

Nagaland Cinemas (Regulation) Act, 1969

5 of 1970

[25 March 1970]

CONTENTS

1. Short Title, Extent And Commencement
2. Definitions
3. Cinematograph Exhibitions To Be Lincensed
4. Licensing Authority
5. Restrictions On Power Of Licensing Authority
6. Power To Direct Licensee Not To Exhibit Certain Films
7. Penalties For Contravention Of This Act
8. Power To Revoke Licence
9. Appeal And Reviews
10. Power To Make Rules
11. Power To Exempt
12. Repeal And Saving

Nagaland Cinemas (Regulation) Act, 1969

5 of 1970

[25 March 1970]

An Act to make provision for regulating exhibitions by means of cinematographs and the licensing of cinemas in the State of Nagaland Whereas it is expedient to make provision for regulating exhibitions by means of cinematographs and the licensing of cinemas in the State of Nagaland; It is hereby enacted in the Twentieth Year of the Republic of India as follows:-

1. Short Title, Extent And Commencement :-

(1) This Act may be called the Nagaland Cinemas (Regulation) Act, 1969.

(2) It extends to the whole of Nagaland.

(3) It shall come into force on such date as the State Government, may, by notification in the official Gazette, appoint.

Footnote:

1. Published in the Nagaland Gazette, Extraordinary, dated the

25th March, 1970.

2. Definitions :-

In this Act, unless there is anything repugnant in the subject or context:

- (a) "cinematograph" includes any apparatus for the representation of moving pictures or series of pictures;
- (b) "place" includes a house, building, tent and any description of transport, whether by river, land or air;
- (c) "prescribed" means prescribed by rules made under this Act.

3. Cinematograph Exhibitions To Be Lincensed :-

Save as otherwise provided in this Act, no person shall give an exhibition by means of a cinematography elsewhere than in a place licensed under this Act, or otherwise than in compliance with any conditions and restrictions.

4. Licensing Authority :-

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

Provided that no licence shall be issued by the Licensing Authority except with the previous approval of the State Government and, in accordance with such approval of the State Government shall take into consideration all applications for the licence 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 licence 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.

5. Restrictions On Power Of Licensing Authority :-

(1) The Licensing Authority shall not grant a licence under this Act unless it is satisfied that--

- (a) the rules made under this Act have been substantially complied with; and
- (b) adequate 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.

(2) The State Government, may, from time to time, issue directions to licensees generally or to any licensee in particular for the purpose of regulating the exhibition of any film or class of films, so that scientific films, films intended for educational purposes, films dealing with news and current events, documentary films or indigenous films secure an adequate opportunity of being exhibited, or 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.

6. Power To Direct Licensee Not To Exhibit Certain Films :-

Power of the State Government or Deputy Commissioner to suspend exhibition of films in certain cases

(1) The Government in respect of the whole of the State or any part thereof, and the Deputy Commissioner, within his jurisdiction, may,--

(i) if they or he, are or is of opinion that any film which is being or is about to be publicly exhibited is likely to cause a breach of the peace, or

(ii) for the other sufficient reason,

by order, suspend the exhibition of the film; and during such suspension, no person shall exhibit such film or permit it to be exhibited in any place in the State or any part of district thereof, as the case may be.

(2) No order shall be issued under sub-section (1) until the person concerned has been given a reasonable opportunity of showing cause against the order proposed to be issued in regard to him:

Provided that this sub-section shall not apply where the Government or the Deputy Commissioner for issuing the order shall be communicated to the person concerned as soon as it becomes reasonably practicable to communicate the reason to him.

(3) If any question arises whether it is reasonably practicable to give to any person an opportunity of showing cause under sub-section (2), the decision thereon of the Government, or the Deputy Commissioner, as the case may be, shall be final.

(4) Where an order under sub-section (1) has been issued by the Deputy Commissioner, a copy thereof, together with a statement of the reasons thereof, shall forthwith be forwarded by him to the Government and the Government, may, in a consideration of all the

facts of the case, vary or discharge the order.

(5) An order issued under sub-section (1) shall remain in force for a period of two weeks from the date thereof, but the Government may, if they are of opinion that the order should continue in force, direct that the period of suspension shall be extended by such further periods not exceeding six weeks in the aggregate as they think fit:

Provided that the Government or the Deputy Commissioner may review their own order.

7. Penalties For Contravention Of This Act :-

If the owner or person in charge of 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 and rules made thereunder or of the conditions and restrictions upon or subject to which any licence has been given under the Act, 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.

8. Power To Revoke Licence :-

In the event of any contravention by the holder of a licence of any of the provisions of this act, or rules made thereunder or any of the conditions or restrictions upon or subject to which the licence has been granted to him under this Act or in the event of his conviction of an offence under Section 7 of this Act or under Section 7 of the Cinematograph Act, 1952 (XXXVII of 1952), the Licensing Authority may revoke the licence or suspend it for such period as it may think fit.

9. Appeal 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 order as it or he deems proper.

(2) Appeal 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 licence 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 (b) remand the applications to the Licensing Authority concerned for fresh enquiry, or

(iii) direct the Licensing Authority to issue the licence 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.

10. Power To Make Rules :-

(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 powers, rules made under this Act may provide for--

(a) the procedure in accordance with which a licence may be obtained and the terms, conditions, and restrictions, if any, subject to which a licence may be granted under this Act;

(b) the regulation of cinematograph exhibitions for securing public safety;

(c) the time within which and the conditions subject to which an appeal under Section 9 may be preferred;

(d) regulating the means of entrance and exit at places licensed under this Act and providing for prevention of disturbance thereat;

(e) regulating or prohibiting the sale of any ticket or pass for admission by whatever name called to a place licensed under this Act.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before the Nagaland Legislative Assembly while it is in session for a total period of fourteen days which may be

comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the sessions immediately following the Nagaland Legislative Assembly agree in making any modification in the rule or the Nagaland Legislative Assembly agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

11. Power To Exempt :-

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

12. Repeal And Saving :-

The Assam Cinemas (Regulation) Act, 1953. (Act XIV of 1953) in its application to the State of Nagaland and in so far as it relates to the regulation of exhibition by means of Cinematograph (including licensing of places in which cinematograph films are exhibited), is hereby repealed:

Provided that any appointment, notification, order, scheme, rules, form or bye-law made or issued under the repealed Act, shall, so far as it is not inconsistent with the provisions of this Act, continue in force and be deemed to have been made or issued under the provision of this Act, unless and until it is superseded by any appointment, notification, order, scheme, rule, form or bye-law made or issued under this Act.