

KTAC v State of Karmasthan

Karmasthan is a State in the Indian Union. Punayaswar is the capital of the State. Karmasthan Television Actor Association (KTAC) is a registered charitable society. On 5-7 - 2016 KTAC published an advertisement in the leading cinema magazines about the Beauty Pageant name as "Miss India 17" for selecting Miss. India proposed to be held on 7th and 8th January 2017. According to the Advertisement the venue of the program is Mass Auditorium Punayaswar and the rates of tickets are Rs 1,00,000, Rs 50,000, Rs 25,000 and Rs 10,000. The entry is restricted to ticket holders, judges and specially invited guests. In the advertisement the picture of seven girls wearing only G string and semi-nude top is given.

Some organisations and religious leaders submitted a memorandum to the Chief Minister of the State requesting to ban the "Miss India 17" pointing out that the advertisement itself reveals that

1. The "Miss India 17" is against the decency, public morality and dignity of women in general and women of Indian society in particular and repugnant to Indian culture, traditions, and the social values.

2. It intended to exploit women for commercialisation by capitalists and the business world for enriching themselves at the cost of indecent representation of women in all forms and by all methods as they are transformed into marketable commodity.

3. It also intended to divert the youth and the spirit of the youth in the country from their real problems of socio and economic survival and development by developed countries as against the developing countries like India

4. This type of beauty contests are injurious to the body, the mind and the social existence of the entire womanhood and the society at large.

5. This type of beauty contests are discriminatory in choosing women only by vested interests in the society for personal gain and exploitation

6. This type of beauty contests are the means to achieve the lecherous and lustful desire of the erratic and sexual maniacs.

7. This type of the beauty contests in any form amounts to indecent representation of women within the meaning of Section 2(c) of the Indecent Representation of Women (Prohibition) Act, 1986.

On 1-8-2016 the Karmasthan Legislative Assembly enacted Karmasthan Dramatic Performances (Amendment) Act, 2016 for amending section 2 and 3 of Karmasthan Dramatic Performances Act, 1962. The amendment came in to force on 8-8-2016.

The Amendment Act added the word "beauty contest" in Sections 2 and 4 of the 1962 Act. The amended Sections are as follows:

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

(1) "objectionable performance" means any play, beauty contest, 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, arson 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 recruiting of persons to serve in any such force or prejudice the 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.

Section 4 : Prohibition of Dramatic Performance-

(1) Whenever the State Government are satisfied that any play, beauty contest pantomime or other drama performed or about to be performed in a public place is an objectionable performance, they may, by order stating the grounds on which they consider the performance objectionable, prohibit the performance.

(2) No order under sub-section (1) shall be passed without giving a reasonable opportunity to the organizer or other principal persons responsible for the conduct of the performance or to the owner or occupier of the public place in which such performance is intended to take place to show cause why the performance should not be prohibited.

(4) Any order made under 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.

On 15- 8 -2016 the District Collector ,who is the Executive Magistrate, issued a notice to KTAC under Section 4 to show cause why "Miss India 17" should not be prohibited since it is an objectionable performance under Section 2 (1) (vi) of Karmasthan Dramatic Performances Act, 1962.

After giving an opportunity of being heard the Executive Magistrate through the Order dated 9-9-2016 prohibited "Miss India 17".

On 14-9-2016 Deputy Commissioner of Police raided the Office of KTAC and seized the advertisements of "Miss India 17" ,in exercise of his powers as the Authorised Officer of State Government under Section 5 of the Indecent Representation of Women (Prohibition) Act, 1986. 2989 items consisting of posters and big hoarding boards containing the same picture included the earlier advertisement have been seized by the Deputy Commissioner.

On 22-9-2016 KTAC filed a petition before the High Court of Karmasthan Challenging the action of the Deputy Commissioner stating that beauty contest could not be treated as indecent, scurrilous or obscene. It is contented that Karmasthan Dramatic Performances (Amendment) Act, 2016 and the Indecent Representation of Women (Prohibition) Act, 1986 are in violation of Art 14,19 and 21 of the Constitution.