

# SIKKIM

## GOVERNMENT



## GAZETTE

EXTRAORDINARY

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LAW DEPARTMENT  
GOVERNMENT OF SIKKIM

Notification No. 15/LD/81.

Dated Gangtok, the 16th October, 1981.

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 30th day of September, 1981, is hereby published for general information.

### THE SIKKIM SHOW HOUSES AND PUBLIC HALLS (PROHIBITION OF SMOKING) ACT, 1981.

(ACT NO. 12 OF 1981)

AN  
ACT

to prohibit smoking in show houses and public halls in Sikkim.

BE it enacted by the Legislature of Sikkim in the Thirty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Sikkim Show Houses and Public Halls (Prohibition of Smoking) Act, 1981.
- (2) It extends to the whole of Sikkim.
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different areas or places in Sikkim.
- (4) The State Government may, by notification in the Official Gazette, declare that with effect from such date as may be specified in the notification, this Act shall cease to be in operation in any or all such areas and places in which it has been enforced under sub-section (3) and the provisions of section 20 of the Sikkim Interpretation and General Clauses Act, 1977, shall have effect as if the Act had then been repealed in that area or place by a Sikkim Act.
- (5) The powers conferred on the State Government under sub-section (3) may be exercised in respect of the same or different areas or places as often as occasion requires.

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6 of 1977.

Definitions.

2. In this Act, unless the context otherwise requires,—

- (a) 'show house' means any building, or any roofed and enclosed structure, used ordinarily or occasionally for the demonstration or exhibition to the public, whether on payment or otherwise, of cinematographic films, dramatical, pantomime, or musical performances, dances, physical feats of human beings or animals, conjuring tricks or sleights of hand, boxing, wrestling, skating, billiards or table-tennis competitions or any other indoor amusement or diversion whatsoever;
- (b) 'public hall' means a chamber or hall used ordinarily or occasionally as a place of public assembly or meeting.

Prohibition of smoking in show houses and public halls.

Management to post notices or exhibit slides.

3. No person shall smoke during a demonstration, exhibition or meeting, in any part of a show house or public hall reserved for the audience or the spectators.

4. (1) Every person responsible for the management of demonstration or exhibition in a show house and every person who controls the deliberations of a public assembly or meeting in a public hall, shall bring to the notice of the audience or the spectators, by posting notices prominently or by exhibiting slides in the case of any cinematographic exhibition, that any person smoking during a demonstration, exhibition or meeting, in the show house or public hall shall be liable to prosecution.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend for a first offence to fifty rupees and for a second or subsequent offence to two hundred rupees.

Penalty for smoking in show houses and public hall.

5. (1) Any police officer or any other person specially authorised in this behalf by the State Government by notification in the Official Gazette, may direct any person found smoking in contravention of the provisions of section 3 to desist from smoking and if such person does not desist, he shall be punishable with fine which may extend to rupees fifty.

(2) Any police officer or the person authorised may require a person who does not desist from smoking as directed under sub-section (1), to declare to him immediately his name and address and, if that person refuses or fails so to declare his name and address or if the police officer or the person authorised reasonably suspects him of giving a false name or address, the police officer or the person authorised may arrest him without a warrant.

Power to arrest without warrant.

6. Any police officer may arrest without warrant any person committing in his presence an offence under section 3.

Offences to be cognizable and bailable.

7. All offences under this Act shall be cognizable and bailable.

Power to exclude from the operation of Act.

8. The State Government or any officer of the State Government authorised in this behalf may, by general or special order in writing, direct that the provisions of this Act shall not apply in respect of any show house or public hall or any demonstration, exhibition or public meeting therein.

Power to make rules.

9. The State Government may, by notification in the Official Gazette, make rules for giving effect to the provisions of this Act.

By Order of the Governor,

B. R. PRADHAN,  
Secretary to the Government of Sikkim,  
Law Department,  
F. No. 16/(138)LD/81.