



The Sikkim Cinemas (Regulation) Act, 1978

Act 20 of 1978

Keyword(s):

Cinematograph, Place, Public Exhibition

Amendment appended: 2 of 1986

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SIKKIM' CINEMAS (REGULATION) - ACT, 1978**ARRANGEMENT OF SECTIONS**

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**SIKKIM CINEMAS
(REGULATION) ACT 1978**

ACT NO. 20 OF 1978

AN

ACT

to make provisions for regulating exhibitions by means of Cinematographs' in the State of Sikkim.

[25th September, 1978]

WHEREAS it is expedient to make provision for regulating exhibitions by Means,' of Cinematographs in the State of Sikkim:

It is hereby enacted in the Twenty-ninth Year of the Republic of India by the Legislature of Sikkim as follows:

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|--|----|---|
| <i>Short title, extent & commencement.</i> | 1 | <p>(1) This Act may be called the Sikkim' Cinemas (Regulation) Act, 1978.</p> <p>(2) It extends to the whole of Sikkim.</p> <p>(3) It shall come into force on such date .as the State Government may, by notification in the Official Gazette, appoint.</p> |
| <i>Definitions</i> | 2. | <p>In this Act, unless there is anything repugnant in the subject or context:</p> <p>(a) "Cinematograph" includes any apparatus for the representation of moving pictures or series of pictures;</p> <p>(b) "place" includes a house, building, tent, enclosure, open space and any description of transport, whether by land, water or air;</p> <p>(c) . "prescribed" means prescribed by rules made, under this Act;</p> <p>(c) "public exhibition" means an exhibition to which persons are admitted on payment.</p> |

3. (1) Save as otherwise provided in' this. Act no person shall give a public. exhibition by means of a cinematograph elsewhere .than in a. place'. in respect of which a license has been granted under this Act or, otherwise than in compliance with any conditions and, restrictions imposed by such license. *Cinematograph ex- hibitions to be licen- sed.*
- (2) The: State Government may, if it considers it necessary *to* do so, make an order for regulating exhibitions other than public exhibitions and prescribe ,rules and conditions: . .
4. The authority having power *to* grant licenses (hereinafter referred *to* as the licensing authority) shall be the District Magistrate within whose jurisdiction the place, where the' exhibitions by means *of* cinematograph are proposed *to* be given, is situated: *Licensing Authority.*
- Provided that the State Government may, by notification in the Official Gazette constitute, *for* the whole or any part *of* the State, such other authority, as it may specify in the notification, *to* .be the licensing authority for the purpose *of* this Act. . . .
5. (1) The licensing authority. shall not grant licenses under this Act, unless it is satisfied that *Restrictions on po- wers of licensing authority.*
- (a) the rules made under this Act have been substantially complied with, and
- Prescribed precautions, have been 'taken in the place,
- b) in respect of which the license is *to* be given, *to* provide or the safety of persons attending exhibitions therein:

Provided that the licensing authority shall, before refusing *to* grant a license under this Act, give the applicant, an opportunity of. showing cause.

- (2)' Subject to the; provisions of .this. Act. and the rules' made, there under, the licensing 'authority may grant licenses under this Act to such persons as that authority thinks fit and: on such terms and conditions and: subject. to such restrictions 'as it may determine:
- (3)' The State Government may, from time' to time, issue directions to licensees generally or, if in the opinion of the State Government circumstances so justify, to .any licensee in particular, for the purpose of regulating the exhibition of any film or class of films and in particular the; exhibition of scientific films, films intended for educational purposes, films dealing with news and current events, documentary films and where any such directions have been issued, those directions shall be deemed to be additional conditions and restrictions subject to which the license has been granted.
- (4) Any person aggrieved by the decision of a licensing authority granting or refusing to grant a license or by any other order of a licensing authority which is declared by rules made under this Act to be appeal able or by the terms and conditions on which or the restrictions subject to which a license is granted" may, within such.. time as may be prescribed, appeal to the State Government or to such officer as the State Government may specify in this behalf, and the State Government or the officer as the .case may be, may make such order in .the case as it or he thinks fit.

Power of the State Government or District Magistrate to suspend exhibition of films In certain cases.

6. (1) The State Government, in respect of the whole State or any part thereof, and the District Magistrate in respect of the local area within his jurisdiction may, if it or he is of opinion that any film which is being publicly exhibited is likely to cause a breach of the peace, by order, suspend the exhibition of the film and during such suspension the film shall not be exhibited in the State, part, of the" State, ,or: local area,' 'as 'the case may be.

- (2) When an order under sub-section (1) has been issued by a District Magistrate, a copy thereof together with a statement of reasons therefor, shall forthwith be forwarded by the District Magistrate to the State Government, and the State Government may either confirm or annul the order.
- (3) Any order made under sub-section (1) shall, unless it is annulled by the State Government under subsection (2), remain in force for a period of two months, but the State Government may, if it is of opinion that the order should continue in force, direct that the period of suspension shall be extended by such further period as it thinks fit.

If the owner or person in charge of a cinematograph uses the same or allows it to be used, or if the owner or occupier of any place permits that place to be used in contravention of the provisions of this Act or the rules made there under, or of the conditions and restrictions upon or subject to which any license has been granted under this Act, or if any person makes any exhibition of a film contrary to any order under section 6 or to any order or direction under this Act or the rules made there under, he shall be punishable with fine which may extend to one thousand rupees and, in the case of a continuing offence, with a further fine which may extend to one hundred rupees for each day during which the offence continues?

Penalties.

8. (1) If the holder of a license has been convicted of an offence under section 7 of the Cinematograph Act, 1952 (XXXVII of 1952), or of an offence under section 7 of this Act, or has obtained the license by misrepresentation of facts, or acts in contravention of any of the provisions of this Act or of the rules made there under or of the conditions and restrictions upon or subject to which the license has been granted, the licensing authority may revoke the license or suspend it for such period as it may think fit.

Power to revoke or suspend license.

- (2) Any person aggrieved by the order of the licensing authority revoking or suspending a license may, within such time as may be prescribed, appeal to the State Government or such officer as the State Government may specify in this behalf, and the State Government or the officer, as the case may be, may pass such order in the case as it or he thinks fit. The order so passed shall be final

Power to make rules.

9. (1) The State Government may, by notification in the Official Gazette, make rules for the purpose of carrying into effect the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for
- (a) the procedure in accordance with, which a license may be obtained and the terms, conditions, and restrictions, if any, subject to which licenses may be granted under this Act and the fees payable therefor;
- (b) regulation of cinematograph -exhibitions for .securing public safety;
- (c) the time within which and the conditions subject to which an appeal under sub-section (4) of .section 5 and under sub-section (2) of section 8 may be made and the procedure for such appeals and the fees payable therefor;
- (d) 'regulating the means of entrance and exit at places licensed under this Act and providing for the prevention of disturbances thereat;
- (e) regulating prohibiting the sale of any ticket or pass or admission, by whatever name called, to a place licensed under this Act;
- (f) delegation of the power of hearing appeals under sub-section (4) of section 5 and sub-section (2) to any section 8 to any officer subordinate to the State Government.

- (3) All rules made under this Act shall come into force with effect from the date of their publication in the Official Gazette, unless a specific date is given in the notification.

10. The State Government may, by order in writing exempt, subject to such conditions and restrictions as it may impose any cinematograph exhibition or class of cinematograph exhibitions from any of the provisions of this Act or any rules made there under.

Power to exempt.

11. No suit or proceeding shall lie against the State Government and no suit, prosecution or proceeding shall lie against any officer of the State Government for anything in good faith done, or intended to be done, under this Act or any rules made there under.

Protection of State Government and of officers of Government for acts done in good faith.

12. Any fees or other amounts realized or purported to have been realized in respect of a license or renewal thereof or in respect of any matter relating to cinemas prior to the coming into force of this Act, shall always be deemed to have been realized validly and under proper legal authority.

Validation of fees already realized.

13. Notwithstanding anything contained in this Act or the rules made there under, a license granted prior to the coming into force of this Act, shall be deemed, for all purpose, to have been granted under this Act and the conditions and restrictions prescribed by the rules under this Act shall, until a new license is granted under this Act and the rules made there under, be deemed to have been incorporated in such license:

Transitional provisions.

Provided that the licensing authority may grant time, or extend the time, so granted, for compliance with any such condition or restriction.

THE SIKKIM CINEMAS (REGULATION) AMENDMENT ACT, 1985.

(ACT NO.2 OF 1986)

AN ACT

[21. 1. 1986]

to amend the Sikkim Cinemas (Regulation) Act, 1978 (No. 20 of 1978).

Be it enacted by the Legislature of Sikkim in the Thirty-sixth Year of the Republic of India. as follows

1. (1) This Act may be called the Sikkim Cinemas (Regulation) Amendment Act, 1985.

Short title, extent and commencement.

(2) It extends to the whole of Sikkim.

(3) It shall come into force at once.

2. In the Sikkim Cinemas (Regulation) Act, 1978 (hereinafter referred to as the principal Act), in section 2,

Amendment of Section 2.

(a) in clause (e), after the words 'a film on' and before the words 'screen' the word 'television' shall be inserted;

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

- (c) 'Video Library' means a place, by whatever name called, where the business of selling, letting on hire, distribution, exchange or putting into circulation, in any manner whatsoever, of film for purposes of exhibition is carried on.*

4. In the principal Act, after section 3, the following section shall be inserted, namely:-
- 3A. (1) No person shall keep any Video Library except under and in accordance with' a licence granted under sub-section (1) above.
- (2) Where a person keeps more than one Video Library, whether in the same town or Village or in different towns or villages, he shall obtain a separate licence in respect of each Video 'Library.
- (3) Every person keeping a Video Library under this Act shall, in respect of each film in his possession, produce when demanded by an officer authorised by Government in this behalf, a letter of consent from the person who is the first owner of the Copyright of the Cinematograph film under section 17 of the Copyright Act, 1957 (Act XIV of 1957) and in case such copyright has been assigned under section 18 of the said Act, from the assignee of such copyright;
- (4) No person who. is granted a licence shall sell, let to hire, distribute, exchange, or put into circulation in any manner whatsoever, any film other than a film which has been certified as suitable for public exhibition, by the authority constituted under section 3 of the Cinematograph Act, 1952 (Act 37 of 1952) and which, when exhibited, displays the prescribed mark of that authority, and has not been altered or tampered with in any way since such mark was affixed thereto."
- . 5. . In the principal Act, in section 4, after the words proposed to be given" and before the words" is situated", the words "or the Video Library is proposed to be opened" shall be inserted.
6. In the principal Act, 'in section' 4A, after 'the words 'Video exhibition' and before, the word "shall" the, words "and for keeping a Video Library" shall be inserted.
7. In the Sikkim ,Entertainment Tax Act 1980, after section 3B, the following section shall be inserted, namely:
3BB. Any officer authorised by the Government in this behalf, by notification. may

*Insertion of new
section 3A.*

*"Video Library
to be licensed.*

(a) enter, if necessary by force, whether by day or night, with such assistance as he considers necessary, any premises, which he has reason to suspect, are being used for purposes connected with the exhibition of films on the television screen through Video Cassette Recorder or keeping a Video Library in contravention of the provisions of the Sikkim Cinemas (Regulation) Act, 1978 and the rules made thereunder;

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(b) search the premises and persons whom he may find therein;

(c) take into custody and produce before the Magistrate mentioned in section 3C, all such persons as are concerned or against whom a reasonable complaint has been made or credible information has been received or a reasonable complaint has been received or a reasonable suspicion exists of their having been concerned with the exhibition of film or keeping a Video Library in contravention of the provisions of the Sikkim Cinemas (Regulation) Act, 1978 and rules made thereunder;

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(d) seize all things found therein which are intended to be used or reasonably suspected to have been used in connection with such exhibition of film or keeping a Video Library."