

SC-9
3-7-12

In the High Court of Judicature at Patna,

(Civil Writ Jurisdiction)

C.W.J.C. No. ----- of 2012

Narendra Kumar Singh & Others Petitioners

Versus

The State of Bihar & Others Respondents

Sub :

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IN THE HIGH COURT OF JUDICATURE AT PATNA

(Civil Writ Jurisdiction)

C.W.J.C. No. _____ of 2012

Narendra Kumar Singh and others..... Petitioners

Versus

The State of Bihar and others..... Respondents

Prayer:- Writ petition for appropriate writ/direction to the Respondent authorities to take effective steps to control and regulate the exhibition of motion pictures/films in illegal and unauthorized manner.

Chronological events:-

26.12.2007- A representation sent to Chief Minister, Bihar regarding exhibition of films through 3 Lens Video Projectors in illegal manners. Annexure-1

24.07.2008- Letter issued by the Deputy Secretary-cum Director, Department of Urban development and Housing, Govt. of Bihar to all District Magistrates of Bihar for conducting enquiry against all the Video Halls exhibiting films in unauthorized way.

Annexure-2

17.12.2008- Memorandum sent by the petitioners to Deputy Chief Minister, Bihar about no effective control on unauthorized video parlours showing films illegally. Annexure-3

10.06.2009- Deputy Collector I/c District General (Entertainment) Section, Katihar sent a letter to Branch Manager, Films Division, Govt. of India, Kolkata, S.D.M., Katihar and other concerned officials about the same. Annexure-4

10.07.2009- The petitioners again sent representation, since no action was taken, to the Deputy Chief Minister, Bihar.

Annexure-5

10.06.2010- Under Secretary, Department of Urban Development and Housing, Govt. of Bihar issued a letter to concerned District Magistrates of Koshi Region, Bihar directing them to take appropriate action against the erring Video Halls/Parlours.

Annexure-6

03.06.2011- The petitioners sent an application to the Deputy Collector I/c Entertainment Section, Purnea pointing out aforesaid illegality being committed by the Video Halls.

Annexure-7

01.02.2012- The petitioners sent a memorandum to the Principal Secretary, Department of Urban Development and Housing about inaction on the part of local authorities of Kosi Region.

Annexure-8

In the High Court of Judicature at Patna,
(Civil Writ Jurisdiction)

C.W.J.C. No. ----- of 2012

In the matter of an application
under Article 226 of the
Constitution of India;

And

In the matter of;

1. North Eastern (Koshi) Motion Pictures Association, Chankaya Tower, Amla Tola, Katihar through the President Narendra Kumar Singh "Pappu".
2. Narendra Kumar Singh "Pappu" S/o Late Ram Nain Singh, R/O Chankaya Tower, Amla Tola, Katihar, P.S.-Katihar, District-Katihar.

Throught.

Bhubneshwar Bose &

Advocate

AOR No. 018/17

Date 18/03/2012

3. Nand Kishore Lal S/o Late Praduman Lal, Secretary, R/O Chankaya Tower, Amla Tola, Katihar, P.S.-Katihar, District-Katihar.

..... Petitioners

Versus

1. The State Of Bihar through the Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna
2. The District Magistrate, Katihar.
3. The District Magistrate, Purnia.
4. The District Magistrate, Araria.
5. The District Magistrate, Kishanganj.
6. The District Magistrate, Saharsa.
7. The District Magistrate, Supaul.
8. The District Magistrate, Madhepura.
9. The Suprentendentof Police, Katihar.

..... Respondents

To,

The Hon'ble Ms Justice Rekha M. Doshit, the chief Justice of the High Court of Judicature at Patna and his companion justices of the said Hon'ble Court.

The humble petition on behalf of Petitioners named above.

Most Respectfully Sheweth :

1. That this writ application is being filed for issuing appropriate writ/order or direction to the Respondent Authorities both at the State level and the local authorities to take effective steps to control and regulate the exhibition of Motion Pictures/films through video parlours/halls who are showing not only in violation of Copyrights Act but are also indulging in video piracy besides committing violations of Cinematograph Act, Bihar Cinema Cinematograph (Regulation) Act and Bihar Entertainment Tax Act or Rules.
2. That this writ application is based on the following grounds :-

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- i) Whether unabated mushroom growth of video parlours and video halls exhibiting pirated and unauthorized Compact Disc (C.Ds.) or Digital Video Discs (D.V.Ds.) in violation of the provisions of Cinematograph Act, 1952 (Act 37 of 1952), Bihar Cinemas (Regulation) Act, 1954 (Act XV of 1954), Bihar Cinema (Regulations) Rules, 1974 and Bihar Entertainments Tax Act, 1948 and Bihar Entertainment Rules, 1984 can be allowed to flourish ?
- ii) Whether the permanents and temporary cinema Halls having come into existence and running is in accordance with the provisions of the relevant Act and Rules as stated above can be allowed to suffer heavy financial losses leading to closure of some of them due to callous attitude of the respondent authorities aiding the Licencing Authorities and the different Acts mentioned above in not ensuring the strict compliance of the provisions of the said Acts & Rules by the said proprietor, proprietors/owners of those Video Parlour Halls ?

iii) Whether the State Government having taken a resolution as far back as on 25.08.1988 itself to the effect that even though exhibition of films on video was not covered by the provisions of the relevant enactments made for this purpose, till suitable amendments were made in the existing Acts, the existing provisions of the said Acts shall be applicable and the exhibitors of such films would be required to comply with the said requirements during the said interregnum period, the Respondent Authorities were not obliged to follow the statutory provisions of the said enactments and ensure their compliance by the Video Parlours/Halls ?

iv) Whether the State Government and the Licencing Authorities can sit idle and allow blatant violation of provisions of Cinematograph Act and other related Acts & Rules at the hands of Video Parlours/Halls by failing to make suitable amendments in the Acts & Rules regulating the Licensing and furnish owing of the said video Halls/Parlours as per their own resolution even till thereby causing heavy

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pecuniary loss both to the State Ex-Chequer as well as the producer, Distributer and Exhibitors of the films which are pirated copies of original film/films ?

- v) Whether display of pirated copies of the films, the right to exhibit which lies only with the petitioners, who are regular licencees and who have also purchased and acquired the right to exhibit such films, the display of which is prohibited unless such right is purchased/acquired for particular area, the video Halls/Parlour Operators can be allowed to exhibit the pirated copies of such films by the Respondent Authorities more particularly the Licencing Authority ?
- vi) Whether the Video Halls/Parlour Operators can be allowed to exhibit pirated films on screens, which exceeds the required size of the screen of 100-102 cms., which is the maximum limited fixed for Video Halls/Parlours by misusing and circumventing the statutory provision by use of L.E.D. Projectors and screens which has no limit of size ?
- vii) Whether the misuse of the provisions of various Acts and Rules by the Video Parlours/Halls and the callous reluctance

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on the part of Licencing Authority and other Respondent Authorities to ensure compliance the Act specially in view of the fact respondent state is not coming up with the much required amendments for regulating the functioning of such Video Halls and Parlours even though resolution to do so was taken about 23 years back is not arbitrary ?

- viii) Whether this Hon'ble Court will countenance such willful and callous indifference by the Respondent Authorities which has resulted in the Law abiding citizens like the petitioners suffering acute financial crisis and even facing closure of their cinema Halls due to rampant piracy of the films and their unauthorized and illegal exhibition by the Video hall/Parlour operators who are thriving under the patronage of the said Licensing and other Respondent Authorities.
- ix) Whether there is gross violation of the Right to livelihood of the petitioners because the arbitrary action of the Respondent Authorities as well as the illegal/unauthorized acts of the Video Halls/Parlour Operator.

- x) Whether the arbitrary action of both Respondent Authorities and the Video Halls/Parlour Operators has not resulted in violation of the provisions of Copy Right Act ?
- xi) Whether the Respondent Authorities are not required to ensure strict compliance with the provisions of the said Bihar Cinema (Regulation) Act, 1954 and other related Acts as mentioned above in the interest of Justice.

3. That this petitioner pray for the following reliefs :-

- i) For issuance of writ in the nature of mandamus directing the Respondent Authorities to affectively control and regulate exhibition of Motion Pictures/Films/Movies through Video Parlours/Halls.
- ii) For issuance of any other writ/order or direction to the Respondent local as well as State Authorities to take effective steps to put immediate check on video Piracy illegally showing of films protected by copy Right Act, which only the registered and licensed cinema halls, licensed touring cinema halls and licensed temporary cinema halls are authorized to show but their business is being

hampared because of the unholy nexus between the erring video parlour/hall operators and the Respondent Authorities both at local or State level.

iii) For issuance of any writ, order or direction to which the petitioners may be found entitled

4. That the petitioners are citizen of India.
5. That the petitioner No.-1 North Eastern (Koshi) Motion Pictures Association (NEMPA for short) is a duly registered body under the companies Act represented through its President Sri Narendra Kumar Singh "Pappu" and petitioner no.-2 Sri Nand Kishore Lal is its Secretary. The office of the NEMPA is at Chankaya Tower, Amla Tola, Katihar and there are about 400 cinema hall affiliated to it, who are engaged in showing/exhibiting and distributing motion pictures. The NEMPA in town is affiliated to the Indian Motion Pictures Association (popularly known as IMPA).
6. That the film producers assign than distribution, exhibition and exploitation rights of the feature film to the members of IMPA for Koshi Region with undertaking that for a certain period the compact Disc (C.D.) rights of the films are not to be assigned to

anyone so that the interest of the film distributors and exhibitors of the cinema may not hamper.

7. That however the screening of feature films through 3-lens large screen using pirated C.Ds of which copyrights are not assigned to any part by the producer of the film and that also without obtaining proper licence and thus they are not only violating Copyrights Act but also causing loss of revenue to the Government.
8. That the cinema industry in Bihar as a whole and Koshi Zone in particular is passing through its leanest phase and suffering great miseries for various reasons and with the launching of the 3 lens Video and CD-projectors, the business cinemas been badly affected.
9. That in Koshi zone, there are hardly 7 to 8 permanent Cinema Halls and the rest are temporary and touring cinemas, whose survival is at stake. As a result a good number of temporary cinemas have downed their shutters and the rest are on the verge of closure. As the sale at the cinema ticket counters is so poor that it cannot fetch even the establishment cost. This happens due to

unauthorized exhibition of currently/recently released films/unauthorisedly through 3-lens video and C.D projector at very nominal admission rates. As a result of which the pictures released in regular cinema halls fail to get audience.

10. That the Video who show/exhibit pictures through 3-lens video and C.D. Projectors in complete violation of Copyright Act have to meet a very nominal expense in running the video halls, whereas the regular and authorized exhibitors of cinema have to bear huge expenses towards its establishment cost in addition to payment of Entertainment Tax. Besides that the regular licenced cinema houses have to incur huge expenses in renewal of the cinema licence at the interval of every three (03) months, whereas the video halls of Koshi zone are not only running in contravention of Bihar Cinemas Regulation Act, 1954, Bihar Entertainment Tax Act, 1948 and Cinematograph Act, 1952 are also taking advantage of the tax and callous attitude of the respondent authorities in allowing them to exhibit video meant for home viewing and not commercial exhibition and by also using pirated C.Ds spending a meager rent of Rs. 10 per C.D.

11. That amongst other the following Video Parlours are showing/exhibiting pirated C.D. and C.Ds meant for home viewing authorisedly and illegally :-

MADHEPURA DISTRICT

(1) Urmila Talkies, Madhepura (2) Chandan Chitra Mandir Alamnagar (3) Chand Talkies, Puraini Bazar (4) Navin Chitralaya, Bihariganj (5) Rituraj Pictures, Udakishanganj (6) Hina Chitra Mandir, Alamnagar (7) Chousa

SAHARSA DISTRICT

(1) Bhagwati Talkies, Sonbarsa Raj (2) Shri Ram Talkies, Saurbazar (3) Simri Bakhtiarpur

ARARIA DISTRICT

(1) New Samrat Talkies, Palasi (2) Jai Maa Picture Palace, Kaliaganj (3) Chand Talkies, Palasi (4) Shabnam Talkies, Palasi.

PURNEA DISTRICT

(1) Jai Maa Picture Palace, Rouda hat (2) Laxmi Talkies, Bhawanipur Rajdham (3) Vikas Talkies, Birauli

SUPAUL DISTRICT

- (1) New Maa Radha Chitramandir, Simrahi Bazar (Raghopur) (2) Vinod Talkies, Nirmali, Shankar Talkies, Tribeniganj

KATIHAR DISTRICT

- (1) Roshna Bazaar (2) Pothia (3) Amdabad (4) Mansahi (5) Pranpur (6) Bastaul (7) Mahiyarpur (8) Dilarpur (9) Nabaganj (10) Amirabad (11) Durgapur (12) Singheswarchowk (13) Chama (14) Bairiya (15) Sudhani (16) Kurum (17) Baliabellon (18) Azamnagar (19) Bathaura (Salmari) (20) Paharpur.

12. That a representation to the above effect was sent by the their Secretary of NEMPA to the Hon'ble Chief Minister, Bihar.

Photocopy of the petition
dated 26.12.2007 annexed
herewith as Annexure-1.

13. That is response to the aforesaid representation dated 26.12.2007 (Annexure-1), the Deputy Secretary cum Director, Department of Urban Development and Housing, Govt. of Bihar addressed a letter dated 24.07.2008 to all the District Magistrates directing that since they are the Licencing Authorities for cinemas and

14)

Video Halls within their jurisdiction, and the regulation of those cinemas / video halls is made through Bihar Cinema (Regulation) Rules 1974, they should look into the complaints received from various sources of cinema halls / video halls exhibiting motion pictures through illegal / unauthorized means. In this respect enquiry should be got conducted for making sure that no cinema/video halls should exhibit illegal/unauthorized cinema.

The above letter further gave all the District Magistrates guidelines and directed them to send a list of cinema/video halls running in their District showing current position with regard to the fact whether they were following all the rules and regulation.

A photocopy of the letter issued by the Dy. Secretary cum Director, Department of Urban Development and Housing dated 24.07.2008 is annexed herewith as Annexure-2

14. That on 17.12.2008 the petitioners again sent a memorandum to the Hon'ble Chief Minister, Bihar and also to the Hon'ble Deputy Chief Minister, Bihar raising the point already mentioned and raised in the original petition said earlier and also adding the following points

- i) There are about 80% temporary and touring cinema halls, who are facing precarious financial condition, which have to remain closed for six to eight months on year because of lack of viewers due to mushroom growth of Video Parlours.
- ii) There is no effective monitoring and control over the illegal and unauthorized running of video parlours.
- iii) The requirement of renewal of Licence after every 03 months has become a source of monetary exploitation of the licenced and authorized exhibitors.
- iv) There is no effective control over video piracy, which is also causing recurring monetary loss to the bonafide exhibitors as well as loss of revenue to the Government.
- v) In other States, there are provisions for payment of fixed amount on the Cinema ticket for survival/revival of the

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cinema industry in the neighbouring states like West Bengal and Jharkhand.

- vi) The unauthorized Video Halls and Parlours are showing Video meant to be viewing at home, through pirated C.Ds in violation of the relevant Acts and Rules in Bihar.

Photocopy of the memorandum of the NEMPA dated 17.12.2008 is annexed herewith as Annexure-3.

15. That on 10.06.2009 the Deputy Collector I/C District General (Entertainment) Section, Katihar addressed a letter to the Branch Manager, Films Division, Government of India, Kolkata, Sub Divisional Magistrate, Katihar, Deputy Commissioner, Commercial Taxes, Katihar, B.D.O., Falaka (Katihar) Officer in-Charge, Falaka P.S. and Manager, M/S Maa Vaishnavi Video Place, Falaka (Katihar) while granting licence for 03 months under Rule 14 of Bihar Cinema (Regulation) Rules, 1974 communicated that the said video hall shall not exhibit the picture on a screen having a

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width of more than 102 cms, they shall only use commercial C.D. The information regarding this shall be sent to his office regularly, they shall also not exhibit any obscene video.

Besides the above all the other conditions laid down in the rules 18 & 19 of the said Rules shall also be complied with strictly, otherwise the Competent Authority shall close down the exhibition of motion picture in the video hall.

A photocopy of the letter
dated 10.06.2009 is
annexed herewith as
Annexure-4

16. That however no Video Hall complied with the directions as contained in Annexure-4, as a result the same state of affairs of video parlours thriving by committing breach of the rules continued unabated and therefore the Bihar & Jharkhand Motion Pictures Association (BIMPA for short) also drew the attention of the Hon'ble Deputy Chief Minister cum Urban Development Minister, Govt. of Bihar towards it through a memorandum dated 10.07.2009 annexing with it a copy of the Gazette notification of

Government of Tamilnadu dated 01.10.2001 which contained ordinance no – 11 of 2004 through which some amendments were made in the Tamilnadu Prevention of Dangerous Activities of Bootleggars, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic offenders and slum grabbers “and video Pirates” was added as would appear from clause 3(1) and (2) (a).

A Photocopy of the memorandum dated 10.07.2009 is annexed herewith and marked as Annexure-5.

17. That it may be relevant to mention that in the aforesaid Tamilnadu Prevention of Dangerous Activities of Bootleggars, Drug offenders, Forest offenders, Goondas. Immoral Traffic offenders, Slum Grabbers and Video Pirates Act, 1982 as defined the term “Video Pirates” in clause (j) of section (2) of the said Act as follows “Video Pirates means a person who commits as attempt to commit or abets the commission of offences of infringement of copyright in relation to cinematograph films or a record

embodying any part of sound track associated with the film punishable under Copyright Act, 1957 (Central Act XIV of 1957)"

18. That thereafter the petitioners sent a number of representations to the Hon'ble Deputy Chief Minister, Bihar. On 20.11.2009 to the S.P., Katihar dated 30.03.2011 and to the S.D.M., Gogri (Khagaria) dated 20.04.2011 reitrating the breach of the relevant rules, regulation and the Acts by the Video Parlours of Koshi Region. In response to which by a letter dated 10.06.2010 the Under Secretary to the Govt. Department of Urban Development & Housing addressed to D.Ms. of Katihar/Purnea, Araria, Kishanganj, Saharsa, Supaul, Madhepura and Bhagalpur in response to the letter dated 21.01.2009 from Sri Ajay Kumar of N.E.M.P.A., Katihar directing them to appropriate actions in accordance with law and send compliance report thereof alongwith records.

A Photocopy of letter date of 10.06 2010 of the under Secretary, Department of Urban Development & Housing, is annexed

herewith and marked as
Annexure-6.

19. That even thereafter the illegality in exhibition of films by the Video Parlours continued without any effective control over them by the respondent authorities. Therefore, the petitioners by a letter dated 03.06.2011 addressed to the Deputy Collector I/C. Entertainment Section, Purnea pointed out the aforesaid illegality being committed at 05 (five) places in the District of Purnea mentioned therein.

A photocopy of the letter
dated 03.06.2011 is
annexed and marked as
Annexure-7.

20. That Lastly on 01.02.2012, the petitioners also said a letter to the Principal Secretary, Department of Urban Development & Housing, Govt. of Bihar and apprised him too about the illegalities and irregularities being committed by Video Parlours and Halls of Koshi Region, also about the inaction of the local authorities, whose attention had been drawn towards it by the petitioners

time and again in the past and in spite of letters from the Government level and from the Chief Minister's Secretariat with regard to taking appropriate action and send back the compliance report.

A photocopy of the letter dated 01.02.2012 is annexed and marked as Annexure-8.

21. That under the circumstances it is clear that in spite of repeated requests and reminders from the side of the petitioner for effective control and regulation of the Video Parlours/Halls, who have either got licence as or acting without licence to show commercial films in violation of Copyright Act as also other conditions of licence as granted to them under Bihar Cinema (Regulation) Act, 1974, the local Authorities as well as the Authorities concerned at the Government level have completely failed in their duties to act fairly and effectively in accordance with law which has resulted in severely and adversely affecting the cinema business of the authorized and bonafide exhibitors of

Motion Pictures and Cinema Halls, temporary cinema Halls and touring cinemas of Koshi Region affiliated to N.E.M.P.A. and whose only fault is that like any other law abiding citizen, they have decided to abide by the Acts, Rules and Regulation, which are in force presently.

22. That it is also relevant to mention here that action/inaction of the respondent authorities has not only shattered the financial status of the members of NEMPA, but it is also effecting the Right to Livelihood of the large number of cinema owners and their staff who are engaged in cinema business.
23. That the petitioners have no other efficacious, speedy and alternative remedy than moving this Hon'ble Court.
24. That the petitioners have never moved this Hon'ble Court for the reliefs sought for in this petition.

It is therefore humbly prayed that your Lordship may graciously be pleased to issue Rule NISI calling upon Respondents to show cause as to why reliefs prayed for in para 3 may not be granted and after return of the rule

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and after hearing the parties make the same
absolute in terms of relief prayed for the para 3
of this application.

And/or

Pass such other order/orders as your Lordship
may deem fit and proper.

And for this petitioners shall ever pray.

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Affidavit

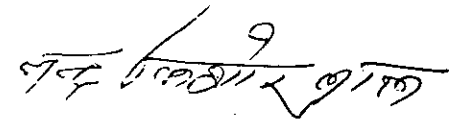
I, Nand Kishore Lal Aged about 45 years S/o Late Praduman Lal, Secretary, R/O Chankaya Tower, Amla Tola, Katihar, P.S.-Katihar, District-Katihar, do hereby solemnly affirm and state as follows.

1. That I am petitioner No.-3 in this case and as such am well acquainted with the facts and circumstances of this case.

2. That the contents of this petition have been read and understood by me.

3. That the statement made in paragraph Nos-.....1+011.....
.....17 and 21+024
..... are true to my knowledge and those made in
paragraph Nos12,13,14,15,16 and 18+020
..... are true to my
information derived from the records and the rest are by way of
submissions to this Hon'ble Court.

4. That the annexures are true photo copies of their respective originals.



सचिव

पं. ई. नं. मो. पि. एतांतिसैव

Ref: 1632

26.12.2007

To
Shri Nitish Kumar,
Hon'ble Chief Minister,
Govt of Bihar
Patna

Sub: Prayer to stop illegal and unauthorized screening of Cinema Feature films on pirated CD through 3 lance /C.D.Projector in Kosi Zone

Benevolent Sir,

We take the opportunity to encroach upon your busy schedule with the following few lines by way of our humble appeal for your sympathetic consideration and judicious orders:

That this Association being registered under Company Act, is representing about 400 members engaged in film distribution and cinema business in Kosi region .

That the film producers assign the distribution ,exhibition and exploitation rights of the feature films to our members for Kosi Region with undertaking that for a certain period the CD rights of the films are not to be assigned to any one so that the interest of the film distributors and exhibitors (Cinemas)may not hamper .

That the following parties are screening feature films on 3 lance large screen using pirated CDs of which copy rights are not assigned to any party by the producer and that also without obtaining proper License and thus they are not only violating the Copy right Acts but also doing away with the Govt Revenue. Needless to mention that violation of Copy right Act is a serious and cognizable offence .

That the cinema industry in Bihar as a whole and particularly in Kosi Zone are passing through great miseries for various reasons and launching of this 3 lance Video & CD projectors ,the business of cinema has been badly affected . In Kosi Zone there are hardly 7/8 permanent cinemas and rest are temporary and touring cinemas whose survival is at stake as a result a good number of temporary cinemas have down their shutter and rest are on the verge of closure as the sale at the cinema ticket window is so poor that it can not fetch even the establishment cost .

Contd...2

When currently released films are exhibited through 3 lance video and CD projectors at a very nominal admission rate, the pictures when released in theaters fail to get audience .These video parlours have to meet a very nominal expenses in running the Hall whereas the regular cinemas have to bear huge expenses towards its establishment cost in addition to payment of E.tax. Not only that but such Temporary cinemas have to saddle huge expenses in renewal of cinema license at an interval of 3 months.

In this Kosi Zone the following Video Halls are running illegally and misutilizing the Home Viewing or Pirated C.Ds. spending a meager rent of Rs.10/- per C.D.



→ MADHEPURA DISTRICT

- (1)Urmila Talkies, Madhepura
- (2)Chandan Chitra Mandir Alamnagar,
- (3)Chand Talkies, Puraini Bazar
- (4) Navin Chitralaya, Behariganj
- (5)Rituraj Pictures ,Udakishanganj
- (6) Hina Chitra Mandir,Alamnagar
- (7) Chousa



SAHARSA DISTRICT

- (1) Bhagwati Talkies, Sonbarsa Raj
- (2)Shri Ram Talkies, Saurbazar
- (2) Simri Bakhtiarpur ✗

ARARIA DISTRICT

- 1. New Samrat Talkies, Palasi
- (2) Jai Maa Picture Palace, Kaliaganj.
- (3)Chand Talkies, Palasi
- (4) Shabnam Talkies, Palasi

all cinema

PURNEA DISTRICT

- (1) Jai Maa Picture Palace,Routa hat
- (2) Laxmi Talkies, Bhawanipur Rajdham
- (3) Vikas Talkies Birauli

Birauli

SUPAUL DISTRICT

- (1) New Maa Radha Chitramandir, Simrahi bazaar (Raghopur) ✗
- (2) *Ward Talkies, Nivrahi, Shaokar 7044, Toibe ngrj*

KATI HAR DISTRICT

- (1) Roshna bazaar
- (2) Pothia
- (3) Amdabad
- (4) Mansahi
- (5) Pranpur
- (6) Bastaul
- (6) Mahiyarpur
- (7) Dilarpur
- (8) Nababganj
- (9) Amirabad
- (10) Durgapur
- (11) Singheswarchowk
- (12) Chama.
- (13) Bairiya,
- (14) Sudhani
- (15) Kurum
- (16) Baliabellon
- (17) Azamnagar
- (18) Bathaura (Salmari)
- (19) Paharpur

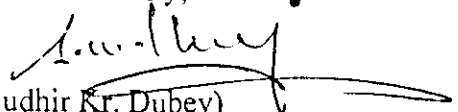
It is therefore prayed that necessary action may kindly be taken against these parties who are un authorizedly and illegally performing commercial exhibition of feature films on pirated CDs and mostly without obtaining proper license.

It is an admitted fact that the cinema industry is sinking annexing to unemployment problem and as such be kind enough to stop grant of license to Video parlours and thereby save this industry .

For this act of your kindness we shall ever remain grateful .

With kindest regards,

Yours faithfully,


(Sudhir Kr. Dubey)
Secretary.

ANNEXURE - 2

पत्रांक--7न0वि0/सच्च न्या0-1/07 3786 न0वि0एवं.आ0वि0

बिहार सरकार

नगर विकास एवं आवास विभाग

भुवनेश्वर ओझा,
उप-सचिव-सह निदेशक,
नगर विकास एवं आवास विभाग।

संख्या :-

सभी जिला पदाधिकारी,

पटना दिनांक- 24.7.08

विषय - सिनेमा/विडियो हॉलों में चलचित्र प्रदर्शन हेतु अस्थायी अनुज्ञप्ति के संबंध में।

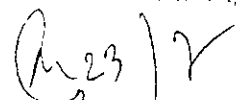
महाशय,

आप अवगत है कि सम्प्रति राज्य में सिनेमा/विडियो हॉलों का विनियमन बिहार सिनेमा (विनियमन) नियमावली, 1974 के द्वारा किया जाता है। उक्त नियमावली के तहत आप अपने जिलान्तर्गत सिनेमा/विडियो हॉल के अनुज्ञप्ति पदाधिकारी हैं। राज्य सरकार को विभिन्न स्रोतों से आये दिन यह शिकायत मिल रही है कि जिलों में सिनेमा हॉल एवं विडियो हॉल के द्वारा नियमों की अवहेलना कर अवैध रूप से चलचित्र प्रदर्शन किया जाता है। अतः कृपया अपने जिलान्तर्गत सिनेमा/विडियो हॉल के अनुज्ञप्तियों के संबंध में जाँच कराकर सुनिश्चित हो लिया जाय कि किसी भी सिनेमा/विडियो हॉल में अवैध/अनियमित चलचित्र प्रदर्शन न हो रहा हो।

यहाँ यह उल्लेखनीय है कि किसी भी सिनेमा/विडियो हॉल में बिहार सिनेमा (विनियमन) नियमावली 1974 के नियम-14 के तहत 3-3 माहों के 4 किरतों में अर्थात् अधिकतम 1 वर्ष के लिए अस्थायी अनुज्ञप्ति निर्गत करने के लिए जिला पदाधिकारी सक्षम हैं। तत्पश्चात् किसी भी सिनेमा/विडियो हॉल में एक वर्ष के लिए अस्थायी अनुज्ञप्ति निर्गत करने के लिए प्रथम वर्ष नियम 13 (ए) में तथा बाद के वर्षों के लिए नियम-13 (बी) में बिना राज्य सरकार की स्वीकृति प्राप्त किये हुए आप अस्थायी अनुज्ञप्ति स्विकृत करने के लिए सक्षम नहीं हैं। यहाँ यह भी उल्लेख करना प्रासंगिक होगा कि किसी भी सिनेमा/विडियो हॉल को नियम-14 में 1 वर्ष तक आपके द्वारा अस्थायी अनुज्ञप्ति निर्गत करने के पश्चात् लक्ष्मण स्तर पर छविगृह/विडियो हॉल का नाम बदलकर पुनः नियम-14 में ही जिला स्तर से अनुज्ञप्ति निर्गत करने की 3 नियमितता की परिधि में आता है।

अतः कृपया अनुज्ञप्ति निर्गत करने के पूर्व बिहार सिनेमा (विनियमवली) नियम 1974 में दिये गये प्रावधानों के आलोक में दृढ़ता से पालन कराया जाय तथा अपने जिला में चल रहे सिनेमा/विडियो हॉलों की सूची एवं उसकी अनुज्ञप्ति की स्थिति पत्रा प्राप्त के एक सप्ताह के अंदर अधोहस्ताक्षरी रूप में उपलब्ध करायी जाय।

विश्वासभाजन,



(भुवनेश्वर ओझा)

उप-सचिव-सह निदेशक,



North Eastern (Koshi) Motion Pictures Association

A1, Chanakya Tower, Amla Tola Katihar - 854 105

१९.१२.२००८

माननीय मुख्य मंत्री, बिहार एवं उप मुख्य मंत्री, बिहार के समक्ष नॉर्थ ईस्टर्न कोशी मोशन पिक्चर्स एसोसियेशन के द्वारा ज्ञापन

यह एसोसियेशन जो कि कम्पनी अधिनियम के तहत अनुबंधित है सम्पूर्ण कोश क्षेत्र में सिनेमा व्यवसाय से जुड़े सभी प्रतिष्ठानों की एक मात्र संस्था है एवं इस व्यवसाय में संलिप्त सभी फिल्म वितरकों एवं प्रदर्शकों के हितार्थ कार्यरत है ।

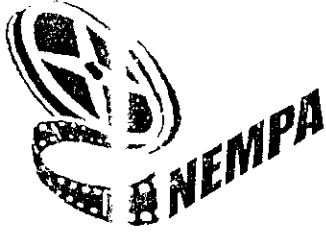
सिनेमा उद्योग की कोसी क्षेत्र में अत्यन्त दयनीय अवस्था है जिसके कारण अधिकतर अस्थयी छविगृह बंद हो चुके हैं और बचे हुए छविगृह बंदी की कगार पर हैं । अन्य कारणों के अलावा सिनेमा व्यवसाय की इस दुर्दशा के लिये सरकार की उदासीन नीति भी एक प्रमुख कारण है ।

इस क्षेत्र करीब में ८० प्रतिशत अस्थायी एवं भ्रमणशील छविगृह हैं जो कि संसाधन के अभाव के कारण वर्ष में ६/८ महीने बंद ही रहता है जिससे कि सरकार को भी राजस्व की क्षति होती है एवं इस व्यवसाय से जुड़े मालिक एवं खासकर कर्मचारी बेकारी की कतार में खड़े हो जाते हैं ।

इस व्यवसाय के संरक्षण एवं प्रगति के लिये किसी भी तरह की सहायता सरकार की ओर से नहीं की जा रही है और यही कारण है कि हजारों लोग जो इस व्यापार में संलिप्त हैं आये दिन बेकारी एवं भूखमरी का शिकार हो रहे हैं । एक तो मनोरंजन की कई अन्य सुविधा के उपलब्ध होने से सिनेमा व्यवसाय ऐसे ही मुत प्रायः हो चुका है और विडियो पार्लर के कारण सिनेमा की टिकट खिड़की ऐसे ही सूनी हो गई है लेकिन सरकार की ओर से गैरकानूनी ढंग से विडियो सिनेमा के प्रसारण पर कोई अंकुश नहीं है जिसके चलते सरकारी राजस्व को अपूर्णाय क्षति तो हो ही रही है साथ ही फिल्म वितरक जो कि कॉपी राईट प्राप्त कर चलचित्र का वितरण एवं प्रदर्शन अधिक कोसी क्षेत्र के लिये अच्छी खासी रकम के एवज प्राप्त करते हैं उनके अधिकार का अतिक्रमण ऐसे गैर कानूनी ढंग से चल रहे विडियो पार्लर के द्वारा किया जा रहा है । लेकिन बहुत ही दुःख का विषय है कि सरकारी तंत्र मूक द्रष्टा बना बैठा है जबकि इस संस्था के द्वारा लगातार उनका ध्यान इस अवैध विडियो पायरेसी की ओर आकृष्ट किया जा चुका है ।

- दूसरी समस्या यह है कि अस्थायी सिनेमा के लिये हर तीन माह पर अनुज्ञप्ति नवीनीकरण एक शोषण एवं दोहन का माध्यम बन चुका है । इस प्रक्रिया में प्रत्येक तीन माह पर अनुज्ञप्ति नवीनीकरण के लिये अस्थायी प्रदर्शकों को हजारों रुपये खर्च करना पड़ता है जो कि संभव नहीं है जिसके कारण छविगृह बंद हो जाता है और सरकार को मनोरंजन कर ६३ घाटा होता है । अतः इस विकट समस्या के निदान हेतु हमारी माँग है कि अस्थायी छविगृह के अनुज्ञप्ति नवीनीकरण की प्रक्रिया का सरलीकरण किया जाय ।

कमशः पृष्ठ २



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3. बिहार से सटे अन्य राज्यों में जैसे कि बंगाल, झारखंड में सिनेमा व्यवसाय को जीवित रखने के लिये रख रखाव हेतु एक राशि प्रत्येक टिकट पर देय का प्रावधान है लेकिन यह इस क्षेत्र की विडम्बना है कि सरकार इस विषय पर कोई ध्यान नही दे रही है। अतः हमारी माँग है कि कोसी क्षेत्र के सभी सिनेमा को रख रखाव हेतु एक उचित राशि टिकट पर दर्शकों से लेने का प्रावधान किया जाय ताकि इस व्यवसाय की डूबती नैया को तिनके का सहारा मिल सके
4. हमारी माँग है कि विडियो हॉल के प्रचलन पर कानूनी रोक अविलम्ब लगाई जाय। कोसी क्षेत्र में अनेक विडियो हॉल चल रहे हैं जो कि अनुज्ञप्ति के नियम का उल्लंघन कर सिनेमा के बड़े पर्दे 20/30 फीट पर अवैध सी० डी० के द्वारा प्रदर्शन कर सरकार को राजस्व की क्षति एवं सिनेमा वितरकों को व्यापार में अपूर्ण क्षति पहुँचा रहे हैं जब कि नियमानुसार ऐसे विडियो हॉल को सी० डी० प्रोजेक्टरके द्वारा विडियो स्क्रीन पर प्रदर्शन करना अनिवार्य है। इस संदर्भ में इस संस्था द्वारा सभी प्रासशनिक पदाधिकारियों को बारम्बार ज्ञापन देने पर स्थिति यथावत् बनी है जो कि सिनेमा उद्योग के अस्तित्व पर प्रश्न चिन्ह लगा रहा है। अतः आप से आग्रह है कि संबंधित पदाधिकारियों को विडियो हॉल के लिये अनुज्ञप्ति निर्गत करते समय अधिनियम के अक्षरसः पालन का निर्देश आवेदनकर्ता को दिया जाय और किसी भी प्रकार के अतिक्रमण के लिये ऐसे विडियो पार्लर पर अधिनियम के आलोक में कड़ी कार्रवाई की जाय। साथ ही बगैर कॉपी राईट प्राप्त सी० डी० के प्रदर्शन के लिये भी ऐसे विडियो पार्लर के विरुद्ध कानूनी कार्रवाई करने का आदेश दिया जाय क्योंकि कि कॉपी राईटएक्ट का उल्लंघन एक दण्डनीय अपराध है।

प्रार्थी

सचिव

नॉर्थ ईस्टर्न कोशी मोशन पिक्चर्स एसोसियेशन

(3)

ANNEXURE - 4

जिला न्यायालय, कटिहार ।
जिला सामान्य प्रशासन प्रशाखा

आपका सं- ESS/सा0/संन0, कटिहार, दिनांक- 10 वीं जून, 2009 ई0

श्रेणी:-

साखा प्रबन्धक,
फिल्म प्रभाग भारत सरकार,
3-कै0एच0ओ भवन, सी0जी0ओ कम्प्लेक्स
प्रती0मिंग डी0एफ0 ब्लोक पार्लियामेंट रुम नं0- 5-6, ग्राउण्ड फ्लोर,
नौलकाता- 700064.

उप-मुख्य पदाधिकारी, कटिहार ।

✓ उपयुक्त बाणिज्यकर, कटिहार जेल, कटिहार ।

प्रमुख विभागाध्यक्ष पदाधिकारी, फसला ।

धानाध्यक्ष, फसला ।

प्रबन्धक, मेरौली गाँव वैज्यापी भिडियो प्लेस, फसला ।

जिला पदाधिकारी, कटिहार के आदेश दिनांक:- 01.06.2009 के तहत प्रबन्धक, गाँव वैज्यापी भिडियो प्लेस, फसला जिला- कटिहार को बिहार सिनेमा विनियमन विनियमन- 1974 के नियम- 14 के तहत विभिन्न शर्तों के अधीन प्रदर्शित दिनांक- 15.06.2009 से 14.09.2009 तक अर्थात्- 03 महीने के लिए भिडियो हॉल 100 से 0 मी0 से अधिक चलचित्र प्रदर्शन हेतु अस्थायी अनुमतिपत्र की स्वीकृति प्रदान की जाती है लेकिन किसी भी हालत में 102 से 0 मी0 से ज्यादा बड़े पर्दे का प्रयोग नहीं करेगा। व्यावसायिक सीडी का प्रयोग भिडियो प्रदर्शन की सूचना लगातार कार्यालय को देगे। अस्थायी भिडियो का प्रदर्शन नहीं करेगे अन्यथा विधिवत कानूनी कार्यवाई से जाएगी।

11 विभागीय निर्देश के आशोक में बिहार सिनेमा विनियमन 1974 के नियम- 18 एवं 19 में परिचित प्रावधानों के आशोक में उक्त हॉल में उचितसामान को व्यवस्था करना सुनिश्चित करेंगे, अन्यथा किसी प्रकार की हॉल के अन्दर-बाहर अशुभ घटना होने की स्थिति में जारी जिम्मेवारी स्वयं आपकी होगी।

12 अनुमतिपत्र की अवधि में प्रमाण-पत्रों की वैधता समाप्त होने के पूर्व सभी आवश्यक प्रमाण-पत्र का सीमा में जमा करना सुनिश्चित करेंगे अन्यथा उक्त विधि से अनुमतिपत्र रद्द समझी जाएगी।

13 प्रदर्शन प्रारंभ कर का जमाना नियमित रूप से करेंगे।

14 निर्माणोपरीत शौचालय एवं पेशाब घर को सौध पूरा कराएंगे। अस्थायी अनुमतिपत्र रद्द कर दी जाएगी।

15 निर्धारित अवधि के बाद भिडियो हॉल में चलचित्र का प्रदर्शन सुरक्षित रूप करते हुए उसकी सूचना अस्थायी रूप से विधि-यानत को देना सुनिश्चित करेंगे।

(Handwritten Signature)
उप-समयदर्शी (प्रशाखा)
जिला सामान्य प्रशासन प्रशाखा,
कटिहार II
16

(साखा)

(32)
Anand Kumar

BIHAR & JHARKHAND MOTION PICTURES ASSOCIATION

3rd Floor, Hari om Commercial Complex, New Dak Bungalow Road, Patna-800 001
Ph.: 2228238, 2237602, Fax: 0612-2212269 E-mail: bimpa_bihar@yahoo.com



MEMBER
Indian Council of Arbitration
Date 10-07-2009

Ref. No. 89/GEN/BJMPA/2009-2010

To,
The Honorable Deputy Chief Minister-cum Urban Development Minister,
Govt. of Bihar,
Patna.

Sub. Video Piracy through license Video/C.D. Parlour.

Dear Sir,

In recent times it has been seen that a lot of cinema hall in the state of Bihar have closed down business and have either converted into C.D. Houses or are trying to get a license of a Video/C.D. Parlour. This act has been causing irreparable damage to the other cinema halls in the same town who are projecting films through Cinematograph Films and following all the Rules prescribed by the state Government. The existence of such cinema halls are being threatened due to rampant piracy by the Video/C.D. Parlour leading to closure of a lot of cinema hall in the state of Bihar. This does not only cause loss to the Government in terms of revenue generated through Entertainment Tax but also causes immense loss to the owner of the closed cinema halls and to the Film Distributors.

The cinema halls are being given license as Video/C.D. Parlour are not adhering the Government regulation of 100 c.ms. screen size and are not following the Government regulations of using "Commercial CD". The basic reason for the same being till now there is no C.D. which is available in the country which has got a commercial license. All the C.D.'S available are strictly for "HOME VIEWING". (A photo copy of the license issued by the Govt. is being enclosed herewith for your ready reference)

Contd..2

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BIHAR & JHARKHAND MOTION PICTURES ASSOCIATION

3rd Floor, Hari om Commercial Complex, New Dak Bungalow Road, Patna-800 001
Ph.: 2228238, 2237602, Fax: 0612-2212269 E-mail: bimpa_bihar@yahoo.com



MEMBER
Indian Council of Arbitration

(2)

It is important to mention that such cinema halls turned Video/C.D. Parlours are grossly infringing Copy Right Act, 1957. New Films are released through the pirated C.D. and are available in the entire state of Bihar within three days of all India premier release of new films and are used in these cinema halls turned Video Parlours for Commercial screening, thus causing irreparable loss not only to the cinema hall screening cinematograph films but also to those Distributor Members who purchases the distribution rights of that particular movie for the state of Bihar from the producers at an expensive price.

Many states in the country have taken this issue of video piracy very seriously and set-up Video Piracy Cells where on complaint of a single piracy matter instant action is taken on people indulging in the act of video piracy. Further on, some other states have even gone ahead to impose "GOONDA ACT" (Crime Control Act) on people indulging in video piracy. A classic example of the above is the state of Tamil Nadu which classified video pirates in the Tamil Nadu prevention of Dangerous Activities of Bootleggers, Drug offenders, Forest-offenders, Goondas, Immoral Traffic offenders and Slum grabbers Act, 1982 (a photocopy of the Tamil Nadu Govt. Gazette on the same is hereby enclosed for ready reference).

Taking the above into consideration we would through this separate representation like to request that serious steps should be taken in the direction to curb the growing menace of video piracy in the state Bihar. A tough stand needs to be taken to counter this rampant video piracy prevalent in the state.

Contd..3

(34)

BIHAR & JHARKHAND MOTION PICTURES ASSOCIATION

3rd Floor, Hari om Commercial Complex, New Dak Bungalow Road, Patna-800 001
Ph.: 2228238, 2237602, Fax: 0612-2212269 E-mail: bimpa_bihar@yahoo.com



MEMBER
Indian Council of Arbitration

(3)

In accordance to the same we would request you to direct the District Magistrates and Superintendent of Police of all Districts to ensure that no new Video/C.D. Parlour license be granted and routine inspection of the existing Video/C.D. Parlour in the concerned district be done to inspect if the C.D.s being used for screening are for original and for commercial use and, if any discrepancy is found in the above, license of the concerned Video/C.D. Parlour be permanently cancelled and stern action be taken against the licensee for gross infringement of Copy Right Act of 1957.

We would once again like to reiterate that these steps are very important and urgent and if are not taken immediately would push the cinema industry in the Bihar to the lowest level possibility.

We would be ever obliged and thankful to you for this kind act of yours.

Thanking you,

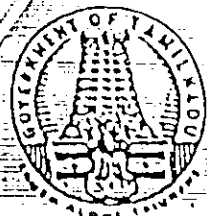
Yours faithfully,
For Bihar & Jharkhand Motion Pictures Association

(DR. SUNIL KUMAR)
(President)
M. L. A., Bihar

&

SABHAPATI
NIVEDAN SAMITI
BIHAR VIDHAN SABHA
PATNA

Encl. As above.
Annexure 1 & 2



TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

No. 251.]

CHENNAI, FRIDAY, OCTOBER 1, 2004

Purattasi 15, Tarana, Thiruvalluvar Aandu-2035

Part IV—Section 2

Tamil Nadu Acts and Ordinances.

CONTENTS

Pages

ORDINANCES:

No. 9 of 2004—The Tamil Nadu Panchayats (Third Amendment) 98-100

No. 10 of 2004—The Tamil Nadu Prevention of Dangerous
Activities of Bootleggers, Drug offenders,
Forest-offenders, Goondas, Immoral Traffic
Offenders and Slum-grabbers (Amendment) 101-103

✓ No. 11 of 2004—The Tamil Nadu Exhibition of Films on Television
Screen through Video Cassette Recorders
and Cable Television Network (Regulation)
—Amendment 105-106

✓ No. 12 of 2004—The Tamil Nadu Entertainments Tax
(Amendment) 107-109

No. 13 of 2004—The Tamil Nadu Transparency in Tenders
(Amendment) 111-112

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TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY

The following Ordinance which was promulgated by the Governor on the 4 October 2004 is hereby published for general information:

TAMIL NADU ORDINANCE No. 10 OF 2004.

An Ordinance further to amend the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug-offenders, Forest-offenders, Goondas, Immoral Traffic Offenders and Slum-grabbers Act, 1982.

WHEREAS the Legislative Assembly of the State is not in session and the Governor of Tamil Nadu is satisfied that circumstances exist which render it necessary for him to take immediate action for the purposes hereinafter appearing;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor hereby promulgates the following Ordinance:—

1. (1) This Ordinance may be called the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug-offenders, Forest-offenders, Goondas, Immoral Traffic Offenders and Slum-grabbers (Amendment) Ordinance, 2004.

Short title and commencement.

(2) It shall come into force at once.

2. In the long title to the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug-offenders, Forest-offenders, Goondas, Immoral Traffic Offenders and Slum-grabbers Act, 1982 (hereinafter referred to as the principal Act), for the expression "immoral traffic offenders and slum-grabbers", the expression "immoral traffic offenders, slum-grabbers and video pirates" shall be substituted.

Amendment of long title.

3. In the preamble to the principal Act,—

(1) in the first paragraph, for the expression "immoral traffic offenders and slum-grabbers", the expression "immoral traffic offenders, slum-grabbers and video pirates" shall be substituted.

Amendment of preamble.

(2) in the second paragraph,—

(a) for the expression "immoral traffic offenders or slum-grabbers", the expression "immoral traffic offenders, slum-grabbers or video pirates" shall be substituted;

(b) for the expression "six classes of persons", the expression "seven classes of persons" shall be substituted.

4. In section 1 of the principal Act, in sub-section (1), for the expression "Immoral Traffic Offenders and Slum-grabbers", the expression "Immoral Traffic Offenders, Slum-grabbers and Video Pirates" shall be substituted.

Amendment of section 1

5. In section 2 of the principal Act,—

(1) in clause (a), after sub-clause (v), the following sub-clause shall be added, namely:—

Amendment of section 2.

(vi) in the case of a video pirate, when he/she is engaged or is making preparations for engaging, in any of his/her activities as a video pirate, which affect adversely, or are likely to affect adversely, the maintenance of public order.

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

(j) "video pirate" means a person, who commits or attempts to commit or abets the commission of offences of infringement of copy right in relation to a cinematograph film or a record embodying any part of sound track associated with the film, punishable under the Copy Right Act, 1957 (Central Act XIV of 1957).

EXPLANATORY STATEMENT

The film industry is facing a severe crisis because of the prevalence of video piracy which results in audience staying away from theatres and loss of revenue to Government, producers, distributors and theatre owners. Representatives of different associations of the film industry have made representations to the Government to eradicate this menace and put the film industry on the revival path. Apart from this, the prevalence of video piracy results in confrontation between the various sections of the public and the film producers, distributors, etc.

2. As video piracy is an act prejudicial to the maintenance of public order, the Government have decided to amend the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug-offenders, Forest-offenders, Goondas, Immoral Traffic Offenders and Slum-grabbers Act, 1982 (Tamil Nadu Act 14 of 1982) so as to enable the authorities concerned to detain any video pirate under the said Act with a view to preventing him from acting in any manner prejudicial to the maintenance of public order.

3. The Ordinance seeks to give effect to the above decision.

(By order of the Governor)

L. JAYASANKARAN,
Secretary to Government in charge,
Law Department

पत्रांक- 6/ज०शि०- 02/09-/न० वि० एवं आ० वि०

बिहार सरकार
नगर विकास एवं आवास विभाग

प्रेषक

सरकार के अवर सचिव
नगर विकास एवं आवास विभाग,
बिहार, पटना।

सेवा में,

जिला पदाधिकारी, कटिहार, पूर्णिया, अररिया, किशनगंज,
सहरसा, सुपौल, मधेपुरा एवं भागलपुर।

विषय :-

मुख्यमंत्री सचिवालय के पत्रांक- 2101991133 दिनांक- 21.01.09 द्वारा प्राप्त श्री अजय कुमार, कटिहार के अभ्यावेदन के आलोक में अग्रेतर कार्रवाई सुनिश्चित करने के संबंध में।

महाशय,

निदेशानुसार उपर्युक्त विषयक विषयांकित आवेदन की छाया-प्रति संलग्न कर प्रेषित करते हुए अनुरोध है कि मामले पर नियमानुसार यथोचित अग्रेतर कार्रवाई सुनिश्चित करते हुए कारोबारी प्रतिवेदन अविलंब शीघ्र मुख्यमंत्री सचिवालय एवं आवेदक को प्रेषित करते हुये उसकी एक प्रति अभिलेख हेतु इस विभाग को भी उपलब्ध कराया जाय।

कृपया इसे प्राथमिकता दी जाय।

विश्वासभाजन

ह०/-

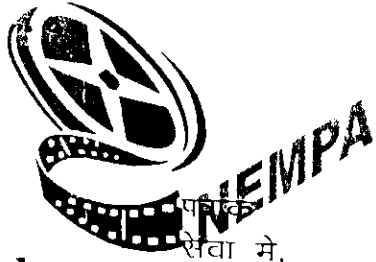
सरकार के अवर सचिव।

3277
डा.पत्रांक /न० वि० एवं आ० वि०

पटना, दिनांक 10-6-10

प्रतीलाप :- श्री अजय कुमार, गाँव ईर्दना कोशी गोशाला धिवरस एरोरिगेशन कटिहार को उनके अभ्यावेदन/पत्रांक- 4/48 दिनांक 15.01.09 के प्रसंग में सूदनार्थ एवं आवश्यक कार्यार्थ प्रेषित।

10/6/10
सरकार के अवर सचिव।



सेवा मे,
उप समाहर्ता महोदय,
मनोरंजन प्रशाखा
पूर्णिया

राजकीय महोदय,

अनाधिकृत एवं अवैध सी० डी० के द्वारा विडियो हॉल में फिल्म का प्रदर्शन ।

उपर्युक्त संदर्भ में यह संस्था पूर्व में भी अपने करीब ४०० फिल्म वितरक एवं सिनेमा व्यवसाय से जुड़े सदस्यों के हितार्थ मशरूम की तरह कोसी प्रमंडल में फैल रहे विडियो सिनेमा से उत्पन्न इस व्यवसाय पर आये संकट की ओर आकृष्ट किया है । इस क्षेत्र के सिनेमा व्यवसाय के भाग्य की विडम्बना है कि आज तक इस समस्या का समाधान नहीं हो सका है ।

पुनः सादर निवेदन करना है आप के जिलान्तर्गत निम्न लिखित स्थलों पर कुछ अनुज्ञप्ति लेकर और कुछ वगैर अनुज्ञप्ति के सिनेमा के २०/३० फीट के बड़े पर्दे पर Home viewing pirated C/D के द्वारा व्यवसाय कर रहे हैं जिससे कि हमारे सदस्य जिन्होंने कॉपी प्राप्त किया है, को व्यावसायिक क्षति हो रही है, सरकार को राजस्व की हानि हो रही है और सिनेमा व्यवसाय कोसी क्षेत्र में गर्त में जा रहा है । ये सभी विडियो हॉल में परिवर्तित प्रतिष्ठान पूर्व में सिनेमा चलाते हुए इस संस्था के सदस्य थे एवं हमारे वितरक सदस्यों के फिल्मों का प्रदर्शन कर लाखों का वकाया रखे हुए हैं । वकाये रकम को हड़पने की नीयत से ये विडियो हॉल चला रहे हैं ।

१. रौटाहाट : पूर्व में जय मॉ दुर्गा पिक्चर पैलेस के नाम से फिल्म ३५ एम० एम० का प्रदर्शन कर रहे थे और उसी हॉल में अब अवैध सी० डी० के द्वारा विडियो चला रहे हैं ।
२. वनमनखी बाजार : पूर्व में विष्णु /श्री राम/ गणपति टाकिज के नाम से सिनेमा चला रहे थे अब उसी स्थल एवं हॉल में अवैध सी० डी० द्वारा विडियो प्रदर्शन ।
३. जानकीनगर बाजार प्रखंड वनमनखी : पूर्व में कृष्ण टाकिज के नाम से सिनेमा चला रहे थे अब उसी स्थल एवं हॉल में अवैध सी० डी० द्वारा प्रदर्शन
४. मीरगंज बाजार- धमदाहा प्रखंड : पूर्व में गायत्री टाकिज के नाम से सिनेमा अब उसी स्थान एवं हॉल में विडियो प्रदर्शन ।
५. विरौली बाजार- रूपौली प्रखंड: पूर्व में विकास टाकिज के नाम से सिनेमा अब उसी स्थान एवं हॉल में विडियो प्रदर्शन ।

अतः यह संस्था पुनः आप से विनम्र निवेदन करती है कि इस समस्या के समाधान हेतु आवश्यक कार्रवाई करने की कृपा की जाय ताकि इस संस्था के फिल्म वितरक एवं सिनेमा चलाने वाले सदस्यों के हितों पर अवैध कुठाराघात पर रोक लग सके और सरकारी राजस्व की क्षति के साथ साथ कॉपी राईट एक्ट का उल्लंघन पर भी रोक लग सके। इसके लिये यह संस्था सदा आपका आभारी रहेगी ।

आपका विश्वासी

Shantilal K.

पुनः ई० डी० के द्वारा प्रदर्शन

e/c

(UT)
Annexure 8

1563/12 to 1569/12

दिनांक 1.2.2012

पत्रांक

सेवा में
प्रधान सचिव,
नगर विकास एवं आवास विभाग
बिहार सरकार, पटना

विषय: अवैध विडियो हॉल का कोसी क्षेत्र में जाल - सिनेमा व्यवसाय बेहाल

महाराज,

सादर सूचित किया जाता है कि सरकार द्वारा दिये गये प्रावधान की अनदेखी कर कोसी क्षेत्र में अनेकों विडियो हॉल बिना अनुसूचित लिये ही सिनेमा के बड़े पर्दे पर अवैध सी0 डी0 के द्वारा व्यावसायिक प्रदर्शन कर रहे हैं और कुछ प्रतिष्ठान ने अनुसूचित तो सी0 डी0 स्क्रीन पर वैध सी0 डी0 के द्वारा प्रदर्शन करने हेतु प्राप्त किया है पर वे भी सिनेमा के बड़े पर्दे पर ही अवैध सी0 डी0 के द्वारा प्रदर्शन कर रहे हैं। ऐसे प्रदर्शन के कारण हमारे फिल्म वितरक सदस्य जिन्होंने चलचित्र का कॉपीराइट प्राप्त किया है उनके व्यवसाय को अपूर्णतः क्षति हो रही एवं कॉपी राईट एक्ट का उल्लंघन हो रहा है। इस संदर्भ में बारम्बार कोसी क्षेत्र के सभी जिला पदाधिकारियों का ध्यान आकृष्ट किया गया है पर किसी भी तरह की कार्रवाई इस अवैध व्यवसाय पर रोक लगाने हेतु नहीं किया गया है।

अतः यह संस्था जो कि कोसी क्षेत्र के करीब 400 फिल्म व्यवसाय से जुड़े सदस्यों के हितार्थ कार्यरत है, अपने सदस्यों के हितों की रक्षा नहीं कर पा रही है जिस कारण सदस्यों में काफी क्षोभ है और सिनेमा व्यवसाय बंदी के कगार पर आ गया है।

तथ्यों के इसी आलोक में यह संस्था आप से प्रार्थना करती है कि कृपया कोसी क्षेत्र के सभी जिला पदाधिकारियों को स्मार्त पत्र निर्गत कर उन्हें इस अवैध व्यवसाय को बंद करने के लिये अविलम्ब कार्रवाई करने का निर्देश दिया जाय जिससे कि सिनेमेटोग्राफी एक्ट एवं कॉपी राईट एक्ट का अतिक्रमण नहीं हो और फिल्म व्यवसाय की दूबती नैया को पतवार मिल सके।

सधन्यवाद

आप का विरवसी

सचिव

प्रतिलिपि, सेवा में,
जिला पदाधिकारी
काटिया, पूर्णिया, अररिया, किरानगंज, सहरसा, सुपौल, गधेपुरा