

KARNATAKA DRAMATIC PERFORMANCES ACT, 1964

39 of 1964

[June 13, 1963]

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STATEMENT OF OBJECTS AND REASONS [KARNATAKA ACT No. 39 OF 1964] Karnataka Gazette, dated 13-6-1963 The Dramatic Performances Act, 1876 (Central Act 19 of 1876) is in force in the Bombay Area, Coorg District and Bellary District. The Madras Dramatic Performances Act, 1954 (Madras Act 33 of 1954) is in force in the Madras Area. There is no corresponding law on the subject in the Hyderabad Area and the Mysore Area. In the year 1954 the Madras High Court held that Section 6 of the Central Act is repugnant to the Constitution and is thereafter void. In a later decision, the Allahabad High Court declared the Central Act as ultra vires the Constitution, and the Punjab High Court has also taken a similar view. The Government of India have suggested the enactment of a new law replacing the Central Act on the lines of

the Madras Dramatic Performances Act, 1954. It is therefore proposed to repeal the Central Act and enact a uniform law applicable to the whole of the State of Mysore providing for the regulation and control of public dramatic performances in the State.

1. Short title and extent :-

(1) This Act may be called the Karnataka Dramatic Performances Act, 1964.

(2) It extends to the whole of the State of Karnataka.

2. Definitions :-

In this Act, unless the context otherwise requires.

(1) "Objectionable Performance" means any play, pantomime or other drama, which is likely to.

(i) incite any person to resort to violence or sabotage for the purpose of overthrowing or undermining the Government established by law in India or in any State thereof or its authority in any area; or

(ii) incite any person to commit murder, sabotage or any offence involving violence; or

(iii) seduce any member of any of the armed forces of the Union or of the police forces from his allegiance or his duty, or prejudice the recruitment or discipline of any such force; or

(iv) incite any section of the citizens of India to acts of violence against any other section of the citizens of India; or which.

(v) is deliberately intended to outrage the religious feelings of any class of the citizens of India by insulting or blaspheming or profaning the religion or the religious beliefs of that class; or

(vi) is grossly indecent, or is scurrilous or obscene or intended for blackmail;

Explanation I. A performance shall not be deemed to be objectionable merely because in the course thereof words are uttered, or signs or visible representations are made, expressing disapprobation or criticism of any law or of any policy or administrative action of the Government with a view to obtain its alteration or redress by lawful means.

Explanation II. In judging whether any performance is an

objectionable performance, the play, pantomime or other drama shall be considered as a whole.

(2) "Public Place", means any building or enclosure, or any place in the open air, and any pandal where the sides are not enclosed, to which the public are admitted to witness a performance.

3. Power to prohibit objectionable performances :-

(1) If any play, pantomime or other drama performed or about to be performed in a public place is in the opinion of the State Government an objectionable performance, it shall, by notice, stating therein the grounds on which it is considered that the performance is objectionable, require the organisers or other principal persons responsible for the conduct of the performance or the owner or occupier of such public place, to show cause within a specified period, why the performance should not be prohibited.

(2)

(a) If the persons to whom a notice is issued under sub-section (1).

(i) show cause as aforesaid, and after considering the representations made and any evidence adduced, the State Government is satisfied that the performance is not objectionable; or

(ii) undertake to modify the performance by omitting the utterance of words or the signs or visible representations which are objectionable; the State Government shall drop further proceedings.

(b) If the persons to whom a notice is issued under sub-section (1).

(i) do not show cause as aforesaid; or

(ii) show cause as aforesaid and after considering the representations made and any evidence adduced, the State Government is satisfied that the performance is objectionable, the State Government may, by order, stating the grounds on which it considers the performance objectionable, prohibit the performance.

(3) Every order made under clause (b) of sub-section (2) shall forthwith be published in the official Gazette.

(4) Any order made under clause (b) of sub-section (1) may also be notified by proclamation and a written or printed notice thereof

may be affixed at any place or places adapted for giving information of the order to the persons intending to take part in the performance so prohibited.

4. Power to prohibit objectionable performances temporarily :-

(1) The Deputy Commissioner may, if he is of opinion that any play, pantomime or other drama performed or about to be performed, being of the nature specified in Section 2, is likely to lead to a breach of the peace, by order stating the grounds for such opinion, prohibit its performance: Provided that the Deputy Commissioner may review such order on an application made by the person or party affected by such order.

(2) Subject to any order made by the Court on appeal under Section 10, an order under this section shall remain in force for two months from the making thereof:

Provided that the Deputy Commissioner, may, if he is of opinion that the order should continue in force, by such further order or orders as he may deem fit, extend the period aforesaid by such further period or periods not exceeding two months at a time as may be specified in such order or orders.

5. Service of order of prohibition :-

A copy of the order made under clause (b) of sub-section (1) of Section 3, or under sub-section (1) or sub-section (2) of Section 4, shall be served personally or in such other manner as may be prescribed by rules made under Section 14, on the organisers or other principal persons responsible for the conduct of, or any person about to take part in, the performance so prohibited, or on the owner or occupier of the public place, in which such performance is to take place.

6. Penalty for disobeying order or contravening undertaking :-

Any person on whom a copy of the order referred to in Section 3 or Section 4 is served and who does, or willingly permits, any act in disobedience of such order, and any person who contravenes or willingly permits any act in contravention of an undertaking under sub-clause (ii) of clause (a) of sub-section (2) of Section 3 shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees, or with both.

7. Penalty for disobeying prohibition :-

(1) Any person who, after the publication of an order under sub-section (3) of Section 3 or during the period when an order made under sub-section (1) or sub-section (2) of Section 4 is in force organises or is responsible for the conduct of, or who with the knowledge that such an order under Section 3 or Section 4 is in force takes part in the performance prohibited thereby or any performance substantially the same as the performance so prohibited, shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

(2) Any person who being the owner or occupier, or having the use of any public place, opens, keeps or uses the same for any performance prohibited under Section 3 or Section 4, or permits the same to be opened, kept or used for any such performance, shall, on conviction be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

8. Power to call for information :-

(1) For the purpose of ascertaining the character of any intended play, pantomime or other drama, the State Government or such officer as it may empower in this behalf, may, by order, require the organisers or other principal persons responsible for the conduct of, or other persons about to take part in, such play, pantomime or other drama or the author, proprietor or printer of the play, pantomime or other drama about to be performed, or the owner or occupier of the place in which it is intended to be performed, to furnish such information as the State Government or such officer may think necessary.

(2) Every person so required shall be bound to furnish the information to the best of his ability within the time specified in such order and in case of contravention shall be deemed to have committed an offence under Section 176 of the Indian Penal Code (Central Act XLV of 1860).

9. Power to call for copy of purport of drama, etc :-

(1) If the State Government or the Deputy Commissioner has reason to believe that an objectionable dramatic performance is

about to take place, it or he, as the case may be, may by order, direct that no such dramatic performance shall take place in any public place within any area, unless a copy of the piece, if and so far as it is written, or some sufficient account of its purport, if and so far as it is in pantomime, has been furnished, not less than seven days before the performance, to the State Government or the Deputy Commissioner aforesaid.

(2) A copy of any order made under sub-section (1) shall be served on the organisers or other principal persons responsible for the conduct of the dramatic performance or the owner or occupier of the public place in which such performance is intended to take place, and if thereafter any such person does or willingly permits, any act in disobedience of such order, he shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

10. Appeal to High Court :-

(1) Any person aggrieved by an order under clause (b) of sub-section (2) of Section 3 or under sub-section (1) or sub-section (2) of Section 4, may, within sixty days of the publication of such order under sub-section (3) of Section 3 or as the case may be, within sixty days of the date on which an order under sub-section (1) or sub-section (2) of Section 4, is made, prefer an appeal to the High Court; and upon such appeal, the High Court may pass such orders as it deems fit confirming, varying or reversing the order appealed from and may pass such consequential or incidental orders as may be necessary.

(2) Every such appeal shall be heard by a Bench of not less than two Judges.

11. Offences by companies :-

(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed, was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he

proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or that the commission of the offence is attributable to any neglect on the part of any Director, Managing Agent, Secretary, Treasurer, Manager, Secretary or other officer of the company, such Director, Managing Agent, Secretary, Treasurer, Manager, Secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation. For the purposes of this section.

(a) "company" means a body corporate, and includes a firm or other association of individuals; and

(b) "director" in relation to a firm means a partner in the firm.

12. Saving of prosecutions under other laws :-

Where no order under Section 3 or Section 4 has been made in respect of any performance, nothing in this Act shall bar a prosecution under the Indian Penal Code (Central Act XLV of 1860), or any other law.

13. Protection for acts done in good faith :-

No suit, prosecution or other legal proceeding shall be instituted against any authority or officer for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.

14. Power to make rules :-

(1) The State Government may, by notification in the official Gazette, make rules to carry out the purposes of this Act.

(2) Every rule made under this section shall be laid as soon as may after it is made, before each House of the State Legislature while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions and if before the expiry of the session in which it is so laid or the session or sessions immediately following, both Houses agree in making any modification in the rule or both Houses 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 modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(3) Subject to any modification made under sub-section (2), every rule made under this Act shall have effect as if enacted in this Act.

15. Repeal :-

The Dramatic Performances Act, 1876 (Central Act XIX of 1876), as in force in the Bombay Area, Coorg District and Bellary District and the Madras Dramatic Performances Act, 1954 (Madras Act XXXIII of 1954), as in force in the Madras Area are hereby repealed.