



The Police (Sikkim Amendment) Act, 1980

Act 7 of 1980

Keyword(s):

Central Act Amendment, Police Act, 1861

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THE POLICE (SIKKIM AMENDMENT) ACT, 1980.

ARRANGEMENT OF SECTIONS

1. Short title and Commencement.
2. Amendment of Police Act 1861.
3. Insertion of new sections 34A and 34B.
- 34A. Power to prohibit, restrict, regulate or impose conditions on the use of microphones. etc.
- 34B. Power to prohibit sale of tickets for admission to an entertainment except under the orders and at the place provided and price fixed etc.

THE POLICE (SIKKIM AMENDMENT) ACT, 1980
 ACT NO.7 OF 1980
 AN
 ACT

to amend the Police Act, 1861 (No V of 1861) in its application to the State of Sikkim.

{5th April, 1980J

WHEREAS it is expedient to amend the Police Act, 1861 (No V of 1861), in its application to the State of Sikkim for the purposes.. and in the manner hereinafter appearing;

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

1. (1) This Act may be called the Police (Sikkim Amendment) Act, 1980. *Short title and Commencement.*
- (2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. The Police Act, 1861 (hereinafter. referred to as the said Act), shall, in its application to the State of Sikkim, be amended in the manner hereinafter provided.

3. After. section 34 of the said Act, the following sections shall be inserted namely: *Insertion of new sections 34A and 34B.*

"34A (1) - If, in the opinion of the Magistrate of the district or Superintendent of Police of the district or sub-divisional Police officer, it is necessary so to do for the purpose of preventing annoyance to, or injury to the health of, the public or any section thereof, or for the purpose of maintaining public peace any tranquility, he may, by order, prohibit, restrict, regulate or impose conditions on the use or operation, in any area within his jurisdiction or in any vehicle within such area, of microphones, loudspeakers or other apparatus for amplifying human voice or amplifying music or other sounds. *Power to prohibit, restrict, regulate or impose conditions on the use of microphones etc.*

- (2) The State Government may, on its own motion or on the representation of any person or persons aggrieved, modify, alter or cancel any order made under sub-section (1).
- (3) A Police-Officer, not below the rank of sub-Inspector, may take such steps or use such force as may be reasonably necessary for securing compliance with any order made under sub-section (1) or any such order as modified or altered by the State Government under sub-section (2) and may seize any microphone, loudspeaker or other apparatus used or operated in contravention of the order.
- (4) A Police-officer, who seizes any microphone, loudspeaker or other apparatus under sub-section (3), may also at the same time seize any vehicle in which such microphone, loudspeaker or other apparatus is being carried or conveyed or is being kept at that time;

Provided that any Police-officer of the Police-station within the limits of which the vehicle is seized, not below the rank of Sub-Inspector, may release such vehicle on a bond for such sum not exceeding five hundred rupees as he deems reasonable being executed by the owner of the vehicle in favour of the State Government to produce the vehicle at the time of the investigation or the trial, and to surrender the vehicle, if directed to be forfeited under sub-section (5).

- (5) Any person who contravenes any order made by the Magistrate of the district or Superintendent of Police of the district or any sub-divisional Police officer under sub-section (1) or any such order as modified or altered by the State Government under sub-section (2) shall, on conviction before a Magistrate, be liable to a fine which may extend to one hundred rupees and the Court trying an offence under this section may also direct the forfeiture of any microphone, loudspeaker or other appara.

tus seized under sub-section (3) or any vehicle seized under sub-section (4) or released under the proviso to that sub-section.

- (6) The provisions of this section shall be in addition to and not in derogation of the powers conferred by any other section of this Act.

- 34B (1) Any person who sells or attempts to sell tickets for admission to a place of entertainment, except under the orders of, and at the place provided for and price fixed in this behalf, by the proprietor of the entertainment shall, on conviction before a Magistrate, be liable to imprisonment for a term which may extend to three months or fine which may extend to one hundred rupees or with both.

Power to prohibit sale of tickets for admission to an entertainment except under the orders and at the place provided and price fixed etc.

- (2) Any Police-officer not below the rank of Head-Constable may take into custody, without warrant, any person who, in his view, commits any offence punishable under sub-section (1) or seize any tickets in respect of which he is satisfied that any such offence has been committed.
- (3) A Court trying any offence punishable under subsection (1) may, without prejudice to any order or further order or orders that may, in its opinion, be passed in the case, direct the forfeiture of any ticket which may have been seized under sub-section (2).

Explanation,- In this Section:

- (a) "entertainment" means any exhibition, performance, amusement, game or sport to which persons are admitted on production of tickets. and
- (b) the expression "proprietor" in relation to any entertainment includes any person responsible for the management of such entertainment."