

NOTIFICATION

BY COMMISSIONER OF POLICE

NO.CPN/15-Z/LC/Cyber Café Rule/2007

**Bombay
Police Act,
1951**

Having considered the objections/ or suggestions received in response to the notification of draft amendment to the rules, in exercise of the powers conferred by clauses (w),(w-a),and (y) of sub section (1) of section 33 Bombay Police Act, 1951 (BOM.XXII of 1951), the Commissioner of Police, Nagpur with the previous sanction of the State Government hereby makes the following rules to amend the rules for Licensing and Controlling Places of Public Amusement (other than cinemas) and Performances for Public Amusement including Pool game Parlours, Amusement Parlours providing Computer Games, Virtual Reality Games, Cyber Cafes, Games with net connectivity, Bowling Alleys, Card Rooms, Social Clubs, Sports Clubs, Melas and Tamashas Rules, 1960. The notification will come in force from the date of publication in the Government Gazette.

Cyber Café Rules:-

These rules are as follows:-

1. These Rules may be called Rules for Licensing and Controlling Places of Public Amusement (other than Cinemas) and Performances for Public Amusement including Pool game Parlours, Amusement Parlours providing Computer, Virtual Reality Games, Cyber Cafes, Bowling Alleys, Card Rooms, Social Clubs, Sports Clubs, Melas and Tamashas (Amendment) Rules, 2007.

2. In rule 1 of the Licensing and Controlling Places of Public Amusement (other than cinemas) and Performances for Public Amusement including Pool game Parlours, Amusement Parlours providing Computer Games, Virtual Reality Games, Cyber Cafes, Games with net connectivity, Bowling Alleys, Card Rooms, Social Clubs, Sports Clubs, Melas and Tamashas Rules, 1960 (referred to as "the principal Rules"), in sub-rule (1), -

(a) for the words "Computer Games, Virtual Reality Games" the words "Computer or Virtual Reality Games" shall be substituted; and

(b) the words "Games with net connectivity", shall be deleted.

3. In rule 2 of the principal Rules, in clause (d-1),

(a) after the words "operated by any means, either" the words "electronically or" shall be inserted;

(b) for sub-clause (ii) the following shall be substituted as follows, namely :-

"(ii) "Cyber Café" means and includes any commercial establishment or Internet kiosks, as the case may be by, whatever name called, the object of which is to make available to the general public, either for a free or gratis or as part of rendering or supply of any other goods or services, access to and use of the Internet (in any forms or protocols, whether in existence or yet to be implemented) for any purpose, including but not limited to, recreation and amusement, but does not include any private residence, office or place where access to the Internet is restricted to family members, employees, staff or authorized personnel, but not guests; and a Cyber Cafe shall be deemed to be a "Place of Public Amusement" as defined under section 2 (9) of the Bombay Police Act, 1951" (Act XXII of 1951);:-

(c) after sub-clause (viii), the following sub-clause shall be added, namely :-

"(ix) Online Games played on Internet."

4. In rule 96 of the principal Rules, after the words "a premises of a temporary nature" the words "as defined under clause (i) of rule 2" shall be inserted.

5. In rule 92 of the principal Rules, -

(a) after the words "The application for a premises licence shall be made" the words, letters and numbers "in Form DA for all amusements except for Cyber Café and Computer or Virtual Reality Games. The application for Cyber Café or Virtual Reality Game parlor shall be in form DB" shall be inserted;

(b) for the letter and word "a Statement" the words "information as required" shall be substituted;

(c) for the words "also indicate" the word "furnish" shall be substituted.

6. In rule 92-A of the principal Rules, -

(1) in clause (a), -

(i) in sub-clause (i), after the words "accompanied by the site" the words "and location" shall be inserted;

(ii) for sub-clause (viii), the following sub-clause shall be substituted, namely :-

"(viii) In case of premises situated in basements, mezzanies and terrace, an applicant shall submit 'No Objection Certificate' from the Buildings and Communication Department and Health Department of the Nagpur Municipal Corporation".

(iii) after sub-clause (viii), the following sub-clause shall be added, namely :-.

“(ix) For the purpose of “Cyber Café”, in case of use of speakers or any type of music systems, the noise level should be within the limits specified and should not cause disturbance to persons in the locality.”;

(2) In clause (b), in the beginning, following paragraph shall be added, namely :-

“The Licensing Authority reserves the right to impose any other condition as and when required, subject to the changing circumstances and future development in the technology.”

7. For rule 93 of the principal Rules, the following rule shall be substituted, namely :-

“93. **Grant of Premises Licence.-** The Licensing Authority on receipt of documents and certificates referred to in rule 92 may grant a Premises Licence to the applicant on such terms and conditions and subject to such restrictions as the Licensing Authority may determine. The Premises Licence for all amusement activities shall be in Form ‘D’ except for Video Games, Computer or Virtual Reality Games and Cyber Café. The premises licence for Video Games, Computer or Virtual Reality Games shall be in Form ‘D1’ and for Cyber Café shall be in Form ‘D2’, subject to such additional alterations as may be deemed necessary by the Licensing Authority. The premises licence may be issued by the Licensing Authority

after confirming suitability of a premises for holding performances for public amusement therein. This licence shall be for a period of three years and can be further continued, subject to renewal thereof by the Licensing Authority. Provided that, holding a premises licence in form D, D-1 or D-2 does not per-se authorise the holder to conduct any performance of Public Amusement as defined in rule 2, unless he holds a specific performance licence from the Licensing Authority granted under Rule 93”.

8. For Rule 94 of the principal Rules, the following rule shall be substituted, namely :-

“94. *Power to refuse licence.* – The Licensing Authority may refuse a Premises Licence, if –

(a) The premises appears to him to be likely to cause obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passers by or create traffic problems in the locality or may harm national interest or cause law and order problem;

(b) If he is satisfied after such enquiry as he thinks fit that the applicant for licence of the premises in question is not fit or unsuitable to grant such Licence.

9. In rule 99 of the principal Rules, -

(i) in sub-rule (1), for the words “for the benefits” the words “for the academic benefits” shall be substituted;

(ii) after sub-rule 4B the following sub-rule shall be added, namely :-

"(b) Any activity on electronic media staged, performed, exhibited, made or displayed in a private place or public office :

Provided that, the place is not being used for illegal activities."

10. In rule 197 of the principal Rules, after clause (f), the following clause shall be added, namely :-

"(g) the fee for grant of Premises Licence for Cyber Cafe shall be rupees one hundred per annum for each Computer."

11. In rule 211 of the principal Rules, after sub-rule (3) the following sub-rule shall be added, namely :-

"(4) Cyber café, Computer or Virtual Reality Game shall operate between 8.00 hours to 23.00 hours only. The holders of Premises Licence shall display the time restrictions in Form L and shall intimate patrons before a quarter of an hour of the closing time to finish the games or amusement by the closing hours".

12. After rule 228 the principal Rules, the following Chapter XXI shall be added, namely :-

"CHAPTER – XXI

SPECIAL RULES FOR CYBER CAFÉ, COMPUTER OR VIRTUAL REALITY GAME

229. Personal Identification.- (a) Every visitor to a Cyber Cafe be required to produce any authentic photo-ID Card like Passport, college ID, Pan Card, Election Card, Motor Driving Licence, or Office Identity Card .

(b) Every licensed Cyber Café be required to maintain a physical log of users to be filled in by the user himself as stated in Form-M.

230. Physical Layout.- (a) Cyber Cafes shall not have fully enclosed cubicles which will isolate a Computer user from other Computer users in the Cyber Café.

(b) Partition if any installed or built inside the Cyber Cafe shall not exceed four and half feet in height from the ground level.

(c) A board viewing "pornography is not allowed" shall be prominently displayed in the Cyber Cafe.

231. Internet Protocol Allocation/Access Logs. – (a) Cyber Cafe must maintain a list showing which Internet Protocol (I.P.) address is allocated to which machine when a block of Internet Protocol (I.P.) addresses are used directly on different machines.

(b) Cyber Cafes using single or multiple Internet Protocol (I.P.) addresses which are shared amongst different machines must maintain an

electronic log which shall enable the owners of the Cyber Café to tell the authorities, on demand, which machine was allocated with which internal LAN Internet Protocol (I.P.) address at any specified time.

(c) Log records of the users must be maintained for at least one year and shall be produced before Police for investigation purpose on demand.

232. Prerequisites for grant of Cyber Cafe Licence.- Applicant is required to obtain and attach relevant documents mentioned at Sr.No.12 in Form D(B) (Application Form for Premises Licence in respect of Cyber Café or similar Establishment).

(S.P.S.Yadav)
Commissioner of Police,
Nagpur City

FORM "D(A)"

Stamp form to be typed on letter

**Premises Licence
Court Fee Stamp**

From :- M/s. _____

Date :-

To,

The Commissioner of Police
Nagpur.

**Subject :- Application for the grant of Premises/
Performance Licence for Conducting Activity of**

_____.

Sir,

I the undersigned, Shri/Smt./Kum.
_____ Owner(s) of Hotel / Video Game
Parlor / Video Theatre / Club / Hall M/s.

_____ would like to apply for grant of Premises / Performance Licence at the above address. The place belongs to me/taken on rent / is on lease.

Details are as follows :-

1. Full Name :- _____
2. Occupation :- _____
3. Parentage :- _____
4. Age :- _____
(Date of Birth & Place of Birth)
5. Nationality :- _____
6. Residential Address :- _____
with Telephone Number (if any) _____

7. (a) Full Name of the Establishment :- _____

(b) Whether any other name is used for the Establishment :- _____

8. (a) Whether the applicant applied for a Premises/Performance Licence in the past, if so, for which place and when. With what result. :- _____

(b) If the applicant was holding any Police Licence/Premises Licence in the past, whether the said licence was ever suspended canceled/revoked. If so give details with copy of the said order. :- _____

9. Exact Nature of Amusement Activity :- _____

10. Copies of documents attached whichever is applicable :-
1. Shops & Establishment Licence
 2. Eating House Licence
 3. Grade Licence
 4. Health Department Licence in "Form B"
 5. F.L. III Licence
 6. P.P.E. Licence
 7. Copy of Partnership Deed, if partnership firm.
 8. Rent receipt, if the place is on rent/lease
 9. Tax Assessment/paid Receipts
 10. Certificate from Govt. Electrical Contractor/Private Contractor regarding the safeness of Electric Fittings.
 11. Document from Fire Brigade to the effect that all precautionary measures are taken from public safety point of view.

12. Bill of Fire Fighting equipments of current year.
13. Certificate from B.S.N.L. that telephone is in working order or has been duly installed in the premises.
14. Site Plan showing religious, educational institution and hospital within a radius of 100 mtrs.
15. Ownership documents if the place is owned by the applicant.
16. Occupation/Commencement Certificate of N.M.C. or certificate from N.M.C. stating "NO ACTION PENDING".
17. Copy of Memorandum of Articles.
18. Copy of resolution under which authorised to sign and obtain the above licence from Police Department.
19. N.O.C. from B. & C Department and Health Department of N.M.C. if place is situated on Mezzanine floor.

If any other documents are required, the same will be submitted as soon as we are informed. Copies of above documents are attached herewith.

It is requested that necessary licence may kindly be granted. I will abide the conditions of the licence.

Hoping you would do the needful at the earliest and oblige.

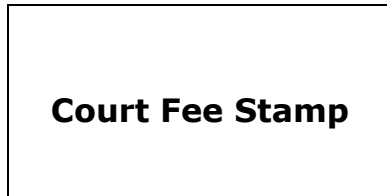
Thanking you,

Yours faithfully,

(Full Name & Signature)

FORM "D(B)"

**APPLICATION FORM FOR PREMISES LICENCE IN RESPECT OF CYBER
CAFÉ
OR SIMILAR ESTABLISHMENT**



From :- M/s. _____

Date :-

To,

The Commissioner of Police
Nagpur.

**Subject :- Application for the grant of Premises Licence for
Cyber Café of similar establishment providing
services of internet / internet connectivity in a
public place.**

Sir,

I/We _____ the _____ undersigned, Shri/Smt./Kum. _____ Owner(s) of Cyber Café / Computer and / or Virtual Reality Game (as defined under section 2(9) of Mumbai Police Act-1951, definition of place of public amusement), by name M/s. _____ would like to apply for grant of Premises Licence at the following address. The place belongs to me/us take on rent is on lease/leave and licence.

Details are as follows (if more than one applicant details of each applicant be provided) :-

1. Full Name of Applicant :-
(Extended initials)
2. Occupation :- _____

3. Parentage :- _____
(Fathers/Husband Name)
4. Age (Date of Birth) :- _____

5. Nationality :- _____

6. E-Mail Address of the Owner :- _____

7. (a) Full Name and address of the Cyber Café / Establishment :- _____

- (b) Telephone No. :- _____

- (c) Fax No. :- _____

- (d) Email Address of the Cyber Café, :- _____

- (e) How many branches / outlets existing, give details as per this form. (use separate sheet if required) :- _____

- (f) Approximate area of the premises :- _____

- (g) Number of Terminal proposed :- _____
8. (a) Whether premises are owned, leased, rented or taken on leave and license by applicant – owner ? (Specify) :- _____

- (b) If on rental, lease or leave and license period of tenancy/lease/licence :- _____

9. (a) Whether any other name is used for the establishment. If so, give details :- _____

- (b) Whether applied in the past for similar licence. If so, give details. :- _____
- 10 All telephone numbers at the cyber café with name and address of the telephone subscriber (Use separate sheet, if required) :- _____
- 11 Name and address of conductor or operator of Cyber Café if other than applicant-owner. :- _____
- 12 Copies of documents bearing signature of the applicant which is to be attached with this application (Whichever is applicable according to each activity) :-
1. Shops & Establishment Licence.
 2. Copy of partnership deed, if partnership firm.
 3. Rent Receipt, if the place is on rent/lease.
 4. Bill of fire fighting equipment of current year.
 5. Ownership documents, if the premises is owned by the applicant.
 6. NOC from the landlord or Society if the premises are residential.
 7. Name, address and other details of manager / conductor, employees to be provided separately on the firm's letter head.
 8. If establishment is a Company, copy of Memorandum of Articles.
 9. Copy of the resolution under which applicant is authorized to sign and obtain the above licence from the Licensing Authority.
 10. Copy of the current bill of payment made to ISP must be attached with the application.
 11. No Licensee shall have any claim of whatsoever nature against Government of Non-Government authority, on the basis of the Cyber Café Licence issued by Police under Cyber Café Licensing Rules.

If any other documents are required, the same will be submitted as soon as we are informed. Copies of above documents are attached herewith.

It is requested that Premises Licence may kindly be granted. I will abide by the conditions of the licence.

Thanking you,

Yours faithfully,

(Full Name & Signature)

C.P.K.-Y-201-3,000-9.96
G.P.,J.D., No.5382, dated 23-7-1914]

(Spl.-G.B.P.78c.

FORM "D-2"

PREMISES LICENCE
(Rule 93)
(For fees vide Rule 197)
No. _____

Rs.
Rt.
Dt.

In exercise of the powers conferred by rule 93 of the Rules For Licensing and Controlling Places of Public Amusements (Other Than Cinemas) and Performances for Public Amusement, Including Cabaret Performances, Discotheque, Games, Pool Game Parlours, Amusement Parlours Providing Computer and / or Virtual Reality Games, Cyber Cafes, Bowling Alleys, Card Rooms, Social Clubs, Sports Clubs, Melas and Tamashas Rule, 1960 in Nagpur made by the Commissioner of Police, Nagpur, Licence is hereby granted subject to the conditions and restrictions laid down in the aforesaid Rule to Shri./Smt. _____ authorizing him to keep a Place of Public Amusement known as M/s. _____, situated at _____ in Nagpur and assessed under Municipal No. _____ to be open between 08.00 a.m. and 23.00 p.m. from this date until the _____ subject nevertheless to suspension or revocation under the aforesaid Rules.

1. No. of units _____ Nos.
2. Name and description of the Cyber Café _____.

Given under my hand and seal, this _____ day of _____

Police Commissioner's Office :
Nagpur

for Commissioner of Police
Licensing Authority.

Conditions and Restrictions of the Licence

- 1) All conditions laid down in various licenses/N.O.Cs. of all concerned Department should be strictly followed at all times especially from public safety point of view.
- 2) Sufficient number of Entry and Exit doors should be operative at all times for free safe and unobstructed movements of the visiting customers. Conditions as laid down in Noise Pollution Control Rules should be strictly followed.
- 3) There should not be any nuisance to the residents of the area and public in general.
- 4) The licensee should make necessary arrangements of parking or will keep trained staff to ensure that his customers do not park their vehicles on the road or cause any traffic problem.
- 5) If the licensee fails to abide by the Rules for Licensing and Controlling Places of Public Amusements (other than Cinema) and Performance for Public Amusement, including Melas & Tamasha's 1960 and conditions mentioned therein, this licence is liable for suspension or cancellation.
- 6) If any complaints are received from local inhabitant or visitor about annoyance / danger / risk being caused to them, this licence is liable for action such as suspension or cancellation.
- 7) No person shall be allowed to sell any alcoholic drinks, hot or cold beverages or foodstuff within the premises.
- 8) The licensee shall not promote, encourage or connive gambling in whatever form.

- 9) The licensee shall not permit any performance or game involving risk, damage or danger to the audience or public or which is objectionable to the audience or to the Licensing Authority.
- 10) Every visitor, visiting "Cyber Café" should be required to produce any Photo-Identity Card.
- 11) Licensee is required to maintain a physical log of users as per Form-M.
- 12) All open machines must face outward, i.e., must be facing the common open space of the Cyber Café.
- 13) Cyber Cafés shall not have completely enclosed cubicles.
- 14) In case partitions / cubicles are made then the height of the partitions shall not be more than four and half feet from the ground level and such cubicles shall be kept open from top and not enclosed temporarily or otherwise.
- 15) Cyber Café who have a block of Internet Protocol Address from an ISP may choose to directly use them on their client machine. In such a case, they must maintain a list showing which Internet Protocol Address is allocated to which machine.
- 16) On the other hand Cyber Cafes with shared Internet Protocol Addresses (single or multiple), which are then shared amongst a number of local machine, must maintain an electronic log that shows the mapping of a unique physical Internet Protocol with the 'masqueraded' Internet Protocol. The actual method used is irrelevant, so long as the Cyber Café is able to tell the authorities, on demand, during enquiry, which machine was allocate which Internet Protocol address at a specified time.

Owner's Name and Signature	Manager's Name and Signature

Memorandum of renewal of the above Licence subject to conditions as referred in the licence.

Date of Renewal	Date of Expiry of Renewed Licence	Signature of the Licencing Authority

**Commissioner of Police
Nagpur**

**(S.P.S.Yadav)
Commissioner of Police,
Nagpur**