

SIKKIM CINEMAS (REGULATION) ACT, 1978

GOVERNMENT SIKKIM EXTRAORDINARY GAZETTE No. 139 PUBLISHED BY AUTHORITY Gangtok, Tuesday, September 26, 1978 LEGISLATIVE DEPARTMENT NOTIFICATION No. 19/LL/78 Dated Gangtok, the 26th September, 1978. The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 25th day of September, 1978 is hereby published for general information. SIKKIM AZT NO. 20 OF 1978 SIKKIM CINEMAS (REGULATION) ACT, 1978 AN ACT to make provisions for regulating exhibitions by means of Cinematographs in the State of Sikkim. 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 Short title, extent & commencement. Definitions. Cinematograph exhibitions to be licenced 1. 2. (b) (c) (d) 3. (1) This Act may be called the Sikkim Cinemas (Regulation) Act, 1978. It extends to the whole of Sikkim. (2) It shall come into force on such date as the State Government may, by (3) notification in the Official Gazette, appoint. In this Act, unless there is anything repugnant in the subject or context ' 'Cinematograph" includes any apparatus for the representation of moving pictures or series of pictures ; "place" includes a house, building, tent, enclosure, open space and any description of transport, whether by land, water or air ; "prescribed" means prescribed by rules made under this Act ; "public exhibition" means an exhibition to which persons are admitted on payment. (1) (2) 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 licence has been granted under this Act or otherwise than in compliance with any conditions and restrictions imposed by such licence. 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 for the purpose. Licensing Authority Restrictions on powers of licensing authority- Power of the State Government or District Magistrate to suspend exhibition of films in certain cases. The authority having power to grant licences (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 : Provided that the State Government may, by notification in the 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. 4. (1) (a) (b) (2) (3) (4) (1) (2) (3) Act. The licensing authority shall not grant licences under this Act, unless it is satisfied that - the rules made under this Act have been substantially complied with, and prescribed precautions have been taken in the place, in respect of which the licence is to be given, to provide for the safety of persons attending exhibitions therein : Provided that the licensing authority shall, before refusing to grant a licence under this Act, give the applicant an opportunity of showing cause. Subject to the provisions of this Act and the rules made thereunder, the licensing authority may grant licences 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. State Government 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 licence has been granted. Any person aggrieved by the decision of a licensing authority granting or refusing to grant a licence or by any other order of a licensing authority which is declared by rules made under this Act to be appealable or by the terms and conditions on which or the restrictions subject to which a licence 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. 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 if it or he is of opinion that any film which is being publicly exhibited is likely to cause disturbance to the peace, by order, suspend the exhibition of the film and during such suspension the film shall not be exhibited in the State, or any part of the State, or any local area, as the case may be. 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. Any order made under sub-section (1) shall, unless it is annulled by the State Government under sub-section (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.

GOVERNMENT GAZETTE No. 9 No. 2/LD/1986.
EXTRAORDINARY PUBLISHED BY AUTHORITY Gangtok, Saturday, January 25, 1986.
GOVERNMENT OF SIKKIM LAW DEPARTMENT GANGTOK Dated the 25th January, 1986.
NOTIFICATION The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 21st day of January, 1986, is hereby published for general information:—

Short title, extent and commencement. Amendment of section 2. Insertion of new section 3, 4. 'Video Library to be licensed. 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) This Act may be called the Sikkim Cinemas (Regulation) Amendment Act, 1985. (2) It extends to the whole of Sikkim. (3) It shall come into force at once. In the Sikkim Cinemas (Regulation) Act, 1978 (hereinafter referred to as the principal Act), in section 2,— (a) in clause (e), after the words 'a film' and before the words 'screen' the word 'television' shall be inserted; (b) after clause (e), the following clause shall be inserted, namely:— "(f) '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." 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) (3) (4) 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. 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. 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, display the prescribed mark of that authority, and has not been altered or tampered with in any way since such mark was affixed thereto." Amendment of section 4. Amendment of section 4A. Amendment of Act No. 8 of 1980. 'Power to enter, search and seize. 8 of 1980. 20 of 1978. 20 of 1978 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. 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. 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— (a) (b) (d) 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; search the premises and persons whom he may find therein; 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) 1978 and rules made thereunder; 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." PRINTED SIKKIM M. M. RASAILY, Secretary to the Govt. of Sikkim, Law Department. F. No. 16 (65) LD/78. GOVERNMENT PRESS, GANGTOK