

# **The Jammu and Kashmir State Prohibition of Smoking (Cinema and Theatre Halls) Act, 2009**

JAMMU & KASHMIR

India

## **The Jammu and Kashmir State Prohibition of Smoking (Cinema and Theatre Halls) Act, 2009**

### **Rule**

### **THE-JAMMU-AND-KASHMIR-STATE-PROHIBITION-OF-SMOKING-CINEMA AND THEATRE HALLS ACT, 2009**

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The Jammu and Kashmir State Prohibition of Smoking (Cinema and Theatre Halls) Act, 2009 (Act. No. 18 of Svt. 2009) [Received the assent of the Sadr-i-Riyasat on 25th December, 1952 and published in Government Gazette dated 1st Chet, 2009.] An Act to provide for the prohibition of smoking in Cinema and Theatre Halls. Preamble. - Whereas it is expedient to prohibit smoking in Cinema and Theatre Halls in the Jammu and Kashmir. It is hereby enacted as follows:-

### **1. Short title, extent and commencement.**

(1) This Act may be called the Jammu and Kashmir State Prohibition of Smoking (Cinema and Theatre Halls) Act, 2009. (2) It extends to the whole of Jammu and Kashmir State. (3) It shall come into force from the date of its publication in the Government Gazette.

### **2. Definitions.**

- In this Act, unless there is anything repugnant in the subject or context, - (a) "auditorium" means the portion of the building occupied by the audience or spectators during a show; (b) "Government" means the Jammu and Kashmir Government; (c) "show" means a cinematograph exhibition or performance of a drama or dance; (d) "smoking" means smoking of tobacco in any form whether as cigarette, cigar, beeri or in pipe or hukka.

### **3. Offence under this Act.**

(1) No person shall smoke in a Cinema or Theatre Hall, during the prohibition period, either in the auditorium or on the stage, except in so far as the smoking may form a part of the performance. Explanation. - The expression "prohibition period" means the period beginning from half an hour before the commencement of a show till the end thereof. (2) Any person who contravenes the provision of sub-section (1) of this section shall be liable to be turned out of the Cinema or Theatre Hall without payment of any compensation or refund of any payment made by him and shall also on conviction before a [Judicial Magistrate] [Substituted by Act XL of 1966 for 'Magistrate'] be liable to a fine which may extend to twenty-five rupees.

### **4. Power to enter the Cinema or Theatre Hall.**

- Any officer or any class of officers empowered by the Government by a general or special order may enter any Cinema or Theatre Hall to satisfy himself that provisions of this Act are not being contravened.

### **5. Power to institute prosecution.**

- No prosecution under this Act shall be instituted, except on the complaint in writing of the officer so empowered in this behalf by general or special order of the Government

### **6. Power to arrest without warrant.**

- Any police officer not below the rank of a Sub-Inspector may arrest without warrant any person committing in his presence any offence under section 3 above.

### **7. Power to try summarily.**

- All cases under this Act shall be tried in a manner provided for the summary trial of offences under the Code of Criminal Procedure, 1989.

### **8. Power to exempt.**

- The Government may, by order in writing, direct that the provisions of this Act shall not apply in respect of any Cinema or Theatre Hall.

### **9. Power to make rules.**

- The Government may, by notification published in the Government Gazette, make rules for carrying out the provisions of this Act.