

High Court of Karnataka

Daily Orders of the Case Number: WP 24212/2018 for the date of order 05/06/2018

Honble Justice G.NARENDAR

05/06/2018

Order in WP 24212/2018

Heard Sri.Dhyan Chinnappa, learned Senior counsel appearing on behalf of the petitioners, Sri.A.G.Shivanna, learned AAG appearing on behalf of respondent Nos.1 to 4 and Sri.Shanmukhappa, learned counsel appearing on behalf of respondent No.6.

The petitioners are the producers of a motion film titled as □Kaala□ and that the lead actor of the film is said to have made a political statement with regard to a water dispute subsisting between the State of Karnataka and its neighbours and that the said statement is said to have caused difference of opinion amongst a section of the citizens of the State and subsequently, certain organizations purportedly advancing the cause of Kannada language and the State, are said to have raised a voice calling for measures to prevent the exhibition of the film and that the online version of the print media i.e., the Indian Express is said to have reported on 02.06.2018 a statement, attributed to the Chief Minister of the State wherein it is stated as under:

□It has come to my attention (the demand for a ban on Kaala). The people of Karnataka and the Karnataka Film Chambers of Commerce don□t want Kaala to release here. A few pro-Kannada organizations have also requested me not to allow Kaala release. I will consider it an made a decision.□

From a reading of the above the phrase, demand for ban of Kaala movie appears to be inserted by the reporter rather it is the inference drawn by the reporter. The petitioners, who are the producers of the film apprehend that the State is likely to take a decision on the representation and thereby promulgate a ban on exhibition of the movie.

It is vehemently argued by the learned Senior counsel and the Assisting counsel that the State is prohibited from taking such a decision in the light of the law laid down by the Hon□ble Apex Court in the case of □Viacom 18 Media Private Limited and others vs. Union of India and others□ and as held in a catena decisions wherein the Hon□ble Apex Court has laid down the law that once a motion picture is cleared for exhibition by the Central Board of Film Certification, the State does not have any authority nor any power in it by the statute to ban the exhibition of such a movie.

Per contra, learned AAG would invite the attention of the Court to Section 15 of the Karnataka Cinemas (Regulation) Act, 1964 and would also fairly admit that there is no decision taken yet, by the State of Karnataka to ban the exhibition of the cinema. He would also fairly submit that the law as laid down by the Apex Court binds one and all and proceeding further, he would draw the attention of the Court to the representation made by the petitioners and he would submit that the representation with regard to providing protection is vague and ambiguous and that if the details of

the exhibitors are furnished, the State would definitely marshal its force to discharge its duty of upholding law and order.

In response, the learned Senior counsel would submit that the petitioners have no hesitation in furnishing the details of places of exhibition to enable respondent No.1-State and respondent Nos.3 and 4 to effectuate the orderly exhibition of the movie.

In the light of the submission made by the learned AAG and the submission made by the learned Senior counsel with regard to furnishing of the details, this Court is of the opinion that the interim relief as prayed for could be moulded and granted by permitting the petitioners to furnish the details with regard to the places of exhibition of the film and they may also furnish such other information in their possession with regard to the organization of persons who are likely to prevent the exhibition of the movie.

If such an information is furnished, it is the bounden duty of respondent No.1-State and respondent Nos.3 and 4 to initiate steps and measures to prevent any inconvenience to the movie goes and exhibition of the movie.

Learned counsel appearing on behalf of respondent No.6 would submit that neither the protestors or exhibitors are under their control. Hence, ordering of notice to respondent No.6 is unwarranted. Submission of the learned counsel is placed on record.

Issue notice to respondent No.5.

Copy of this order be furnished to learned AAG.

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