be prescribed under sub-clause (ii) of clause (aa) in relation to different classes of public buildings, institutions and hospitals.

(2) For purposes of clause (aa), the distance shall be measured from the outer boundary of the compound of the cinema building to the outer boundary of the compound, if any, of the other building mentioned in that clause."

3. In section 7 of the principal Act,—

(i) for sub-section (1), the following sub-sections shall be substituted, namely:—

"(1) Notwithstanding anything contained in this Act, where a licence has been granted under section 5, it may be cancelled or revoked in the public interest—

(i) by the State Government, where the licence was granted by the Government or by the licensing authority;

(ii) by the licensing authority, where the licence was granted by such authority.

* (For Statement of Objects and Reasons, please see Uttar Pradesh Gazette (Extraordinary), dated August 24, 1974.

(Passed in Hindi by the Uttar Pradesh Legislative Council on August 21, 1974, and by the Uttar Pradesh Legislative Assembly on August 22, 1974).

(Received the Assent of the Governor on August 26, 1974 under Article 200 of the Constitution of India and was published in the Uttar Pradesh Gazette Extraordinary, dated August 27, 1974).
(I-A) In particular and without prejudice to the generality of the power conferred by sub-section (1), a licence may be cancelled or revoked under that sub-section on any of the following grounds, namely:

(a) that the licence was obtained through fraud or mis-representation; or

(b) that the licensing authority or the State Government while considering the application or appeal, as the case may be, under section 5 was under a mistake as to a matter essential to the question of grant or refusal of licence; or

(c) that the licensee has been guilty of breach of the provisions of this Act or the rules made thereunder or of any conditions or restrictions contained in the licence, or of any direction issued under sub-section (4) of section 5; or

(d) that on account of any change occurring in the situation of the place licensed, the continuance of the licence is considered prejudicial to decency or morality; or

(e) that the licensee has been convicted of any offence under section 8 of this Act or section 7 of Cinematograph Act, 1952.

(ii) in sub-section (2),—

(a) the word “suspended” shall be omitted;

(b) the following proviso thereto shall be inserted, namely:

“Provided that where the State Government or the licensing authority, as the case may be, is further of the opinion that the object of the action proposed to be taken would be defeated by delay, it may, while or after communicating to the licensee, as aforesaid, the grounds on which the action is proposed, pass an interim order suspending the licence in the mean time.”;

(iii) in sub-section (3), the word “suspended” shall be omitted;

(iv) in sub-section (4), for the words “suspension, cancelling or revoking a licence under sub-section (3)”, the words “suspending a licence under the proviso to sub-section (2) or cancelling or revoking it under sub-section (3)” shall be substituted.

4. In section 12 of the principal Act, in sub-section (2), for the word “order” wherever occurring, the words “rule or order” shall be substituted and be deemed always to have been substituted.

5. In section 13 of the principal Act,—

(a) in sub-section (1), the words “after previous publication” shall be omitted and be deemed always to have been omitted;

(b) after sub-section (2), the following sub-section shall be inserted, namely:

“(3) All rules made under this Act shall, as soon as may be after they are made be laid before each House of the State Legislature while it is in session for a total period of thirty days extending in its one session or more than one successive sessions, and shall unless some later date is appointed, take effect from the date of their publication in the Gazette, subject to such modifications or annulments as the two Houses of the Legislature may during the said period agree to make, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.”

6. The amendments made in the principal Act by this Act shall apply in relation to all applications, whether given before or after the commencement of this Act, for the grant of licence for cinematograph exhibition or for approval for construction of a permanent building for that purpose, and shall apply in relation to all such applications for the grant of licence for cinematograph exhibition notwithstanding that approval for construction of a permanent building for that purpose had been given by the licensing authority before the commencement of this Act.

PSUP—A. P. 194 Sa (Vidhayaka)—1656—1974.—1827+50 S.S. (M.)
No. 1688 (2) / XVII-V-1-1 (KA) - 1986

Dated Lucknow, September 22, 1986

In pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Chal-Chitra (Viniyaman) (Sanshodhan) Adhiniyam, 1986 (Uttar Pradesh Adhiniyam Sankhya 21 of 1986) as passed by the Uttar Pradesh Legislature and assented to by the Governor on September 20, 1986:

THE UTTAR PRADESH CINEMAS (REGULATION)
- (AMENDMENT) ACT, 1986
[U. P. ACT NO. 21 OF 1986]
(As passed by the Uttar Pradesh Legislature)

AN

ACT

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

It is hereby enacted in the Thirty-seventh Year of the Republic of India

as follows:

1. (1) This Act may be called the Uttar Pradesh Cinemas (Regulation) (Amendment) Act, 1986.

(2) It shall come into force on such date as the State Government may, by notification, appoint in this behalf.
2. In the long title of the Uttar Pradesh Cinemas (Regulation) Act, 1955, hereinafter referred to as the principal Act, after the word “cinematographs” the words “and video” shall be inserted.

3. In the preamble of the principal Act, after the word “cinematographs” the words “and video” shall be inserted.

4. In section 2 of the principal Act—
   (a) in clause (a) after the word “apparatus” the words “other than video” shall be inserted;
   (b) after clause (a), the following clause shall be inserted, namely:
      "(aa) ‘exhibition’ by means of video means an exhibition in public on payment for admission of moving pictures or series of pictures by playing or replaying a pre-recorded cassette by means of a video cassette player whether on the screen of a television set or videoscope or otherwise;

      Explanations—For the purposes of this clause exhibition by means of video in any restaurant or hotel or public transport vehicle shall be deemed to be on payment for admission whether or not payment for admission to such exhibition is charged distinctly from the payment for refreshment or meals or room rent or fare or any other charges, as the case may be."
   (c) after clause (f), the following clause shall be inserted, namely:
      "(g) ‘video library’ means a place, by whatever name called, where the business of selling or letting on hire or distribution or exchange or putting into circulation in any manner whatsoever, of moving pictures or series of pictures recorded on a video cassette is carried on.”

5. For section 3 of the principal Act, the following section shall be substituted, namely:

   Licence "3 Save as otherwise provided in this Act, no person shall—
   (a) give an exhibition by means of cinematograph, or
   (b) give an exhibition by means of video, or
   (c) keep a video library,

   elsewhere than in a place licensed under this Act, or otherwise than in compliance with the conditions and restrictions imposed by such licence.”

6. After section 6 of the principal Act, the following section shall be inserted, namely:

   "6-A (1) The Licensing authority or any other officer authorised by Inspection of any person in this behalf may, with such assistance as may be necessary, enter, inspect and search at any reasonable time, any place ordinarily used or suspected to be used, for exhibition by means of cinematograph or video, or for keeping video library, with a view to securing compliance of the provisions of this Act or the rules made thereunder.

   (2) Every officer, referred to in sub-section (1), shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

   (3) Every officer, referred to in sub-section (1), may require any person who is suspected of contravening any of the provisions of this Act or rules made thereunder, to declare immediately his name and address, and if such person refuses or fails to give his name and address, or if the officer reasonably suspects him of giving a false name or address, the officer may arrest him and detain or get him detained at the nearest police station and the provisions of section 42 of the Code of Criminal Procedure, 1975 shall apply.”

7. For section 8 of the principal Act, the following sections shall be substituted, namely:

   "8. (1) If the owner or person incharge of a Cinematograph uses Penalty of a place permits that place to be used for exhibition by means of
cinematograph, or if a person gives exhibition by means of video or keeps a video library, in contravention of the provisions of this Act or the rules made thereunder or of the conditions and restrictions upon or subject to which licence has been granted under this Act, he shall be punishable with fine which may extend to two thousand rupees, and in the case of continuing offence with a further fine which may extend to five hundred rupees for each day during which the offence continues.

(2) If any person prevents the entry of any officer duly authorised in this behalf, or otherwise obstructs such officer in the discharge of his duties imposed by or under this Act or the rules made thereunder, he shall be punishable with a fine which may extend to two thousand rupees.

8-A. (1) Any offence punishable under this Act may, subject to any general or special order of the State Government in this behalf, be compounded by the Licensing Authority, either before or after the institution of the prosecution, on realisation of such amount of composition fee as he thinks fit, not exceeding the maximum amount of fine fixed for the offence.

(2) Where the offence is so compounded,—

(a) before the institution of the prosecution, the offender shall not be liable to prosecution for such offence and shall, if in custody, be set at liberty;

(b) after the institution of the prosecution, the composition shall amount to acquittal of the offender.”

8. In section 10 of the principal Act, for the words “any cinematograph exhibition or class of exhibitions” the words “any exhibition or class of exhibitions by means of cinematograph or video or any video library” shall be substituted.

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

(a) in clause (a), for the words “cinematograph exhibitions may be displayed” the words “exhibitions by means of cinematograph or video may be made or video libraries may be kept” shall be substituted;

(a) in clause (a) after the word “apparatus” the words “other than graph exhibition” the words “licenses under this Act” shall be substituted.

By order,

S. N. SAHAY,
Sachiv.
No. 1805 (2)/XVII-V-1—1(KA)39-1995

Date: Lucknow, September 14, 1995

In pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Chal Chitra (Viniyaman) (Sanshodhan) Adhiniyam, 1995 (Uttar Pradesh Adhiniyam Sankhya 32 of 1995) as passed by the Uttar Pradesh Legislature and assented to by the Governor on September 13, 1995:

THE UTTAR PRADESH CINEMAS (REGULATION) (AMENDMENT) ACT, 1995

(U. P. ACT NO. 32 OF 1995)

[As passed by the Uttar Pradesh Legislature]

AN ACT

further to amend the Uttar Pradesh Cinemas (Regulation) Act, 1955.
It is hereby enacted in the Forty-sixth Year of the Republic of India as follows:

1. (1) This Act may be called the Uttar Pradesh Cinemas (Regulation) (Amendment) Act, 1995.

(2) It shall come into force on such date, as the State Government may, by notification, appoint in this behalf.

2. In section 2 of the Uttar Pradesh Cinemas (Regulation) Act, 1956, hereinafter referred to as the principal Act, clauses (a) and (aa) shall be re-numbered as clauses (aa) and (aaa) thereof respectively and before clause (aa) as so re-numbered the following clause shall be inserted, namely:

“(a) ‘appellate authority’ means the State Government when the appeal is preferred against an order of the Entertainment Tax Commissioner, Uttar Pradesh, and the Divisional Commissioner when the appeal is preferred against an order of the District Magistrate;”

3. In section 5 of the principal Act, in sub-section (2), for the words ‘the State Government and the State Government’ the words “the appellate authority and the appellate authority” shall be substituted.

4. In section 6-A of the principal Act,—

(a) in sub-section (1), after the words “rules made thereunder” the words “and may seize such films and video cassettes as are found being exhibited or kept in contravention thereof” shall be inserted;

(b) after sub-section (4), the following sub-section shall be inserted, namely:

“(5) Every film or video cassette seized under sub-section (1) shall, as soon as may be, be produced before the court having jurisdiction which may make such order as it thinks fit for its proper custody.

(6) Films and video cassettes seized under sub-section (1) shall be liable to confiscation by an order of the court having jurisdiction:

Provided that no order of confiscation shall be made until the expiration of one month from the date of seizure and without hearing any person who may claim any right thereto and considering the evidence, if any, which he produces in respect of his claim.”

5. In section 7 of the principal Act—

(a) in sub-section (1-A), in clause (b) for the words “State Government” the words “appellate authority” shall be substituted;

(b) in sub-section (4), for the words “State Government” the words “appellate authority” shall be substituted;

(c) in sub-section (5), for the words “State Government” the words “appellate authority” shall be substituted.

By order,

N. K. NARANG,
Pranab Sachdiwala
No. 761 (2)/XVII-V-1—1 (KA)-27-2000

Dated Lucknow, March 28, 2001

In pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Chal-Chitra (Viniyaman Sanshodhan) Adhiniyam, 2000 (Uttar Pradesh Adhiniyam Sankhya 8 of 2001) as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 27, 2001.

THE UTTAR PRADESH CINEMAS (REGULATION) (AMENDMENT) ACT, 2000

(U. P. ACT No. 8 of 2001)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

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

IT IS HEREBY enacted in the Fifty-first Year of the Republic of India as follows:—

1. This Act may be called the Uttar Pradesh Cinemas (Regulation) (Amendment) Act, 2000.

2. In section 2 of the Uttar Pradesh Cinemas (Regulation) Act, 1955,—
   
   (a) in clause (aa) for the words “a pre-recorded cassette by means of a video cassette player”, the words “a pre-recorded cassette or any other device, by whatever name called by means of a video cassette player or any other apparatus, by whatever name called” shall be substituted;
   
   (b) in clause (g) for the words “video cassette”, the words “video cassette or any other device by whatever name called” shall be substituted.
STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh Cinemas (Regulation) Act, 1955 has been enacted to provide for regulating exhibition of cinemas by means of cinemographs and video. With the development of science and technologies, new devices and apparatus have been developed for exhibiting cinéma. It has, therefore, been decided to amend the said Act to include such devices and apparatus also within the ambit of the said Act.

The Uttar Pradesh Cinemas (Regulation) (Amendment) Bill, 2000 is introduced accordingly.

By order,
Y. R. TRIPATHI,
Pramukh Sachiv.
सरकारी गजट, उत्तर प्रदेश
उत्तर प्रदेशीय सरकार द्वारा प्रकाशित
असाधारण

विधायी परिषिद्द
भाग-1, खण्ड (क)
(उत्तर प्रदेश अधिनियम)

लखनऊ, शनिवार, 6 जनवरी, 2018
पौष 16, 1939 शाक सन्तत

उत्तर प्रदेश शासन
विधायी अनुमान-1

संख्या 2722/79-वी-1-17-1(क) 24/17
लखनऊ, 6 जनवरी, 2018

अधिसूचना

"भारत का संविधान" के अनुसार 200 के अधीन सर्वमाल गहनादत्त ने उत्तर प्रदेश चलचित्र (विनियमन) (संशोधन) विनोवक, 2017 पर दिनांक 5 जनवरी, 2018 के अनुसार प्रदान की और वह उत्तर प्रदेश अधिनियम संख्या 7 सं. 2018 के रूप में सर्वसाधारण की सूचनार्थ इस अधिसूचना द्वारा प्रकाशित की जाता है:

उत्तर प्रदेश चलचित्र (विनियमन) (संशोधन) अधिनियम, 2017
[उत्तर प्रदेश अधिनियम संख्या 7 राष्ट्र 2018]
(जेसा उत्तर प्रदेश विचार गण्डल द्वारा चालित हुआ)
उत्तर प्रदेश चलचित्र (विनियमन) अधिनियम, 1955 का अंतराल संशोधन करने के लिए

अधिनियम

भारत मण्डल के अंतराल वर्ष में निम्नलिखित अधिनियम बनाया जाता है:

1-(1) यह अधिनियम उत्तर प्रदेश चलचित्र (विनियमन) (संशोधन) अधिनियम, 2017 काश्य
जायेगा।

(2) इसका विस्तार संपूर्ण उत्तर प्रदेश में होगा।
उत्तर प्रदेश अधिनियम
संख्या 3 सन 1956
dी धारा 2 का संशोधन

2–उत्तर प्रदेश धरतीचित्र (जिन्हिनकर) अधिनियम, 1955, जिसे आगे मूल अधिनियम कहा गया है, की धारा 2 में–

(क) "अपीलीय प्राधिकारी" का तात्पर्य राज्य सरकार से होगा जब अपील
इस उपदेश हेतु राज्य सरकार द्वारा अद्वितीय या अद्वितीय प्राधिकार किसी अधिकारी के आदेश के
विरुद्ध की गयी है और जब अपील जिन्हा मजिस्ट्रेट के किसी आदेश के विरुद्ध
की गयी हो तो फलबन्धुकता से होगा:

(क–1) "राज्य प्राधिकार" का तात्पर्य राज्य सरकार द्वारा तस्वीर प्रदान
किसी दिशा के अन्तर्गत या जड़ भूमि ऐसे स्थानीय प्राधिकार से है, जो
अपीलीय अधिकारी के अन्तर्गत भूमि पर प्राधिकार करता है और उसके
पास ऐसी अन्तर्गत साप्ताहिक के विकास के लिए अनुमूल्य प्रदान करने की
शक्तियां हैं;

(क–2) "मनोरंजन" में कोई प्रदर्शन, प्रस्तुतिकरण, आयोजन, खेल, कृषि
(मुख्यतः मान्यता), दर्शनालय दू आदि प्रसारण सेवाएँ, बैनरेट सेवाएँ, तालिकाएँ,
विज्ञापन, फिल्म, विज्ञापन सिस्टम और वीडियो के माध्यम से प्रदर्शन, जिसमें स्थापित
का प्रवेश नुकसान के उद्देश्य से किया जाता है, समस्यातिहै और अन्यतम तथा
विज्ञापन, फिल्म, तथा फिल्म, वेबसाइट और राज्य समस्यातिहै
इसमें राज्य सरकार द्वारा समय-समय पर मनोरंजन के रूप में अविश्वसित कोई क्रियाकलाप भी
समस्यात है;

(क–3) "वीडियो के माध्यम से प्रदर्शन" का तात्पर्य किसी पूर्व विकार की
कृषि या अन्य भूमि पर, जब भी नाम ने जाना जाय या वीडियो के केन्द्र
प्लेयर या वीडियो के अन्य साधारण द्वारा, जब भी नाम ने जाना जाय, वीडियो
या वीडियो की मूलभूत का, जब भी देखी जियो के सीट की सीढ़ी पर या
वीडियो उभारे या अन्य भूमि पर, प्रदर्शन के लिए नुकसान लेकर जनता के लिए या
जनता में प्रदर्शन करते रहते हैं;

(क–4) "निम्न श्रेणियाँ" का तात्पर्य 125 के शास्त्री के रूप में बलिदान
प्रदर्शन या हिजील जनसंगठन सिस्टम के
माध्यम से प्रदर्शन हेतु लाइसेंस प्राप्त एकल श्रेणी रिजिंगल है;

(क–5) "लाइसेंसर" का तात्पर्य एक ही परिसर के भीतर वाणिज्यिक,
संबंधित और अन्य मनोरंजन से जुड़ी संबंधितों के साथ दो या दो से अधिक
रिजिंगलों के समूह या समुदाय से हैं;

(ख) खान (क–1) और (क–2) निकाल दिये जायेंगे।

(ग) खान (अ) में वाष्प और अंध है "उत्तर प्रदेश अभिभाषण और प्रणय
अधिनियम, 1979" निकाल दिये जायेंगे।

धारा 4 का संशोधन

3–अर्थात, अधिनियम की धारा 3 में–

(क) खान (क) के स्थान पर निम्नलिखित खान रख दिया जायेगा, अथवा;

"(प) वाष्प या हिजील जनसंगठन सिस्टम के माध्यम से कोई प्रदर्शन नहीं करेगा,
या"

(ख) खान (प) निकाल दिया जायेगा।

4–अर्थात, अधिनियम की धारा 4 के स्थान पर निम्नलिखित धारा रख दी जायेगी,

एस अधिनियम के अधीन लाइसेंस प्रदान करने की शक्ति रखने वाला
लाइसेंस प्राधिकारी जिसे एस लाइसेंस प्राधिकारी कहा गया है,

प्राधिकारी लाइसेंस गाइटेक्ट होगा:
परन्तु राज्य सरकार, गवर्नमेंट में अधिसूचना द्वारा सम्बन्धित राज्य या उसके किसी ग्राम के लिए राज्य सरकार द्वारा इस अभियोजनमुर्कता की अभियोजन की उपलब्धि के लिए अधिनियम के अंतर्गत लाइसेंस प्राप्त करने के लिए साधारण अदालत में प्रस्तावना की होगी, तब तक वित्तपंश मंजिलेट से सांसद-साथ या उन्होंने अपवाद करें तक हुए प्रदान कर सकता है।

परन्तु यह और कि जब ऐसी कोई शक्तिशाली वित्तपंश मंजिलेट और इस प्रस्तावना द्वारा अधिसूचना अधिकारी द्वारा सांसद-साथ या अन्य सांसद के साथ राज्य सरकार के साथ सांभाव्य निर्णय दानादान निर्णय किया जाएगा, तबमें वित्तपंश अनुरोध होगा। धारा 4 के 5-पुल अधिनियम कीर्ति 4 के प्रवाह मनोरित गाँव के जानें, अर्थातः

4-का (1) कोई गवर्नेंट, जिसा पर कर उद्घरणीय हो, वाहे वह कर युग्म हुए गवर्नेंट करके देने के आधार से मुक्त नर या न हो, वित्तपंश मंजिलेट की अभियोजन करने के उपर अनुज्ञात प्राप्त करने के लिए विषय आयोजित नहीं किया जाएगा।

(2) वित्तपंश मंजिलेट किसी ऐसे मान्यता को दागे का विभाग अनुमति रखने के समय अनुमति वाला ऐसा रखने के लिए अनुमति नहीं किया जाएगा।

(3) इस अधिनियम या तत्तथात्सर प्रमुख किसी अन्य प्रिवे से उस को इस प्रकार के लिए किया जाएगा हुए ऐसे वित्तपंश मंजिलेट या इस निर्णय निर्णय करता राज्य सरकार द्वारा प्राप्त अनुमति किए अन्य अधिकारी, ऐसे मान्यता को देने के संरक्षण होता है, यदि उसका यह समाधान हो जाता है कि—

(क) सांसद ने कोई रिपोर्ट सुनाई दी है, किसी मान्यता कर्मचारी समाधान होता है;

(ख) सांसद ने इस अधिनियम या इसके अधीन बनाए गए नियमों के लिए निर्धारित नियम या उसके द्वारा निर्धारित नियम या उसके मान्यता को देने से लाल सुक्ष्म, सिद्धांत या कैदियों पर प्रकृत अवध उत्तर दिन होता है;

(ग) सांसद मान्यता किये जाने से लाल सुक्ष्म, सिद्धांत या कैदियों पर प्रकृत अवध होता है;

परन्तु इस धारा में कोई बात विपरीत दृष्टि हो, केवल हेतु के लिए अनुमति नहीं किया जाएगा।

4-ख (1) धारा 3 में यदा उपबन्धित गवर्नेंट हेतु अभियोजन अनुमोदित, लाइसेंस अनुमोदन और अधिकारियों द्वारा अनुमोदित पांच वर्ष की अवधि के लिए प्रदान की अनुमति से जाती है:

(2) धारा 4-क में यदा उपबन्धित अनुमोदित, वित्तपंश मंजि द्वारा आवेदन—पत्र में यदा अभियोजन पांच वर्ष के लिए प्रदान की जा सकती है

(3) सभी प्रकार से पूर्ण आवेदन पत्र प्रस्तुत किये जाने पर लाइसेंस प्राप्त करने के लिए सांसद द्वारा अनुमति दी जाए तो राज्य सरकार द्वारा प्रकृत निर्णय किया जाए लाइसेंस या अनुमति प्रदान करने का प्रदान करने के लिए संरक्षण करने का उम्मीद किया जाएगा। उम्मीद की समाधान पर लाइसेंस या अनुमति प्रदान की गई से सभी जानेंगे।

4-ला अवधारणा संबंधी के और अन्य संबंधी (यदि कोई हो) के साथ अन्य आवेदन पत्र विभीषण वेब पोर्टल पर प्रस्तुत कर सकता /सकती है। यदि आवेदन पत्र राज्य सरकार से पूर्ण हो और आवेदक पत्र हो तो लाइसेंस या अनुमति 30 दिन के अंतर्गत वेब पोर्टल के माध्यम से प्रदान की जानें और वे आवेदक को ई-मेल के माध्यम से प्रिंट की जानें। आवेदक। उत्तर लाइसेंस या अनुमति वेब पोर्टल से भी उत्तर देने का समाधान होता है।
उत्तर प्रदेश आसामिया ग्राम, 6 अगस्त, 2018

परंतु यदि लाइसेंस या अनुमान, तथ्यों के दुर्व्यवस्थण अथवा तथ्यों को
किसी अन्य केंद्रीय दस्तावेजों के आधार पर प्राप्त की जाती है, तो ऐसे
लाइसेंस या अनुमान अवलोकन और रूपरेखा सामग्री जारी न कर और उसे लाइसेंस प्राप्तकर्ता
आवश्यकता हो जिन्हें जारी किया जा सकता है और आवेदक के विभिन्न
विषयक कार्यावाही की जायेगी।

6-मूल अधिनियम की वारा 5 में—

(क) उपाधार (1) में,

(i) खण्ड (खंड) में, उपखण्ड (उपखंड) के स्थान पर निम्नलिखित उपखण्ड रख
दिये जायेंगे, अथवा—

"(ii) राज भवन, राज्य सरकार के साहित्य व उद्योग व्यावसायिक सेवा
का से कम 200 मीटर की दूरी पर स्थित है;"

(ii) उप खण्ड (उपखंड) और (iii) निम्नलिखित दिशा जानेंः

(ख) उप खण्ड (खंड) निर्देश दिखायेंः

(ग) खण्ड (घंड) के पर्यावरण उपरंपरता होने वाले स्थानीय कार्यावाही में

(i) उपाधार (1) निम्नलिखित रीति जानेंः

(ii) स्थानीय कार्यावाही (2) के पर्यावरण निम्नलिखित तिधियों वाली दी
जायेंः

अथवा—

" स्थानीय एवं उपाधार (2) दिनांकों (समानक्षेत्र) प्राप्ती गृह व वास्तविक गृह प्राप्त गृह प्राप्त गृह प्राप्त गृह प्राप्त गृह प्राप्त किया जानेगा।"

6-क का

संरचना

7-मूल अधिनियम की वारा 6-क में—

(क) उपाधार (1) में, शब्द "वीडियो लाइसेंस या टेलीविजन सिम्युल रिसीवर
eंजेनी" के स्थान पर शब्द "वीडियो लाइसेंस" रख दिये जायेंः

(ख) उपाधार (4) में, शब्द "बल्लिन्ट या वीडियो" के स्थान पर शब्द
"बल्लिन्ट या वीडियो" रख दिये जायेंः

8-संरचना

मूल अधिनियम की वारा 8 में—

(क) उपाधार (1) में, शब्द "वीडियो लाइसेंस या टेलीविजन सिम्युल रिसीवर
eंजेनी" के स्थान पर शब्द "वीडियो लाइसेंस या गृह प्राप्त गृह प्राप्त गृह प्राप्त गृह प्राप्त गृह प्राप्त किया जानेगा।"

(ख) उपाधार (4) में, शब्द "बल्लिन्ट या वीडियो" के स्थान पर शब्द
"बल्लिन्ट या वीडियो" रख दिये जायेंः

(ग) उपाधार (2) में, शब्द "पांच हजार रूपये" के स्थान पर शब्द "दस हजार रूपये"
रख दिये जायेंः

(घ) उपाधार (3) में, शब्द "पांच हजार रूपये" के स्थान पर शब्द "पांच रूपये"
रख दिये जायेंः

9-मूल अधिनियम की वारा 13 में, उपाधार (2) में—

(क) खण्ड (क्षण्ड) में, शब्द "वीडियो पुस्तकालय या टेलीविजन सिम्युल रिसीवर
eंजेनी" के स्थान पर शब्द "वीडियो पुस्तकालय" रख दिये जायेंः

(ख) खण्ड (क्षण्ड) में शब्द "पांच हजार रूपये" के स्थान पर शब्द "दो तास हजार रूपये" रख दिये जायेंः

10-मूल अधिनियम की वारा 13 के पांच हजार, निम्नलिखित दी घरा दी जायेगी,

अथवा—

"13-क-उत्तर प्रदेश वाटिन्ट (विधिनियम) (संबंधित) अधिनियम, 2017 द्वारा
विनियम-नियम यथा संरचित इस अधिनियम के उपरांत, उक्त अधिनियम सन्
अथवा वक्ता अधिनियम 2017 के प्राप्त रूपों के पूरे, लाभित अवधेंद्र-पश्चिम और
व्यवस्था भाव इत्यादि हेतु दिये गये अनुसूचना तथा प्राप्त किये गये नाम के किसी
घरा होगा।"
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 (Viniyaman) (Sanskodhan) 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

[U.P. ACT NO. 7 of 2018]

(As passed by the Uttar Pradesh Legislature)

AN

ACT

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

IT IS HEREBY enacted in the Sixty eighth Year of the Republic of India as follows:

1. (1) This Act may be called the Uttar Pradesh Cinemas (Regulation) (Amendment) Act, 2017.

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

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.

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:

"4-A. (1) No entertainment on which any tax is leviable, whether 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 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."

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."

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.

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.

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.

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 Cinemas (Regulation) (Amendment) Act, 2017 shall also apply 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 entertainments 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.