Home Department,
Karnataka Government Secretariat, Vid
Soudha,
Bengaluru - 560001.

No. HD 15 CAN 2017 (P-1) **Date:26.12.2019**

NOTIFICATION

The draft of the following rules further to amend the Karnataka Cinemas (Regulation) Rules, 2014, which the Government of Karnataka proposes to make in exercise of the powers conferred by the section 19 of Karnataka Cinemas (Regulation) Act, 1964 (Karnataka Act 23of 1964) is hereby published as required by sub-section (1) of the section 19 of the said Act, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration after thirty days from the date of its publication in the Official Gazette.

Any objection and suggestion, which may be received by the State Government from any person with respect to the said draft before the expiry of the period specified above, will be considered by the State Government. Objections and suggestions may be addressed to the Additional Chief Secretary to Government, Home Department, Vidhana Soudha, Bangalore-560 001.

DRAFT RULES

1. Title and Commencement.- (1) These rules may be called the Karnataka Cinemas (Regulation) (Amendment) Rules, 2019.

2. Insertion of new Chapter xvi-A.- In the Karnataka Cinemas (Regulation) Rules, 2014 (hereinafter referred to as the said rules) after Chapter XVI, the following Chapter shall be inserted namely:-

"Chapter XVI- A

180A. Establishment of Mini Theaters or Mini Digital Theaters.-

For the purpose of this chapter Mini Theater or Mini Digital Theater means, a Theatre having seating capacity of not more than 199 seats over a floor space of at least 4000 sq ft. which can be established as a stand alone structure or as part of commercial centers, Shopping Malls, Convention Centers, Bus Stations, Railway station, Multi-utility areas, etc.

180B. Conditions for grant of No Objection Certificate through Single window system:-

Notwithstanding anything contained in these rules,-

(1)any person who is interested to establish a Mini Theater or Mini Digital Theatre shall apply to the licensing authority in Form A online with the details required for obtaining No Objection Certificate to take up construction along with a fee through online Khajana system.

(2)on receipt of online application for No Objection Certificate the licensing authority shall communicate the same to all consulting agencies or department online like PWD, Local Authority concerned or urban local body, Electricity Department, Fire Force Department, Police Department and request them to furnish their comments/objection, if any, within thirty days through online.

Form C for No Objection Certificate to the knowledge of persons likely to be affected and call for objections simultaneously as soon as he receives the online application.

(4)all consulting departments shall appoint a Nodal Officer of that department who can examine the proposal and the give clearance or comments with reasons within thirty days.

(5)the Licensing Authority after considering the No Objection/Comments of all consulting departments obtained online and objections filed by the persons likely to be affected, if any and incase, if, all the departments give clearance, he shall issue a No Objection Certificate in

Form D within forty five days of the receipt of online application to undertake construction by the applicant.

(6)in case if there is any objection from any of the consulting department or any person likely to be affected, the Licensing Authority shall communicate the same online to the applicant and ask him to rectify the defects or objections raised within fifteen days.

(7)if the applicant complies with the objections or rectifies the mistakes the Licensing Authority shall communicate the No Objection Certificate to the applicant in

Form D within 21 days from the date of receipt of compliance or rectification to take up construction.

180C. Notwithstanding anything contained in these rules, in order to reduce the delay in grant of permission to Mini Theatre or Mini Digital Theatre, the Licensing Authority,-

(a)shall not permit Mini Theatre or Mini Digital Theatre within the gated residential community;

(b)may permit Mini Theatre or Mini Digital Theatre even in rural areas; (c)shall permit with 20% of the built up area for parking area;

(d)may permit even if exhibition point or multiple screen exist within 2 k.m radius, if the Mini Theatre, Mini Digital Theatre are equipped with permanent and inbuilt fire safety and water tank, water sprinklers, fire alarm etc., within the premises;

(e)may permit to convert Single screen theatre into Mini Digital Theatre;

180D. The Licensing Authority after considering all the above conditions and after consulting the completion report of the applicant shall forward online to all consulting departments and obtain No Objections from all the consulting departments for grant of license to operate the theatre within thirty days.

180E. After obtaining No Objection Certificate from all the consulting agencies or departments, the Licensing Authority may grant permission to operate in **Form-F** of the theatre within forty five days of the date of online application. The validity or duration of the license shall be for a period of one year.

180F. Renewal of license.- The Licensing Authority on application by the theatre owner for renewal online shall follow the same procedure to consult all agencies or department online and if there is No Objections for renewal the license for a period of two years thereafter.

180G. Accordingly, the following relaxations are made to the existing norms, namely:-

(a)Convenient and comfortable Seating arrangement along any direction with sufficient spacing between rows can be provided in such theatres without necessarily mandated seating arrangement in any singular direction.

(b)Form B-License shall be considered as singular License encompassing all permissions which shall be effective for a period of one year initially and renewed further every two years. The form B shall be issued online through single window system.

180H. In case the permitted owner violates the conditions laid down in these rules viz., building plan, Fire fitting equipment, sanitary requirements and other norms the permission granted under this rule shall be withdrawn or suspended with a prior notice to the grantee."

3. Amendment to Forms.- Form A, Form B and Form C, Form D of the said rules, the following forms shall be substituted, namely:-

FORM 'A'

[See rule 24(1), 89, 116 and 180B(1)]

Online Application format for construction of (Cinema Building) To

The District Magistrate,

_____ District

Sir,

I hereby apply for the grant of 'No Objection Certificate' for the location of [permanent/ mini or mini digital / drive-in/ touring cinemas] in my favour and give the details as follows-

E-Sign / Signature of the applicant.

1.Full Name of the Applicant
2.Father's / Husband's name and occupation
3.Permanent address of the applicant:
(i) Village / D.No.
(ii) Taluk /ward/Division
(iii) District
4.Present occupation of the applicant
5.Is the application for:-
(i)
(ii) [Permanent, Mini or Mini Digital Cinemas / Drive –in
(iii) / Touring Cinemas]
(iv) Cinema of special character

6.Place where the cinema is proposed to be located: (i)
R.S.No. / Site No./ C.T.S.No.
(ii) Village/Extension/Ward/Division
(iii) Taluk/Town
(iv) District

7.Is the land / site owned by the applicant
8.Is the land / site is not owned by the applicant
(i) Name and address of the owner
(ii) Is document to prove the lawful occupation of the applicant enclosed.
9.Is the applicant is possession of other places if and licensed under the Act.
(a)Whether is the same locality or elsewhere
(b)Whether at the time of applying for licence or any previous time?
10.Are the following attached to the application:
(1)Katha extract
(2)Certificate to the effect of clearance of land revenue / municipal tax:
(3)Certificate of conversion of the land for non-agricultural purposes if it is revenue land (4)Copy of Form "B"
(5)Treasury Challan for payment of fees for 'No Objection Certificate' uner Rule 27 or fees under Rule 28.
(6)Drawings required under clauses (a) and (b) of Rule 24 (2) or 90.
11.Distance by public road of the proposed site to the: (1)Nearest Permanent Cinema
(2)Nearest Touring Cinema
(3)Nearest education institution
(4)Nearest hospital
(5)Nearest temple or other religious institution.
12.Population of the place according to the latest census figures.
13.Benefit to any particular locality or localities to be afforded by the location of a new place of cinema exhibition.

Place:
Date: E-Sign / Signature of the Applicant.

Note-1. [Item 10(3) is] not applicable when application is made under Rule 89.

Note-2. [Item 4,9,12 and 13 is] not applicable when application is made under Rule-180B(1).

FORM 'B'

[See rule 24(1) 116 and 180B(3)]

Notice by the Applicant under the Karnataka Cinemas (Regulation) Rules, 2014

Please take notice that I……son /daughter/wife of……aged…..years, resident of Village / D.No……Town……..District……..propose locating a [permanent/mini or mini digital/drive-in/touring cinemas] on the land belonging to me Shri/Smt…….and bearing E.S./Site/C.T.S. No…….Village/Ward/Division…….Taluk/Town……District…….. and measuring about…….Sq.M. and bounded as under.

(Here give the boundaries of the site and Google Map Copy)

Notice is hereby given that any objections to the location of the said cinema should be lodged with District Magistrate of……..District, within such time as may be noticed by him.

Owner/Lessee

FORM 'C'

[See rule 25(1), 117 and 180B(3)]

Notice by the Licensing Authority under the Karnataka Cinemas (Regulaton) Rules, 2014 Whereas Shri / Smt…….son/Daughter/Wife of Shri……..aged……years resident of Village/D.No……Taluk/Ward No/Division…… Town……..District…….has applied to me for the grant of 'No Objection Certificate' for the location of a [permanent/ mini of mini digital/drive-in/touring cinemas] on the land belonging to him/her/Shri/Smt……and bearing the Revenue Survey No.(s)/ Site / C.T.S.No.(s)……village/Ward/Division……Taluk/Town…….District……and measuring about……..Sq.M./ and bounded as under:

(Here give the boundaries of the site and Google Map Copy)

Notice is hereby given that any person having any objection to the grant of 'No Objection Certificate' as aforesaid, should lodge his objection in writing with undersigned by the ……day of 20……Any objections received beyond the date will not be taken into consideration.

Given under my hand this day…….of 20……..

District Magistrate or Licensing Authority

FORM 'D'

[See rule 27(1), 118(1) and 180B(5)]

No objection Certificate under the Karnataka Cinemas (Regulation) Rules, 2014 In exercise of the powers conferred by Rule 27 of the Karnataka Cinemas (Regulation) Rules, 2014. I ……..District / Additional District Magistrate of ……District, do hereby grant this certificate that there is no objection to Shri/Smt……..Son/Daughter/Wife of……. ……..aged……years, resident of Village/D.No……Taluk/Ward No/Division…… Town……..District…….for location a [permanent/ mini of mini digital/drive-in/touring cinemas] in the land belonging to him/her/Shri/Smt……and bearing the R.S./ Site / C.T.S.No.(s)……village/Ward/Division……Taluk/Town…….District……and measuring about……..Sq.Metres/Ha. and bounded as under:

Please give here description of the site as in Form 'B' and Google Map Copy (This 'No Objection Certificate' is valid for the period specified in Rules 27 or Rule 118(1) as the case may be.

Given under my hand this…….day of …….20…….

District Magistrate ……..or Licensing Authority."

4. Amendment of Form F.- For Form F of the said rules, the following shall be substituted, namely:-

FORM 'F'

[See rule 36, 140 and 180E]

Licence for Exhibition of Cinematograph shows in [permanent/ mini or mini digital/drive-in cinemas] under the Karnataka Cinemas (Regulation) Rules, 2014.

1.Name and address of licensee

2.If the licensee is not the owner of the Cinema theatre, the name and address of the owner thereof

3.Situation of the cinema theatre

4.Area of the theatre in sq.metres

5.Material of which the roof, side walls, galleries and staircases are made

6.Date of last inspection by the Executive Engineer

7.Date of last inspection by the Electrical Inspector or any person authorized by him in this behalf.

8.Date of last inspection by the Health Officer.

9.Date of last inspection by the Licensing Authority.

10.Special conditions, if any, on which the licence is granted.

11.Period for which the licence is to be in force.

12.Fees paid.

13.Maximum number of persons permitted in each part of the auditorium

Persons In

the First Class

In the

In the

In the ----------

Total ----------

Conditions of the Licence

The licence is granted subject to the provision of the Karnataka Cinemas (Regulation) Act, 1964 and the rules made thereunder. It is also subject to the following conditions:-

1.During the periods of epidemics and similar health hazards to public or in case of disasters, in general, the Licensing Authority in consultation with the District Health Officer, Taluka Health Officer or the Health Officer of the Municipality, if any, may, if so advised, direct by a notice;-

(a) complete closure; if the need arises;

(b) a reduction in the scale of accommodation provided in rule 49;

(c) to disinfect premises periodically which may include spraying and fumigation; and

(d) to adopt of such other measures for better ventilation as may be specified in such notice; and the licensee shall comply forthwith any such direction and in case of failure to do so, the license granted to him shall be liable for cancellation.

2. This licence does not exempt the licensee or his servants or agents from taking out any other licence required by or otherwise complying with any other law, rule or bye-law made thereunder.

3. (a) The licensee shall not exhibit or permit to be exhibited any film other than a film which has been certified as suitable for public exhibition by the authority constituted under Section 4 of the Cinematograph Act, 1952 and which when exhibited displays the prescribed mark of that authority and has not been altered or tempered with in anyway since such work was affixed thereto;

[Provided that this condition shall not apply to the exhibition of news reels produced by the Films Division, Bombay]

(b) Any film which has been certified by the Board of Film Censors as suitable for public exhibition restricted to adults to any person who is not an adult;

(c) any film the exhibition of which is suspended under Section 6 o the Act.

For the purpose of clause (b) of this condition, if there is any doubt as respects the age of any person the decision of the Manager given in good faith as respects the question shall not be questioned; and where the manager has reasonable doubt as respect the age of any person who claims to be an adult the Manager should require such person to make a declaration or reverse of the counterfoil of his ticket in the following form before admitting him to the film show and explain to him that if on Investigation the declaration is found to be false, he shll be liable to be prosecuted for the offence uner Section 199 of the Indian Penal Code.

DECLARATION

I,…….. residing at (state full address)……..hereby solemnly declare that I am over eighteen years of age.

Signature.

4.The licensee shall not exhibit or permit to be exhibited either within or outside the cinema theatre any advertising matter or pictorial representation which is objectionable from the point of view of decency or morality.

5.The licensee shall not display or cause to be displayed any photograph picture or poster which depicts or represents of purports to represent a scene or shot which has been excised from any film under the orders of the Central Board of Film Censor or the Central Government.

6.The Licensee shall prominently exhibit at each public entrance whenever the premises are opened to the public, notice indicating in tabular form and in clear bold letters and figures,-

(a)The title of each film to be shown on that day, other than trailers and advertisement films;

(b)The approximate time of commencement of each such film;

(c)Whether each such film has received an ‘A’ or ‘U’ certificate from the Central Board of Film Censors and

(d)Whether persons below the age of eighteen years other than children below the age of three years will be admitted or not.

7.The nature of any certificate received in respect of a film from the Central Board of Film Censors shall be clearly indicated by the letter "U" or 'A' in any advertisement of the film displayed at the premises.

8.The Licensing Authority and any subordinate duly authorized by him in that behalf and any police officer deputed to keep order during any entertainment in the licensed premises shall at all times have free access to the said premises in order to see whether the conditions of the licence are fulfilled.

9.No fire work shall be used as an adjunct to a cinematograph exhibition.

10.The licensee shall not, without the permission of the Licensing Authority, assign, sub-let or otherwise transfer the licence or the licensed premises, not shall licensee without
permission as aforesaid allow any other persons during the period of currency of the licence, to exhibit films in the licensed premises.

11.The licensee shall not exhibit any film in the licensed premises, in aid of any person, association or institutions, without the permission of the Licensing Authority.

12.No cinematograph exhibition shall continue after such time not later than 1AM as may be fixed by the Licensing Authority.

13.The licensee shall display the approved National Anthem in such manner and for such time as may be required by the Licensing Authority.

[12-A, the licensee shall exhibit Kannada film for a period of not less than twelve weeks in a year.]

14.The licence shall be subject to cancellation or suspension for the breach of any of these conditions or of the special conditions specified on the reverse (or for violation of any law in force governing or regulating amusements and prescribing payment of taxes.)

Dated the day of 20

Seal District Magistrate."

By order and in the name of
Governor of Karnataka,

(**M.R.SHOBHA**)
Under Secretary to Government,
Home Department (Prisons & Cinema)

To,

Copy to:

1.The Additional Chief Secretary / Principal Secrary, E-governance / Urban Development Department / Revenue Department.

2.The Secretary, Government of India, Ministry of Information & Broadcasting, Shastri Bhawan, New Delhi- 110 001.

3.The DG & IGP, Nrupatunga Road, Bengaluru.

4.The Secretary to Government, Department of Parlimentary Affairs and Legislation / Information Department, Bengaluru.

5.All the Deputy Commissioners.

6.The President, Karnataka Film Chamber of Commerce, No.28, st Main Crescent Road, High Grounds, Bengaluru-1.

7.PS to Honb'ble Home Minister, Vidhana Soudha, Bengaluru.

8.Section Guard File / Spare Copies.