

THE KARNATAKA CINEMAS (REGULATION) ACT, 1964

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STATEMENTS OF OBJECTS AND REASONS

I

Act 23 of 1964.- At present there are different laws in force in the different areas of the State as noted below relating to the regulation of the exhibition by means of cinematographs and the licensing of places in which cinematograph films are exhibited. With a view to have a uniform law applicable to the whole of the new State of Mysore this Bill is brought forward.

- (1) The Mysore Cinemas (Regulation) Act 1952, as in force in the Mysore Area;
- (2) The Madras Cinemas (Regulation) Act, 1955, as in force in the Madras Area;

- (3) The Bombay Cinemas (Regulation) Act, 1953, as in force in the Bombay Area;
- (4) The Hyderabad Cinemas (Regulation) Act, 1952, as in force in the Hyderabad Area;
- (5) Part III of the Cinematograph Act, 1952 (Central Act XXXVII of 1952), as in force in the Coorg District.

The main features of the Bill are—

Under clause 3 the District Magistrate is the licensing authority unless Government appoints any other authority for this purpose. Clause 4 prohibits the exhibition of cinematograph films elsewhere than in a place licensed under this Act. Sub-clause (1) of clause 6 specifies the matters to be considered by the licensing authority while deciding the grant or refusal of licence and also empowers the licensing authority to limit the number of places in any area in respect of which licence may be granted. The licence issued under the Act is made personal under clause 8 to the person to whom it is granted. A transfer is invalid unless approved by the licensing authority who in granting or refusing such approval is to consider the matters specified in clause 6. Orders under clause 4 and clause 8 are appealable to the prescribed authority. Clause 10 requires the taking of permission from the licensing authority for the use of any place for the exhibition of cinematograph films, for the construction or reconstruction of buildings for exhibition of films, for the use of any site for constructing a building thereon for the exhibition of films and for the installation of any machinery in any place where cinematograph exhibitions are proposed to be given. Clause 14 gives power to the licensing authority to suspend exhibition of films in certain cases. Clause 15 prescribes penalties for contravention of certain provisions of the Act and power is given in clause 16 for revoking licence when the holder is convicted of certain offences. Clause 19 gives power to Government to exempt any cinematograph exhibition or class of such exhibitions or any place from the provisions of the Act, if such exemption is found to be necessary or expedient in public interest.

(Published in the Karnataka Gazette, Part IV-2A dated 16th August 1962 at page. 609-610) (Notification No.6110-LA dated 8th August 1962).

II

Amending Act 36 of 1976.- With a view to augment the revenues of the State, it is proposed to levy an Additional Tax on entertainments on the value of tickets (inclusive of Entertainment Tax and Surcharge).

It is further proposed, in order to effectively check evasion to increase the fines leviable under the Act and to provide for imprisonment as an alternative penalty.

It is also proposed for the same reason to amend the Karnataka Cinemas Regulation Act to enable revocation or suspension of the cinema licence even when offences under the Act are compounded.

Incidental amendments providing for rounding off the tax to the nearest multiple of five paise, refund of tax in case of power failure or mechanical breakdown etc., are also proposed to be made.

Hence this Bill.

(Published in the Karnataka Gazette (Extraordinary) Part IV-2A, dated 30th March 1976 as No. 1744 at page. 8.)

III

Amending Act 13 of 1998.- It is considered necessary to amend the Karnataka Cinemas (Regulation) Act, 1964 (Karnataka Act 23 of 1964),—

(1) to provide for restriction on the licencing authority not to grant a licence for exhibition of Cinematograph films unless the applicant has paid the amount of entertainment tax or other dues if any payable by him.

(2) to empower the licencing authority to revoke or suspend the licence for exhibition of Cinematograph films if the licensee fails to comply with the conditions of licence or contravenes the provisions of the Act or the rules made thereunder, after giving an opportunity of showing cause.

Hence the Bill.

(Obtained from L.C. Bill No. 3 of 1977 in File No. SAMVYASHAE 33 SASANA 96).

IV

Amending Act 22 of 2000.- Note.- By this Act certain obsolete and spent Acts were repealed and some minor and consequential amendments are made to some Acts including Act 23 of 1964.

(Obtained from L.A. Bill No. 17 of 2000)

¹[KARNATAKA]¹ ACT No. 23 OF 1964

(First published in the ¹[Karnataka Gazette]¹ on the Twenty-eighth day of May, 1964.)

THE ¹[KARNATAKA]¹ CINEMAS (REGULATION) ACT, 1964.

(Received the assent of the President on the Tenth day of April, 1964.)

(As Amended by Karnataka Act 36 of 1976, 13 of 1998 and 22 of 2000)

An Act to provide for regulating exhibition by means of cinematographs and the licensing of places in which cinematograph films are exhibited in the ¹[State of Karnataka]¹.

WHEREAS it is expedient to provide for regulating exhibitions by means of cinematographs and the licensing of places in which cinematograph films are exhibited in the ¹[State of Karnataka]¹ and for other matters hereinafter appearing;

BE it enacted by the ¹[Karnataka State]¹ Legislature in the Fourteenth Year of the Republic of India as follows:-

1. Adapted by the Karnataka Adaptation of Laws Order, 1973 w.e.f. 01.11.1973.

1. Short title, extent and commencement.- (1) This Act may be called the ¹[Karnataka]¹ Cinemas (Regulation) Act, 1964.

1. Adapted by the Karnataka Adaptation of Laws Order, 1973 w.e.f. 01.11.1973.

(2) It extends to the whole of the ¹[State of Karnataka]¹.

(3) It shall come into force on such ²[date]² as the State Government may, by notification, appoint.

1. Adapted by the Karnataka Adaptation of Laws Order, 1973 w.e.f. 01.11.1973.

2. Act has come into force w.e.f. 15.03.1971 by notification. Text of the notification is at the end of the Act.

2. Definitions.- In this Act, unless the context otherwise requires,-

(1) "cinematograph" includes any apparatus for the representation of moving pictures or series of pictures;

(2) "licensing authority" means the authority empowered under section 3 to grant licences under this Act;

(3) "notification" means a notification published in the official Gazette;

(4) "place" includes a house, building, tent, enclosure, and any description of transport, whether by water, land or air;

(5) "prescribed" means prescribed by rules made under this Act.

3. Licensing authority.- The authority having power to grant licences under this Act shall, in every district be the District Magistrate.

Explanation.- In this section, "District Magistrate," means the Deputy Commissioner exercising the powers of a District Magistrate or an Additional District Magistrate.

4. Cinematograph exhibitions to be licensed.- Save as otherwise provided in this Act, no person shall give an exhibition by means of a cinematograph elsewhere than in a place licensed under this Act, or otherwise than in compliance with any conditions and restrictions imposed by such licence.

5. Licence for exhibition of cinematograph films.- (1) Any person, who intends to give exhibition by means of a cinematograph in a place shall make an application in

writing to the licensing authority for a licence therefor, together with such particulars as may be prescribed.

(2) The licensing authority may, thereupon, after consulting such authority or officer as may be prescribed and subject to the provisions of this Act, and the rules made thereunder, grant the licence to such person and on such terms and conditions and subject to such restrictions as it may determine.

(3) Where the licensing authority refuses to grant the licence, it shall do so by an order communicated to the applicant, giving the reasons for such refusal.

6. Matters to be considered by licensing authority.- The licensing authority shall, in deciding whether to grant or refuse a licence, have regard to the following matters, namely:-

- (a) the interest of the public generally;
- (b) the suitability of the place where the cinematograph exhibitions are proposed to be given;
- (c) the adequacy of existing places for the exhibition of cinematograph films in the locality; and
- (d) the benefit to any particular locality or localities to be afforded by the opening of a new place of cinematograph exhibition;

and shall also take into consideration any representations made by persons already giving cinematograph exhibitions in or near the proposed locality or by any local authority or police authority within whose jurisdiction the place proposed to be licensed is situated or by any association interested in the giving of cinematograph exhibition.

7. Power of licensing authority to limit number of places that can be licensed in any area.- The licensing authority may, after consideration of the matters set forth in section 6, and subject to such rules as may be prescribed, by order, limit the number of places in any area in respect of which licences under this Act may be granted.

8. Restriction on powers of licensing authority.- The licensing authority shall not grant a licence unless it is satisfied that,-

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

¹[(aa) the applicant has paid the entire amount of tax or other dues payable by him under the Karnataka Entertainments Tax Act, 1958 (Karnataka Act 30 of 1958);]¹

1. Inserted by Act 13 of 1996 w.e.f. 11.05.1998.

- (b) adequate precautions have been taken in the place in respect of which the licence is to be granted, to provide for the safety, convenience and comfort of the persons attending exhibitions therein; and

- (c) the limit regarding the number of places for the area, determined under section 7, is not exceeded.

9. Licence personal to the grantee and not transferable except with the permission of licensing authority.- Every licence under this Act shall be personal to the person to whom it is granted and no transfer or assignment thereof whether absolute or by way of security or otherwise shall be valid unless such transfer or assignment is made with the approval in writing of the licensing authority.

10. Appeal against decisions under sections 5 and 9.- Any person aggrieved by the decision of the licensing authority under section 5 or section 9 may, within thirty days from the date on which such decision was communicated to him, and subject to such conditions as may be prescribed, appeal to the prescribed authority and where no such authority is prescribed, to the State Government. The decision of the appellate authority on the appeal shall be final.

11. Construction or reconstruction of buildings or use of places for exhibition of cinematograph films only to be made after obtaining permission of licensing authority.- (1) Any person, who intends,-

- (a) to use any place for the exhibition of cinematograph films; or
- (b) to use any site for constructing a building thereon for the exhibition of cinematograph films; or
- (c) to construct or reconstruct any building for such exhibition; or
- (d) to instal any machinery in any place where cinematograph exhibitions are proposed to be given;

shall make an application in writing to the licensing authority for permission therefor, together with such particulars as may be prescribed.

(2) No provision contained in the enactments specified in the Schedule or any other law for the time being in force regulating the erection or construction of buildings, or in the rules or bye-laws made under any such enactment or law shall apply to an application under sub-section (1) in so far as such provision relates to any of the matters specified in the said sub-section.

(3) The licensing authority shall, thereupon, after consulting such authority or officer as may be prescribed, grant or refuse permission and the provisions of section 6, section 8 and section 10 relating to licences shall, so far as may be, apply to permission under this section.

12. Power of State Government to issue directions.- (1) The State Government may, from time to time, issue directions to any licensee or to licensees generally, requiring the licensee or licensees to exhibit,-

- (a) such film or class of films having a scientific or educational value;
- (b) such films dealing with news and current events;
- (c) such documentary films, indigenous films, or such other films having special value to the public,

as may have been approved by the State Government in that behalf from time to time.

(2) Where any directions have been issued under sub-section (1), such directions shall be deemed to be additional conditions and restrictions subject to which the licence has been granted:

Provided that no direction issued under this section shall require the licensee to exhibit any such film or films exceeding two thousand feet at, or for more than one-fifth of the entire time taken for, any one show.

13. Power of licensing authority to issue directions.- The licensing authority may, from time to time, issue directions to any licensee or licensees generally, requiring the licensee or licensees to exhibit in each show such slides of public interest as may be supplied by that authority:

Provided that no direction issued under this section shall require the licensee to exhibit more than three such slides at, or for more than four minutes in, any one show.

14. Power of State Government to issue orders and directions of a general character in respect of matters relating to licences.- The State Government may, subject to the provisions of this Act, and the rules made thereunder, issue to licensing authorities such orders and directions of a general character as it may consider necessary in respect of any matter relating to licences for the exhibition of cinematograph films; and every licensing authority shall give effect to such orders and directions.

15. Power of State Government or licensing authority to suspend exhibition of films in certain cases.- (1) The State Government in respect of the whole of the State or any part thereof, and the licensing authority in respect of the area within its jurisdiction, may, if it 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, by order, suspend the exhibition of such film; and during the period of such suspension no person shall exhibit such film or permit it to be exhibited in any place in the State or any part or area 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; unless owing to emergency or for some other reason, to be recorded in writing, the State Government or the licensing authority is satisfied that it is not reasonably practicable to give that person an opportunity of showing cause:

Provided that a copy of the reasons recorded by the State Government or the licensing authority 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 State Government or the licensing authority, as the case may be, shall be final.

(4) Where an order under sub-section (1) has been issued by the licensing authority, a copy thereof together with a statement of the reasons therefor, shall forthwith be forwarded by him to the State Government and the State Government may, on a consideration of all the facts of the case, either confirm or vary or cancel 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 State Government may, if it is of opinion that the order should continue in force, direct that the period of suspension shall be extended by such further period or periods not exceeding two months in the aggregate, as it thinks fit:

Provided that the State Government or the licensing authority may, at any time review its own order.

16. Penalties.- (1) If the owner or person in charge of a cinematograph uses the same or allows it to be used, or if the owner or occupier of any place permits or suffers that place to be used, in contravention of the provisions of this Act, or of the rules made thereunder, or of any of the conditions and restrictions upon or subject to which any licence or permission has been granted under this Act, or of any conditions or restrictions specified in an order under section 20, or if any person contravenes the provisions of section 11, or any other provision of this Act or rule made thereunder, he

shall, on conviction, be punished with fine which may extend to one thousand rupees or 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.

(2) Where, after a prosecution for an offence under sub-section (1) has been commenced, the licensing authority has reason to believe that the holder of the licence is again committing the offence or continues to commit it, the licensing authority may, by notice, warn the holder of the licence not to continue the offence. If the holder of the licence shall persist in committing the offence, the licensing authority may suspend the licence, pending the result of the prosecution.

17. Power to revoke or suspend a licence.- (1) Where the holder of a licence has been convicted of an offence under section 16 of this Act; or section 7 of the Cinematograph Act, 1952 (Central Act 37 of 1952), or ¹[section 12 or has compounded an offence under section 13]¹ of the ²[Karnataka]² Entertainments Tax Act, 1958 (²[Karnataka]² Act 30 of 1958), the licensing authority may, by an order in writing, revoke the licence or suspend it for such period as it may think fit.

1. Substituted by Act 36 of 1976 w.e.f. 1.4.1976.

2. Adapted by the Karnataka Adaptation of Laws Order, 1973 w.e.f. 01.11.1973.

¹[(1A) If the licencing authority is satisfied that the holder of a licence has, without reasonable cause, failed to comply with the conditions subject to which, licence has been granted or has contravened any of the provisions of this Act or the rules made thereunder, it may, after giving the holder of the licence an opportunity of showing cause, by an order in writing, revoke the licence or suspend it for such period as it may think fit.]¹

1. Inserted by Act 13 of 1996 w.e.f. 11.05.1998.

(2) Any person aggrieved by an order under sub-section (1) ¹[or sub-section (1A)]¹ may within thirty days from the date on which the order was communicated to him, and subject to such conditions as may be prescribed, appeal to such authority as may be prescribed and where no authority is prescribed, to the State Government.

1. Inserted by Act 13 of 1996 w.e.f. 11.05.1998.

18. Revisional powers of State Government.- The State Government may call for and examine the record in respect of any original order passed under the provisions of this Act against which no appeal lies under section 10 or 17, for the purpose of satisfying itself as to the legality or propriety of such order, and may pass such order in reference thereto, as it thinks fit:

Provided that no order shall be passed under this section without giving an opportunity to show cause against such order to the party who may be affected by such order.

19. Power to make rules.- (1) The State Government may, by notification, after previous publication, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for,-

(a) the particulars to be given in an application for a licence and the terms, conditions and restrictions, subject to which a licence may be granted under this Act and the fees to be paid in respect of such licence;

(b) the conditions on the basis of which the number has to be determined under section 7;

(c) the limitation of the period for which licences in respect of any place may be granted for touring cinemas, and prescribing the distance from a permanent cinema beyond which licences in respect of any place for touring cinemas may be granted;

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

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

(f) the conditions subject to which an appeal may be preferred under section 10 and sub-section (2) of section 17 and the fees to be paid in respect of such appeals;

(g) (i) the procedure to be followed by persons in respect of applications for permission under section 11;

(ii) the documents and plans to be submitted, together with such application, and the fees to be paid on such application;

(iii) the matters to be considered by the licensing authority before approving the site for the construction of the building or the plans for the construction or reconstruction of the building or the installation of machinery;

(iv) the terms, conditions and restrictions subject to which the licensing authority may accord approval in respect of the matters referred to in sub-clause (iii);

(v) the action to be taken in cases of contravention of the terms, conditions and restrictions subject to which such approval was accorded;

(vi) the procedure to be followed by the licensing authority before granting or refusing permission under section 11 and any other matters incidental thereto;

(h) the procedure for approval of films for the purpose of section 12;

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

(3) Subject to any modification made under section 22, every rule made under this Act shall have effect as if enacted in this Act.

20. Power to exempt.- The State Government may, if it is necessary or expedient in public interests so to do, by order in writing and subject to such conditions and restrictions as may be specified in the order, exempt any cinematograph exhibition or class of cinematograph exhibitions or any place where a cinematograph exhibition is given from any of the provisions of this Act or of any rules made thereunder.

21. 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 is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, 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.

22. Rules and orders to be laid before Legislature.- Every rule made under this Act and every order issued under section 20, shall be laid as soon as may be after it is made or issued 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 order or both Houses agree that the rule or order should not be made, the rule or order 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 or order.

23. Repeal and savings.-

- (1) The Mysore Cinemas (Regulation) Act, 1952, as in force in the Mysore Area;
- (2) the Madras Cinemas (Regulation) Act, 1955, as in force in the ²[Mangalore and Kollegal Area]²;
- (3) the Bombay Cinemas (Regulation) Act, 1953, as in force in the ²[Belgaum Area]²;
- (4) the Hyderabad Cinemas (Regulation) Act, 1952, as in force in the ²[Gulbarga Area]²;
- (5) Part III of the Cinematograph Act, 1952 (Central Act 37 of 1952), as in force in the Coorg District,

are hereby repealed:

Provided that section 6 of the ¹[Karnataka]¹ General Clauses Act, 1899 (¹[Karnataka]¹ Act 3 of 1899), shall be applicable in respect of such repeal and sections 8 and 24 of the said Act shall be applicable as if the said enactments had been repealed and re-enacted by this Act.

1. Adapted by the Karnataka Adaptation of Laws Order, 1973 w.e.f. 01.11.1973.

SCHEDULE

[See section 11]

- ¹[1. The Karnataka Municipalities Act, 1964.
2. The Karnataka Municipal corporations Act, 1976.
3. The Karnataka Pachayat Raj Act, 1993.
4. The Karnataka Improvement Boards act, 1976.
5. The Bangalore Development Authority Act, 1976.
6. The Karnataka Urban Development Authorities Act, 1987.]¹

1. Substituted by Act 22 of 2000 w.e.f. 29.11.2000.

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NOTIFICATION

Bangalore, dated 6th March 1971.[No. HD 50 CNA 62.]

S.O. 479.—In exercise of the powers conferred by sub-section (3) of section 1 of the Mysore Cinemas (Regulation) Act, 1964 (Mysore Act 23 of 1964), the Government of Mysore appoints 15th day of March 1971 as the date on which the said Act shall come into force.

By Order and in the name of the Governor of
Mysore,

(MOHD. GHAZIUDDIN KHAN)

Under Secretary to Government,

Home Department.

(Published in Karnataka Gazette (Extraordinary) Part-IV 2C(ii), dated 10th March, 1971 as No.

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