



The Karnataka Cine and Cultural Activists (Welfare) Act, 2024

Act No. 46 of 2024

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KARNATAKA ACT NO. 46 OF 2024

THE KARNATAKA CINE AND CULTURAL ACTIVISTS (WELFARE) ACT, 2024

Arrangement of Section

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STATEMENT OF OBJECTS AND REASONS

Act 46 of 2024:- It is considered necessary to,-

- (i) Constitute a welfare Board; and
- (ii) establish a fund for financing schemes to provide social security and welfare of Cine and Cultural activists in the State.

Hence, the Bill.

[L.A. Bill No.28 of 2024, File No. SAMVYASHAE 38 SHASANA 2024]

[Entry 23 and 24 of List III of the Seventh Schedule to the Constitution of India.]

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KARNATAKA ACT NO. 46 OF 2024

(First Published in the Karnataka Gazette Extra-ordinary on the 24th day of September, 2024)

THE KARNATAKA CINE AND CULTURAL ACTIVISTS (WELFARE) ACT, 2024

(Received the assent of the Governor on the 23rd day of September, 2024)

An Act to provide social security to Cine and Cultural Activists by constituting a Welfare Board and thereby promote their welfare in the State.

Whereas it is expedient to provide social security to Cine and Cultural Activists by constituting a Welfare Board and there by promote their welfare in the State and to provide for matters connected therewith or incidental thereto.

Be it enacted by the Karnataka State Legislature in the seventy fifth year of the Republic of India, as follows:-

1. Short title and commencement.-(1) This Act may be called the Karnataka Cine and Cultural Activists (Welfare) Act, 2024.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

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

- (a) "Academy" means the Karnataka Chalanachithra Academy, Karnataka Nataka Academy, Karnataka SangeethaNruthya Academy, Karnataka Janapada Academy, Karnataka Lalithakala Academy, Karnataka Yakshagana Academy and Karnataka Bayalata Academy established by the Government;
- (b) "Appellate Authority" means the Member-Secretary of the Board;
- (c) "Board" means the Karnataka Cine and Cultural Activists' Welfare Board constituted under section 3;
- (d) "Contribution" means the amount payable to the Fund under section 8 of this Act;
- (e) "Cine and Cultural activist" means any person who is employed in relation to the field of cinema to work as an artist (including actor, musician or dancer) or to do any work, skilled, unskilled, manual supervisory, technical, artistic or otherwise or any person who is being engaged in such other activities as declared by the Government, by notification in the official Gazette, for the purpose of this Act;
- (f) "Cine and Cultural activity" means an activity performed by a Cine and Cultural activist and recognized as such by the respective Academy or Organisations or such other Body or Association approved by the Government for the purposes of this Act, in which the activist is a member;
- (g) "Cess" means cess levied and collected under section 9;
- (h) "family" means wife or husband, minor sons and unmarried daughters of a cine and cultural activist and includes in it his father, mother and mentally retarded or physically challenged or widowed daughters who are solely dependent upon him;



- (i) "Fund" means the Karnataka Cine and Cultural Activists' Welfare Fund constituted under section 8;
- (j) "Government" means the Government of Karnataka;
- (k) "Notification" means a notification published in the Official Gazette of Karnataka;
- (l) "Prescribed" means prescribed by rules under this Act;
- (m) "Registered Workers" means the workers registered under sub-section (1) of section 7 of this Act;
- (n) "Regulations" means the regulations made by the Board under this Act;
- (o) "Related establishment" means stand alone cinema theaters, Multiplex halls, over-the-top (OTT), Television channels and such other establishments as notified by the Government from time to time;
- (p) "Rules" means the rules made under this Act;
- (q) "Scheme" means the Karnataka Cine and Cultural Activists' Welfare Fund Scheme framed under clause (c) of section 5; and
- (r) "Unique ID" means the unique identification number issued to Cine and Cultural Activists registered under section 7.

3. Constitution of the Board.-(1) The State Government shall, constitute a Board to be known as the Karnataka Cine and Cultural Activists' Welfare Board, it shall come into force from such date as the Government may, by Notification, to exercise the powers conferred on and perform the functions assigned to it, under this Act.

(2) The head quarter of the Board shall be at Bengaluru.

(3) The Board shall be a body corporate with the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, and to make contract, and shall by the said name, sue or be sued.

(4) The Board shall consist of the following members, namely;-

(a)	the Minister in-charge of the Department of Labour, Government of Karnataka	Ex-officio chairperson.
(b)	the Additional Chief Secretary/Principal Secretary/Secretary to Government, Department of Labour, Government of Karnataka.	Ex-officio vice-chairperson.
(c)	the Commissioner, Department of Labour	Ex-officio member secretary
(d)	Seventeen members to be nominated by the Government out of them,-	
	(i) five members representing the workers engaged in Cine and Cultural Activity works of whom two shall be women.	Members
	(ii) seven members representing academies of Cine and Cultural Activity constituted by the Government.	Members



<p>(iii) five members representing the State Government Departments out of whom the Additional Chief Secretary or Principal Secretary or Secretary or his nominee not below the rank of the Joint Secretary, Department of Kannada and Culture and Department of Information and Public Relation shall be the permanent members.</p>	<p>Ex-officio members</p>
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Provided that, the Government shall ensure that the nominated members of the Board includes at least one-third women.

(5) The nominated members of the Board shall have a term of three years:

Provided that, the Government may extend their tenure for another one year if it deems appropriate.

(6) In the event of any vacancy occurring on account of death, resignation, disqualification or removal under sub-section (8), such vacancy shall be filled by the Government by a fresh nomination for the remaining term.

(7) Any nominated member of the Board may at any time resign from his office by writing under his hand addressed to the Chairperson, and his office shall, on acceptance of resignation, become vacant.

(8) No person shall be chosen as, or continue to be, a nominated member of the Board who,-

- (i) is a salaried officer or an employee of the Board; or
- (ii) is or at any time has been adjudged insolvent; or
- (iii) is found to be a lunatic or becomes of unsound mind and stands so declared by a competent Court; or
- (iv) is or has been convicted of any offence involving moral turpitude; or
- (v) is absent without leave of the Board for more than three consecutive meetings of the Board.

(9) The nominated members of the Board shall be entitled for allowances for attending the meetings of the Board, at such rates as may be prescribed.

4. Meeting of the Board.- (1) The Board shall meet at such time and place and observe such rules of procedure for transaction of business at its meetings as may be prescribed:

Provided that, the Board shall meet at least four times in a year.

Provided further that, the Chairperson may convene additional meeting of the Board.

(2) The Chairperson, or, if for any reason he is unable to attend any meeting of the Board, any other member authorised by him, shall preside over the meeting.

(3) All questions which come up before any meeting of the Board shall be decided by a majority of votes of the members present and voting, and in the event of equality of votes, the Chairperson, or in his absence, the person presiding, shall have a second or a casting vote.



(4) The Quorum for the meeting of the Board shall be fifty percent of the total members.

5. Functions of the Board.- The Board shall perform the following functions, namely:-

- (a) ensure registration of Cine and Cultural Activists as per section 7;
- (b) set up a monitoring mechanism to review compliance of provisions of this Act and to certify that welfare cess is being duly collected;
- (c) formulate and notify Schemes for social security and welfare of registered Cine and Cultural Activists and take such measures as it may deem fit for administering such Schemes;
- (d) ensure that workers have access to the benefits as per the Schemes formulated by the Board and to provide pro-active facilitation to workers in their engagement with concerned employer;
- (e) ensure rights of Cine and Cultural Activists under section 10 are protected;
- (f) engage with registered unions working with Cine and Cultural Activists and hold regular open consultations with them;
- (g) nominate persons or officers who shall be competent to act on behalf of any registered Cine and Cultural Activists to initiate action for making any claim under any law or rules made there under or award or settlement made under any such law and appear on behalf of the registered Cine and Cultural Activists in such proceedings;
- (h) call special invitees for suggestions, consultation or any such advice as the need may be;
- (i) formulate general Schemes for benefit of all Cine and Cultural Activists registered under this Act; and
- (j) transfer all monetary benefits accrued to the Cine and Cultural Activists through Direct Benefit Transfer (DBT).

6. Officers and Employees of the Board.- The officers and employees working with Karnataka State Unorganised Workers Social Security Board considers to be officers and employees of this Board for the efficient discharge of its functions under this Act.

7. Registration of Cine and Cultural Activists.- (1) All Cine and Cultural Activists shall be registered with the Board.

(2) The Board shall maintain a database of Cine and Cultural Activists in the State along with the details of their employment.

(3) The Board shall register and generate an unique ID to every Cine and Cultural Activist who is registered with the Board.

(4) The registration of Cine and Cultural Activists shall be valid for a period of three years and the same shall be renewed within three months from the date of its expiry.

(5) The Cine and Cultural Activist who is engaged in more than one cine and cultural activity as defined in this Act shall opt any one of the academy or such other



body or association approved by the Government for membership in the Board and once such option is exercised it shall be final.

8. Fund for Cine and Cultural Activists.- (1) The Government shall establish a fund to be called “The Karnataka Cine and Cultural Activists Social Security and Welfare Fund” for the benefit of registered Cine and Cultural Activists and the following money shall form part of, and be paid into, namely:-

- (i) All sums received from welfare cess levied under section 9;
- (ii) All contributions made by registered Cine and Cultural Activists;
- (iii) All sums received as grant-in-aid from the Government or the Central Government or Local authorities;
- (iv) all sums received by way of grants, gifts, donations, benefactions, bequests or transfers from any NGO's, or Institutions or Individuals.;
- (v) The Profit, interest, dividend on any investment or share made by the board; and
- (vi) All sums received from any other sources as may be prescribed.

(2) The Fund shall be utilized and managed by the Board in such manner as may be prescribed.

9. Cine and Cultural Activists Welfare Cess.- (1) There shall be levied, a cess on the Cinema tickets, subscription fees and all revenue generated from the Related Establishments in the State, a welfare cess known as “the Cine and Cultural Activists Welfare Cess”.

(2) The Cess levied under sub-section (1) shall be at such rates as may be notified by the Government, and it shall not exceed two percent but shall not be less than one percent on cinema tickets, subscription fees and all revenue generated from the Related Establishments.

(3) The proceeds of the cess levied under sub-section (1) shall be collected by the Government and be transferred to the Board within such period as may be prescribed.

(4) The Government may, by notification revise the rate of contribution specified in sub-sections (1) once in three years taking into account the amount needed for the implementation of the Scheme.

Explanation.- For the purposes of this section, ‘the fare of cinema ticket’ shall not include any tax paid or payable.

10. Rights of registered Cine and Cultural Activists.- A Cine and Cultural Activist shall have the right to,-

- (a) be registered with the Board on being and be provided an Unique ID applicable across all platforms;
- (b) have access to general and specific welfare and social security Schemes based on contribution made as may be notified by the Board;
- (c) have an opportunity to be heard for any grievances regarding registration and claims under this Act and appropriate grievance redressal mechanism as specified in section 12; and



- (d) participate in all decisions taken for their welfare through representation in the Board:

Provided that, nothing in this Act shall affect any benefit or protection accorded to Cine and Cultural Activists under any other law for the time being in force.

11. Duties of employer.- Every employer shall be required to,-

- (a) deposit the amount of Cine and Cultural Activists welfare cess levied as per section 9 by tenth day of each calendar month; and
- (b) submit half yearly return in such form as may be prescribed, by tenth day of month including all information as may be prescribed, through online or web portal designed for this purpose.

12. Grievance Redressal Mechanism for Cine and Cultural Activist.- (1) A Cine and Cultural Activist registered under this Act may file a petition in person, before an officer, to be designated by the Government or make a petition through web portal, in relation to any grievance arising out of entitlements, payments, and other benefits provided under this Act.

(2) The procedure, for the disposal of petition filed under sub-section (1), shall be such, as may be prescribed.

(3) The officer so authorized under sub-section (1), upon inquiries, dispose the said petition by passing an order of redressal and may also issue a direction to the employer, as the case may be, for payment of appropriate compensation.

(4) An appeal against the order under sub-section (3) shall lie within ninety days from the date of order before the Appellate Authority:

Provided that, the Appellate Authority may admit the appeal after the expiry of the said period of ninety days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(5) The Appellate Authority shall dispose of the appeal in accordance with the procedure as may be prescribed.

13. Recovery of welfare cess.- Any amount of welfare cess due under this Act from an employer shall be recoverable in the same manner as an arrears of land revenue.

14. Accounts and Audit.- (1) The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including a balance-sheet in such form as may be prescribed.

(2) The accounts of the Board shall be audited annually by the State Audit and Account Department or by such auditor certified or qualified under any law for the time being in force as the Government may appoint.



(3) The audit officer or auditor shall for the purpose of the audit have access to all the accounts and other records of the Board.

(4) The Board shall pay out of the grant such charges for the audit as may be prescribed.

(5) As soon as may be after the receipt of the report of the auditor, the Board shall send a copy of the annual statement of accounts, together with a copy of the report of the audit officer or auditor to the State Government and shall cause to be published the annual statement of accounts in such manner as may be prescribed.

(6) The State Government may, after perusal of the report of the audit officer or auditor, give such directions, as it thinks fit, to the Board and the Board shall comply with such directions.

15. Annual Report.- (1) The Board shall prepare every year a report of its activities under this Act during the year and submit the report to the State Government in such form and within such time as may be prescribed.

(2) The State Government shall, as soon as may be after the receipt of report under sub-section (1), cause the same to be laid before the House of the State Legislature.

16. Penalties for contravention of provisions of this Act.- (1) Any employer who contravenes the provisions of this Act or rules made there under or who fails to comply with the provisions of this Act or the rules made there under, the Board or the officers authorised by the Board in this behalf may, impose a penalty upon him which may extend up to ten thousand rupees for the first contravention and up to one lakh rupees for subsequent contravention.

(2) In case of non-payment of the penalty imposed under sub-section (1) the same shall be recoverable as an arrears of land revenue.

17. Cognizance of Offences.- (1) No court shall take cognizance of any offence punishable under this Act, save on a complaint made by or under the authority of the appropriate Government.

(2) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the First Class shall try any offence punishable under this Act.

18. Compounding of offences.- (1) Any offence punishable under this Act may either before or after the institution of prosecution, be compounded by such officers or authorities and for such amount as the State Government may, by notification in the Gazette, specify in the behalf:

Provided that, such amount of composition shall be credited to the Fund established under section 8 of this Act.

(2) Nothing contained in sub-section (1) shall apply to an offence committed by a person for the second time or thereafter within a period of three years from the date-



- (a) of commission of a similar offence which was earlier compounded;
- (b) of commission of a similar offence for which such person was earlier convicted.

(3) Every officer referred to in sub-section (1) shall exercise the powers to compound an offence, subject to the direction, control and supervision of the State Government.

(4) Every application for the compounding of an offence shall be made in such manner as may be prescribed.

(5) Where any offence is compounded before the institution of any prosecution, no prosecution shall be instituted in relation to such offence, against the offender in relation to whom the offence is so compounded.

19. Act to be in addition to any other law.- The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.

20. Protection of action taken in good faith.- No suit, prosecution or other legal proceeding shall lie against the Government or any officer or official for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made there under.

21. Power to make rules.- (1) The State Government may, subject to the condition of previous publication, by notification make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the matters which under any provision of this Act are required to be prescribed, or to be provided for, by rules.

(3) Every rule made under this Act shall be laid, as soon as may be, 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 such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

22. Power to make regulations.- The Board shall with the previous approval of the State Government by notification make regulations not inconsistent with the provisions of this Act and the rules made there under in respect of matters which are required to be provided for by regulations under the Act.



23. Power to remove difficulty.- (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary for removing the difficulty.

Provided that, no such order shall be made under this section after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1), shall be laid, as soon as may be after it is made, before each house of the State Legislature.

The above translation of ಕರ್ನಾಟಕ ಸಿನಿ ಮತ್ತು ಸಾಂಸ್ಕೃತಿಕ ಕಾರ್ಯಕರ್ತರ (ಕ್ಷೇಮಾಭಿವೃದ್ಧಿ) ಅಧಿನಿಯಮ, 2024 (2024ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ: 46) into English language be published in the official Gazette under clause (3) of Article 348 of the Constitution of India.

THAAWARCHAND GEHLOT
GOVERNOR OF KARNATAKA

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

G. SRIDHAR
Secretary to Government
Department of Parliamentary
Affairs and Legislation