

MYSORE LEGISLATURE

REPORT

OF THE

**Joint Select Committee on the Mysore
Dramatic Performances Bill, 1963.**

(Presented on 13th December 1963)



**LEGISLATURE SECRETARIAT
BANGALORE**

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REPORT OF THE JOINT SELECT COMMITTEE ON THE
MYSORE DRAMATIC PERFORMANCES BILL, 1963.

Composition of the Joint Select Committee.

Sriyuths.—

1. R. M. PATIL, *Minister for Home (Chairman)*
2. M. V. RAMA RAO, *Minister for Law.*
3. R. PEERANNA.
4. B. R. SUNTHANKAR.
5. G. RAME GOWDA.
6. ANGADI CHANNABASAPPA.
7. K. P. REVANA SIDDAPPA.
8. M. N. KRISHNA SINGH.
9. T. MADIAH GOWDA.
10. A. G. BANDI GOWDA.
11. R. M. DESAI.
12. J. L. KABADI.
13. A. J. DODDAMETI.
14. SMT. RATNAMMA MADHAVA RAO.
15. GANJI VEERAPPA.
16. C. S. HULKOTI.
17. A. P. APPANNA.
18. J. B. MALLARADHYA.
19. G. V. ANJANAEPPI.
20. M. GOVARDHANA RAO.
21. K. K. SHETTY.
22. B. T. MURNAL.

DRAFTSMEN.

- SRI R. HANUMANTHA RAO,
Secretary to Government, Law Department.
- SRI R. SANGEEVALU,
Additional Secretary to Government, Law Department.
- SRI M. A. SRIKRISHNA,
Deputy Draftsman, Law Department.
- SRI M. L. RAMASWAMI,
Assistant Draftsman, Law Department.

SECRETARIAT.

- SRI G. S. VENKATARAMANA IYER (*Secretary*).
- SRI V. B. DESHMUKH (*Under Secretary*).

REPORT OF THE JOINT SELECT COMMITTEE ON THE
MYSORE DRAMATIC PERFORMANCES BILL, 1963.

(Presented on 13th December 1963).

I, the Chairman of the Joint Select Committee to which the Mysore Dramatic Performances Bill, 1963, was referred, having been authorised to submit the report, present this Report with the Bill as amended by the Committee annexed thereto.

2. The Bill was published in the Mysore Gazette on the 13th June 1963.

3. The Bill was introduced in the Legislative Assembly on 6th September 1963. The Assembly discussed the motion for consideration on 18th September 1963. The motion for reference of the Bill to a Joint Select Committee (*vide* Appendix I) was moved by me on 19th September 1963 and was discussed and adopted in the Assembly on the same day.

4. The Legislative Council discussed the motion on the 1st October 1963 and concurred in the motion on 3rd October 1963.

5. The representations received from the following were considered by the Committee :—

1. The Gokhale Institute of Public Affairs, Bangalore;
2. Sri Shantikala Seva Sangh (Regd.) Javagal, Arsikere Taluk;
3. "Yuvakaranga" Jayapur Post, Chickamagalur District.

6. The Committee heard the Editor-publisher of "Varthaprapancha", Bangalore.

7. The Committee held sittings on the 6th and 7th November, 1963.

8. The Committee considered the report on 12th December, 1963 and adopted it on the same day.

9. The observations of the Committee with regard to the principal changes proposed in the Bill are detailed in the following paragraphs.

10. *Clause 2 sub-item (iii) of item (1).*—The Committee consider that a drama which is likely to prejudice the recruitment to the armed forces of the Union or of the police forces should also be considered to be an objectionable performance. This sub-item has accordingly been amended.

11. *Clause 3.—(1) Sub-clauses (1) and (2)* The Committee are of the opinion that sub-clauses (1) and (2) should be modified requiring the issue of a show cause notice specifying the grounds on which the performance is considered to be objectionable and if the objectionable features are undertaken to be deleted, or representations are made and evidence adduced to satisfy the Government that the performance is not objectionable, the proceedings should be dropped. If the parties do not show cause, or after considering the representations made and evidence adduced the Government is satisfied that the performance is objectionable, it may pass an order of prohibition. The sub-clauses have accordingly been modified.

(2) *Sub-clause (3).*—It is necessary to ensure that an order under Clause 3 should be published promptly as the period of limitation for filing an appeal under Clause 10 commences from the date of such publication. The sub-clause has therefore been amended requiring that the order shall forthwith be published in the Official Gazette.

12. *Clause 6.*—It is necessary to provide for penalty for contravention of an undertaking given under clause 3 (2) (a) (ii). This clause has therefore been amended.

13. *Clause 9.*—The Committee consider that provision should be made that the organisers or other principal persons responsible for the conduct of the dramatic performance may also be required to furnish a copy of the piece or purport of the performance. This clause has accordingly been amended.

14. *Clause 11 (New clause).*—The Committee consider that specific provision in respect of offences by bodies corporate is necessary. This clause has therefore been included.

15. The other amendments made in the Bill are either consequential or intended to improve the wording.

16. The Joint Select Committee recommend that the Bill as amended be passed.

BANGALORE
14th December, 1968.

R. M. PATIL,
Chairman,
Joint Select Committee.

G. S. VENKATARAMANA IYER,
Secretary.

MINUTE OF DISSENT

We submit this minute of dissent because we disagree with the majority *view* in the committee.

In our opinion there is no necessity of such a legislation in the Mysore State. There is no justification for enacting this legislation. Firstly, there was no such law in existence in the *erstwhile* Mysore and the Hyderabad Karnatak area. Secondly, the Criminal law in the country, the Indian Penal Code, the Criminal Procedure Code and the Police Act, are quite adequate to meet the requirements mentioned in the items of clause (2) of the Bill. Besides, the present stage in the State does not warrant the passing of such a legislation. Government seems to be afraid of the devil which does not exist.

To have such a legislation is to effectively curtail the freedom of speech and expression given in Article 19 of the Constitution. This legislation, we are afraid, will hamper the growth of a free culture through the medium of drama. Objectionable feature of the Bill is that it seeks to put a gag on the performance of a drama even before it is enacted. Dramatic art will not grow and develop with the prohibitory restrictions envisaged in the Bill. This applies particularly to the Kannada stage which is yet to develop and come in its own. Freedom of expression, we submit, is a necessary condition for the attainment of great art.

Item (v) in clause 2 regarding the religious feelings and beliefs is very vague and wide in scope. Clarity should be the criterion of a legislation. This item by its vagueness will create confusion and chaos. How to define religion and religious beliefs is a problem. In respect of Hindu religion, the scope of which is very wide and all pervading, even a fair rational comment or criticism may come under blasphemy or profanity. Rational criticisms of religious beliefs, propagation of rational thinking, preaching of religious and social reform will be prohibited. This will result in helping to perpetuate age-old orthodoxy and superstition.

This Bill gives rise to an anomalous situation in that a drama which is allowed in print will be prohibited to be staged. This Bill creates a discrimination between a writer and speaker, between a playwright and an actor.

Another very objectionable feature of this Bill is that it gives wide powers in the hands of the Executive. It is left to the Deputy Commissioner to decide whether the performance of a drama is objectionable or not. Government officers are not best fitted to judge whether a drama is objectionable before it is enacted. Administrative

officials have in general little or no contact with literature or a piece of art like the performance of a drama and they are, therefore, the least competent to decide about the drama. Prohibitory powers given to such officers are likely to be misused. To judge whether a drama is good or bad, whether objectionable or not, is the task of the experts. We, therefore, suggest that expert opinion should be consulted before deciding whether a drama is objectionable, particularly to decide whether a drama is grossly indecent or obscene or scurrilous. Our concrete proposal is that an advisory body consisting of eminent literary persons, intellectuals and thinkers in the society be constituted to assist the Government to judge the dramatic performances.

According to the provisions of the Bill, the owner of the public place where a drama is performed will be held responsible for objectionable performance. We do not understand why he should be held responsible for it. His role is negative. He is nowhere in the picture except that he is the owner of the place. He is unnecessarily involved for offence committed by somebody else. This, in our opinion, is unfair.

Clause 10 provides for appeal to the High Court only. This will cause a great hardship and also heavy expenses for the dramatic companies working in the rural areas. We suggest that a provision should be made for aggrieved persons in the districts, to prefer an appeal to the Sessions Court and thereby providing two appeals in the matter.

B. R. SUNTHANKAR,
ANGADI CHANNABASAPPA,
K. P. REVANA SIDDAPPA,
G. V. ANJANAPPA.

APPENDIX I.

(Vide Para 3 of the Report.)

Motion in the Legislative Assembly for reference of the Bill to a Joint Select Committee

"That the Mysore Dramatic Performances Bill, 1963, be referred to a Joint Select Committee consisting of a total number of 20 members, 15 members from the Legislative Assembly and 5 members from the Legislative Council, that the concurrence of the Legislative Council be obtained therefor and that the following members of this House shall be members of the Joint Select Committee, namely :—

Sriyuths :—

1	R. Peeraanna	6	M. N. Krishna Singh	11	A. J. Doddaneti
2	B. R. Sunthankar	7	T. Madiah Gowda	12	Smt. Ratnamma
3	G. Rame Gowda	8	A. G. Pandi Gowda		Madhava Rao
4	Angadi Channabasappa	9	R. M. Desai	13	Ganji Veerappa
5	K. P. Revana Siddappa	10	J. L. Kabadi	14	C. S. Halkoti
				15	A. P. Appanna."

APPENDIX II

(Vide Para 4 of the Report).

Motion in the Legislative Council for reference of the Bill to a Joint Select Committee.

"That this House concurs in the appointment of a Joint Select Committee to consider the Mysore Dramatic Performances Bill, 1963 consisting of a total number of 20 members, 15 members from the Legislative Assembly and 5 members from the Legislative Council and that the following members of this House shall be members of the Joint Select Committee, namely :—

Sriyuths .—

1	J. B. Mallaradhya
2	G. V. Anjanappa
3	M. Govardhana Rao
4	K. K. Shetty
5	B. T. Murna."

[AS REPORTED BY THE JOINT SELECT COMMITTEE]

(Words underlined or side-lined indicate the amendments suggested by the Committee; omissions are indicated by asterisks).

THE MYSORE DRAMATIC PERFORMANCES BILL, 1963.

A Bill to provide for the better control of public dramatic performances in the State of Mysore.

WHEREAS it is expedient to provide for the better control of public dramatic performances in the State of Mysore;

BE it enacted by the Mysore State Legislature in the Fourteenth Year of the Republic of India as follows:—

1. Shorttitle and extent.—(1) This Act may be called the Mysore Dramatic Performances Act, 1963.

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

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 subsection (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 subsection (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.