

Assam Cinemas (Regulation) (Amendment) Act, 1956

22 of 1956

[14 November 1956]

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PREAMBLE

An Act to amend the Assam Cinemas (Regulation) Act, 1953

Whereas it is expedient to amend the Assam Cinemas (Regulation) Act, 1953 (Assam Act XIV of 1953) in the manner hereinafter appearing;

It is hereby enacted in the Seventh Year of the Republic of India as follows:-

1. Short title, extent and commencement :-

- (1) This Act may be called the Assam Cinemas (Regulation) (Amendment) Act, 1956.
- (2) It extends to the whole of Assam.
- (3) It shall come into force at once.

2. Definition :-

"Principal Act" means the Assam Cinemas (Regulation) Act, 1953 (Assam Act XIV of 1953).

3. Amendment of Section 4 of the Principal Act :-

For Section 4 of the Principal Act substitute the following, namely:-

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"4. Licensing Authority.-- Subject to provisions of Section 5, the District Magistrate within the jurisdiction of his district or any other authority constituted by the State Government by notification in the official Gazette (hereinafter referred to as the Licensing Authority) for the whole or any part of the State may grant licenses under this Act:

Provided that no license shall be issued by the Licensing Authority except with the previous approval of the State Government and in according such approval the State Government shall take into consideration all applications for the license in question and after such consideration may accord its approval to the proposal submitted by the Licensing Authority or direct such authority to grant a license to any of the other applicants with or without such conditions as it may deem proper and in such cases such direction shall be deemed to be the previous approval of the State Government".

4. Amendment of Section 5 of the Principal Act :-

Delete the whole of sub-section (2) of Section 5 of the Principal Act and renumber the existing sub-section (3) as sub-section (2).

5. Amendment of Section 9 of the Principal Act :-

For Section 9 of the Principal Act, the following shall be substituted, namely:--

"9. Appeals and Reviews.--

(1) Any person aggrieved by the decision of the Licensing Authority under any provision of this Act except an order passed under Section 4 may appeal to the State Government or to such officer as the State Government may authorise in this behalf and the State Government or such officer, as the case may be, may make such orders as it or he deems proper.

(2) Appeals under sub-section (1) shall be filed within 15 days from the date of the order excluding the period required in obtaining the copy of the order provided that the Appellate Authority may extend the time for reasons found sufficient to its satisfaction.

(3) Any person considering himself aggrieved by an order passed under Section 4 for granting a license with the approval of the State Government may file an application for review of the order and the approval, to the State Government within a period of 30

days from the date of the order and thereupon the State Government after giving a hearing to the parties concerned may--

(i) reject the application, or

(ii) where it is of opinion that sufficient ground for review has been established, grant the same,--

(a) by withdrawing its approval or direction issued under Section 4 and remand the applications to the Licensing Authority concerned for fresh enquiry, or

(iii) direct the Licensing Authority to issue the license to any of the applicants.

(4) All appeals pending on the date of the commencement of this Act shall be disposed of in accordance with the provisions of this Act and for that purpose all appeals against an order under Section 4 of the Principal Act shall be deemed to be application for review under sub-section (3) of Section 5 of this Act."

6. Section 6 :-

Section 4 of this Act shall be and shall be deemed always to have been substituted for Section 4 of the Principal Act and shall deemed to have come into force from the date on which the Principal Act came into force.