

THIRTEENTH REPORT  
STANDING COMMITTEE ON  
COMMUNICATIONS  
(1994-95)

TENTH LOK SABHA

MINISTRY OF INFORMATION AND BROADCASTING

THE CINEMATOGGRAPH (AMENDMENT)  
BILL, 1992

*Presented to Lok Sabha on*—— 21 MAR 1995  
*Laid in Rajya Sabha on*——



LOK SABHA SECRETARIAT  
NEW DELHI

*March, 1995/Phalguna, 1916 (Saka)*

C.C. No. 013

Price : Rs. 11.00

PANJAMBAH LIBRARY  
Central Govt. Publications  
Acc. No. 915.3962--  
Date 22/3/95

LC  
328.3657 R  
N4.13j1

© 1995 BY LOK SABHA SECRETARIAT

Published under Rule 382 of the Rules of Procedure and Conduct of Business in Lok Sabha (Seventh Edition) and printed by the Manager, P.L. Unit, Govt. of India Press, Minto Road, New Delhi—110002.

## CONTENTS

|                                   | PAGE  |
|-----------------------------------|-------|
| COMPOSITION OF THE COMMITTEE..... | (iii) |
| INTRODUCTION.....                 | (v)   |
| REPORT .....                      | 1     |
| ANNEXURES                         |       |
| MINUTES                           |       |
| 26 October, 1994 .....            | 8     |
| 27 October, 1994 .....            | 11    |
| 9 November, 1994.....             | 13    |
| 28 November, 1994 .....           | 15    |
| 24 & 25 January, 1995 .....       | 17    |

COMPOSITION OF THE STANDING COMMITTEE  
ON COMMUNICATIONS  
(1994-95)

Kumari Vimla Verma — *Chairperson*

MEMBERS

*Lok Sabha*

2. Shri R. Jeevarathinam
3. Shri Sharvan Kumar Patel
4. Shri Lacta Umbrey
5. Shri Surajbhanu Solanki
6. Shri N. Dennis
7. Shri Jagmeet Singh Brar
8. Shri Pawan Kumar Bansal
9. Shri Kodikkunil Suresh
10. Shri B. Devarajan
11. Shri R. Anbarasu
12. Dr. B.G. Jawali
13. Shri Somjibhai Damor
14. Shri Mohan Lal Jhikram
15. Shri Mahesh Kumar Kanodia
16. Smt. Dipika H. Topiwala
17. Dr. Sakshiji Maharaj Swami
18. Shri Lalit Oraon
19. Shri Lal Krishna Advani
20. Shri Sharad Yadav
21. Shri Ram Pujan Patel
22. Shri Shivsharan Verma
23. Shri Rupchand Pal
24. Shri Satyagopal Misra
25. Shri A. Asokaraj
26. Shri G.M.C. Balayogi
27. Shri Raj Kishore Mahto
28. Shri Sanat Kumar Mandal
29. Shri Sultan Salahuddin Owaisi
30. Shri Chandrajcet Yadav

*Rajya Sabha*

31. Shri Prakash Yashwant Ambedkar
32. Shri Jalaludin Ansari
33. Shri M.A. Baby
34. Shri Virendra Kataria
35. Shri Aas Mohammad
36. Shrimati Malti Dèvi
37. Shri Mohammed Afzal *alias* Meem Afzal
38. Shrimati Jayanthi Natarajan
39. Shrimati Anandiben Jethabhai Patel
40. Shri G. Prathapa Reddy
41. Shrimati Sushma Swaraj
42. Shri Vizol
43. Shri Kishore Chandra Deo Vyricheria
44. Shri Jancshwar Mishra
45. Shrimati Veena Verma

SECRETARIAT

1. Shri G.C. Malhotra— *Joint Secretary*
2. Shri O.P. Ghai — *Deputy Secretary*
3. Shri S.K. Sharma — *Under Secretary*

## INTRODUCTION

1. the Chairperson of the Standing Committee on Communications (1994-95) having been authorised by the Committee to submit the Report on their behalf, present this Thirteenth Report on Cinematograph (Amendment) Bill, 1992.

2. The Committee called for memoranda and took oral evidence of representatives of the film industry and Ministry of Information and Broadcasting on 26 & 27 October, 1994.

3. The Committee wish to express their thanks to the non-official witnesses for their valuable suggestions. The Committee also wish to express their thanks to the Officers of the Ministry of Information and Broadcasting for furnishing the material and information which the Committee desired in connection with the examination of the subject, and sharing with the Committee their views concerning the matters which came up for discussion during evidence.

4. The Report was considered and adopted by the Committee at their sitting held on 25 January, 1995.

5. For facility of reference and convenience, the recommendations of the Committee have been printed in thick letters in the body of the Report.

NEW DELHI;  
January 25, 1995  
Magha 5, 1916 (Saka)

KUMARI VIMLA VERMA,  
Chairperson,  
Standing Committee on Communications.

# THE CINEMATOGRAH (AMENDMENT) BILL, 1992

## REPORT

The Cinematograph Act, 1952 was enacted by Parliament to provide for certification of Cinematograph films for exhibition in India and for regulating exhibition by means of Cinematographs. The Central Board of Film Certification has been set up by the Central Government under Section 3 of the Cinematograph Act for the purpose of certifying films for public exhibition. In last few years, there have been complaints that films have been exhibiting excessive violence and sex. This has been the subject matter of serious discussions at various forums including in Parliament and in various meetings of the Consultative Committee of Parliament attached to the Ministry of Information & Broadcasting. It was felt that scenes of excessive violence and unrelated sex shown in films deprave the morals of the people. There have also been complaints that a film is not always shown in the form in which it was certified. In other words, films are alleged to be often exhibited with interpolations.

2. The Ministry of Information & Broadcasting informed the Committee that interpolation may be in one or more of the following forms.

- (i) showing portions ordered by the Central Board of Film Certification for deletion;
- (ii) showing portions not shown to the Board;
- (iii) showing portions unconnected with the certified film, e.g. portion of a blue film.

3. There has been, therefore, suggestions from various quarters to have a relook at the existing provisions of the law and to make it more stringent. Accordingly, the Ministry of Information and Broadcasting had a fresh look at various provisions of the Act and with a view to make the Act effective introduced the Cinematograph (Amendment) Bill, 1992. The Committee have considered the principal clauses of the Bill. They would like to make a few points to make the proposed Bill more purposeful and effective.

4. *Amendment of Section 3:* It has been proposed to increase the maximum number of members of the *Board of Film Certification* from 25 to 35.

5. The Ministry of Information and Broadcasting in their note have stated that in addition to the regional offices at Bangalore, Bombay, Calcutta, Hyderabad, Madras and Thiruvananthapuram, new regional

offices have been set up at Delhi (15.8.90) and Cuttack (7.9.91) for fulfilling regional aspiration and also for taking into account the nuances of the cultural milieu of the regions while examining films for certification. Therefore, it has become necessary to appoint more members with knowledge of different languages to the Board.

6. In view of the above, the Committee agree to the amendment. However, in this connection the Committee would like to draw attention to the recommendations contained in their Eighth Report (Tenth Lok Sabha) on Central Board of Film Certification (para 2.10) in which they had recommended review of the yardsticks followed for constituting the Advisory Panels and the Board. The Committee had also desired that representation should be given to eminent social workers, educationalists, intellectuals, historians, writers, and people associated with art and culture on the Advisory Panels and the Board and that 50% of them must be women.

7. *Amendment of Section 5C:* It is proposed to increase the maximum fee leviable for an appeal to the Tribunal from Rs. 1000 to Rs. 5000.

8. The representatives of the film industry who were called before the Committee to tender their views on the proposed amendments in the bill submitted that economic condition of the film producers is very bad and it would become a big burden on them if fee is increased from Rs. 1000/- to Rs. 5000/- for appeal to the Tribunal.

9. The Committee agree to the proposed increase.

10. *Amendment to Section 5E:* It is proposed to make provision for suspension or revocation of the censor certificate if it is proved that the certificate has been obtained by mis-representation or fraud as to an essential fact, after giving the applicant an opportunity to present his case.

11. The Committee agree to the amendment.

12. *Insertion of new Section 5G:* It is proposed to introduce a new Section 5G for placing suitable legal liability on the film processing laboratories to ensure that they do not issue to any one any copy of the film until the film is certified except one copy for the purpose of certification. The laboratories will also be required to notify to the Board the number of copies made on or before the date of certification. In the case of imported films, where quite often dupe negatives are alleged to be made even before a film is certified, the laboratories shall not duplicate the film or make video copies of the same before certification.

13. The representatives of the film industry submitted that "when a film is shot, right from the beginning when one reel is made, a number of positive, negative, rush prints and sounds are required to be taken outside the laboratory to do the dubbing, editing etc. and sometimes for marketing. If such restriction is imposed on the film processing laboratories, the producer would not be able to market his film and he



will be deprived of his legitimate right to market the movie when film is under preparation. It is, therefore, absolutely unreasonable”.

14. The Secretary, Ministry of Information and Broadcasting informed the Committee that it would be possible to exempt a producer from this provision at any point of time on a case to case basis. The exemption can be given if producer wants more than one print that can be given. For example, it is possible to see an uncertified film, it is not that it cannot be seen. An uncertified film can be shown for a specific purpose.

15. Sub-Section 2 of the proposed new Section 5(G), enjoins that a person who undertakes processing of a film, shall soon after the completion of the processing of the film and before the grant of a certificate, inform the Board about the number of copies made of such film. In this regard, it has been represented to the Committee by an Association of film processing laboratories that the person undertaking the processing of a film does not come to know the date on which the Board of Film Certification would be granting a certificate. It would, therefore, not be possible for such person to inform the Board about the number of copies made of a particular film before the grant of a certificate. He may, therefore, be liable for penalty for contravention of section 5G(2) as per Section 7(1)(C) as proposed to be amended. The Association has, therefore, suggested that instead of imposing an obligation on the person undertaking the processing of a film, of informing the Board about the number of copies made before the granting of a certificate, it may be made obligatory on the part of the person applying for a certificate to furnish to the Board a certificate from the person who undertakes the processing certifying the number of copies made before grant of a certificate to such applicant.

16. The Ministry of Information & Broadcasting in a note furnished to the Committee have stated that “in some cases film producers approach the Board for a certificate after making all the arrangements for the release of a film, i.e. after distribution of prints, fixing the date of release and advertising the film. In such cases, there is no time left for effecting deletions ordered by the Board, since a large number of prints have already been produced by the film processing laboratories and despatched to distributors/exhibitors in anticipation of obtaining a certificate.”

17. The Ministry have further clarified that at present, the producers are permitted to take out of the laboratories positive print or negative of portions of films during the production stage, or even later, for various reasons. This is currently possible under the orders issued by Government in 1952 under section 9 of the Act, which empowers the Central Government to exempt the exhibition of any film or class of films from any of the provisions of Part II of the Act or any rules made thereunder. After insertion of new Section 5G, the Government propose to issue a general exemption to allow the laboratories to continue to give positive prints or negative portion of films during the production stage or even later

for the purposes mentioned in the orders. For this purpose, a proviso is proposed to be inserted after sub-section (1) of section 5G empowering the Central Government to grant exemption from sub-section in respect of a film or class of films.

18. The Committee agree to the amendment.

19. *Amendment of Section 7:* This amendment provides for enhancement of penalties. The Ministry of Information & Broadcasting in a note submitted to the Committee held that predominant feeling expressed at various forum and discussions of public awareness, groups and Parliament has been that there is a need for inclusion of more stringent punishment for violation of the provision of the Cinematograph Act, 1952, as it has been argued that this in itself would prove a deterrent to the law breakers.

20. This Committee in its Eighth Report (1994-95) on Central Board of Film Certification has already recommended *vide* para 3.49 that law be amended to enhance penalties for interpolation of films. They reiterate their earlier views. The proposed amendments in this regard are, therefore, in order.

21. Since the word "Blue films" is not defined in the Act, the Committee is of the opinion that the word "Blue" occurring in clause 6 of the Bill be substituted by the word "Pornographic".

22. *Amendment of Section 7A:* Under this amendment power of seizure is proposed to be entrusted to the regional officers of the Central Board of Film Certification besides the police officers. It is also proposed to make it obligatory for an applicant to get all other prints of a film verified by the Central Board of Film Certification within a prescribed period in case a print is seized for interpolation.

23. The representatives of the film industry submitted that it would be difficult to determine who has interpolated the film whether an exhibitor, a distributor or a laboratory or some agent who has taken the picture of print from the distributor's office. It has been submitted that it would not be possible for a producer who has taken out large number of prints ranging from 200 to 250 copies to collect all the prints of that film from all the corners of the country, and in many cases from outside the country, and produce them before the Board in a given time frame.

24. It was further submitted that if one mischievous person interpolates a film at one place, exhibition of that film has to be discontinued all over the world which would put producer as well as those who have bought other prints of that film in great difficulty. The amendment would, therefore, be difficult to implement. It was pleaded that to link all producers directly with interpolation and holding them responsible would not be proper because there was no way to keep track of the print from the time the print leaves the laboratory.

25. Sharing the concern of the Committee on interpolation of films after grant of exhibition certificate by CBFC, the representatives of the film industry pleaded that a chance be given to the motion picture industry to check cases of interpolation. They would set up certain vigilance Committees which could look into these issues. It would be made obligatory on the part of the exhibitor to first see the film himself to ensure that there is no interpolation. They assured the Committee that this way they may succeed to check the cases of interpolation. It was further submitted that Government should bring forward a reasonable amendment which may not cause harassment to producers and is practically workable.

26. Subsequently, the Ministry of Information and Broadcasting in a note submitted to the Committee have stated as under:

"Keeping in view the grievances of the film industry, it was proposed to soften the rigours of the provision of clause 7. According to the revised proposal, in case any print of the film has been found to be interpolated, all other copies of the prints would be required to be produced before the Board for verification, if so required by the Board. It is also proposed that the Board will give an opportunity of hearing before asking for such a verification. Therefore, the Board will take into account the difficulties that may be faced by the producer as well as the difficulties of the Board in having a large number of prints verified the Board may decide to have only a few prints checked on a random basis in case a large number of prints are involved, and if only a few prints are involved, the Board may decide to have all these prints checked."

27. The Committee was informed by the representatives of the film industry that for interpolation of a film, it was not necessary to have a laboratory. It could be done outside the laboratory as well, even at very remote places by intermediaries.

28. The Committee enquired about the nature and dimensions of interpolation. In reply, they were informed that in 1990 there were 36 cases of interpolation which were brought to the notice of the Ministry of Information & Broadcasting. In 1991 there were 17 cases, and 19 cases in 1992. The films involved in 1990 were nine English, six Hindi, sixteen Malayalam, three Tamil and two Telugu.

29. Section 5E of the Cinematograph Act, 1952 reads as under:

"Notwithstanding anything contained in Sub-section 2 of Section 6, the Central Government may by notification in the Official Gazette suspend a certificate granted under this Part for such period as it thinks fit or may revoke such certificates, if it is satisfied that the film in respect of which the certificate was granted was being exhibited in a form other than the one in which it was certified."

30. The Committee drew attention to these provisions of the Act and enquired in how many cases above provisions of the Act have been invoked and certificate granted for exhibition of a film has been suspended. The Secretary, Ministry of Information & Broadcasting, in reply stated that "in no case the power has been invoked by the Central Government. If a producer deliberately interpolates all the prints, then and only then would this power be really applied with some measure of justice."

31. The Chairman, Central Board of Film Certification, replying to a query in this regard stated that it would not be possible for the Board to examine each and every print of a film where interpolation has been reported. "It is a time consuming process and requires a very big staff. The Board is not having that much staff. The staff should also be helped by the local police".

32. The Committee feel that the proposed amendment of section 7A in clause 7(b) of the Bill requiring the person who has been granted a certificate, or any other person to whom the rights in the film have been passed, or both, to get all other prints of such film verified by the Board is not necessary in view of the provisions contained in section 5E which empower the Central Government to suspend or revoke the censor certificate in case of interpolated films. The words, "if it (i.e. the Central Government) is satisfied" in Section 5E(1) for suspending/revoking such certificate are significant. The section empowers the Central Government even now to ask the Central Board of Film Certification to get all the prints of the film verified. In view of this the proposed amendment in clause 7(b) is not necessary. However the Committee agree to the proposals made in clause 7 (a) and 7(C) of the Bill.

33. The Minister of Information & Broadcasting has also suggested to the Committee to consider the possibility to bring the films within the purview of the Consumer Protection Act. Asked in this regard, the representatives of the film industry submitted that once a picture is certified by the Central Board of Film Certification, provisions of Consumer Protection Act should not be applied to films. It was stated that the exhibition of film is quite different from selling a commodity or providing a service. "If the provisions of Consumer Protection Act are applied to films, it would lead to endless litigation and unnecessary harassment to film industry".

34. In view of the peculiarities of film exhibition the Committee feel that extension of Consumer Protection Act and enforcement

of the provisions contained in it may be considered only after having a full debate on this issue.

NEW DELHI;  
*January 25, 1995*  

---

*Magha 5, 1916 (Saka)*

KUMARI VIMLA VERMA,  
*Chairperson,*  
*Standing Committee on Communications.*

## ANNEXURES

### MINUTES OF THE FIFTEENTH SITTING OF THE STANDING COMMITTEE ON COMMUNICATIONS (1994-95)

The Committee met on Wednesday, the 26th October, 1994 from 15.00 hours to 17.05 hours in Committee Room 'C', Parliament House Annexe, New Delhi.

#### PRESENT

Shri Lal Krishna Advani—*in the Chair*

#### MEMBERS

##### *Lok Sabha*

2. Shri R. Jeevarathinam
3. Shri Shravan Kumar Patel
4. Shri N. Dennis
5. Shri Jagmeet Singh Brar
6. Shri Somjibhai Damor
7. Shri Mohan Lal Jhikram
8. Shri Lalit Oraon
9. Shri Ram Pujan Patel
10. Shri Satyagopal Misra
11. Shri G.M.C. Balayogi
12. Shri Sanat Kumar Mandal
13. Shri Chandrajcet Yadav

##### *Rajya Sabha*

14. Shri Jalaludin Ansari
15. Shri Virendra Kataria
16. Shrimati Malti Devi
17. Shri Mohammed Afzal *alias* Meem Afzal
18. Shri G. Prathapa Reddy
19. Shri Janeshwar Mishra
20. Shrimati Veena Verma

#### SECRETARIAT

|                  |                            |
|------------------|----------------------------|
| Shri S.C. Gupta  | — <i>Joint Secretary</i> — |
| Shri R.V. Warjri | — <i>Director</i>          |
| Shri S.K. Sharma | — <i>Under Secretary</i>   |

#### REPRESENTATIVES OF THE MINISTRY OF INFORMATION AND BROADCASTING

- |                          |                        |
|--------------------------|------------------------|
| 1. Shri Bhaskar Ghose    | — Secretary            |
| 2. Shri R. Basu          | — Additional Secretary |
| 3. Ms. Sharwarce Gokhale | — Joint Secretary      |
| 4. Shri Shakti Samanta   | — Chairman, CBFC       |

**REPRESENTATIVE OF MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS**

**Dr. Raghbir Singh — J.S. & L.C.**

**WITNESSES**

**REPRESENTATIVES OF FILM FEDERATION OF INDIA**

1. Shri S.S. Jain
2. Shri N.N. Sippy
3. Shri G.P. Shirke
4. Shri K.D. Shorey
5. Shri D.V.S. Raju
6. Shri P.V. Gangadharan
7. Shri R.M. Ramanathan
8. Shri M. Sarvanan
9. Shri V. Doraswamy Raju
10. Shri K.C.N. Chandrasckar
11. Shri P.K. Bose
12. Shri R. Mitra
13. Shri G.S. Mayawala
14. Shri S.K. Tak
15. Shri S. Sen
16. Shri B.N. Gupta
17. Shri S. Goel
18. Shri P. Bhushan
19. Shri Sultan Ahmad
20. Shri K. Bikram Singh
21. Shri J. Om Prakash
22. Shri G.P. Sippy

2. The Committee, in the absence of Chairperson, requested Shri Lal Krishna Advani to act as Chairman for the sitting under Rule 258(3) of Rules of Procedure and Conduct of Business in Lok Sabha.

3. The Chairman welcomed representatives of Film Federation of India and desired to know the views of Film Industry on the Cinematograph (Amendment) Bill, 1992.

4. After the representatives of Film Industry submitted their views, the members of the Committee sought certain clarifications on issues such as interpolation of prints, increase in number of Members of Board, punishment for giving false information, legal liability on film processing laboratories, enhancement of penalties, verifications of print etc.

The representatives of the Film Industry replied to the clarifications sought by Members.

Thereafter, the Committee thanked the representatives for appearing before the Committee and giving free and frank views on the subject.

5. A verbatim record of the discussions has been kept.

*The Committee then adjourned.*



## MINUTES OF THE SIXTEENTH SITTING OF THE STANDING COMMITTEE ON COMMUNICATIONS (1994-95)

The Committee met on Thursday, the 27th October, 1994 from 11.00 hours to 12.45 hours in Committee Room 'C', Parliament House Annexe, New Delhi.

### PRESENT

Shri Lal Krishna Advani—*in the Chair*

### MEMBERS

#### *Lok Sabha*

2. Shri R. Jeevarathinam
3. Shri Shravan Kumar Patel
4. Shri B. Devarajan
5. Shri R. Anbarasu
6. Shri Somjibhai Damor
7. Shri Mohan Lal Jhikram
8. Shri Mahesh Kumar Kanodia
9. Shri Lalit Oraon
10. Shri Satyagopal Misra
11. Shri G.M.C. Balayogi
12. Shri Raj Kishore Mahto
13. Shri Chandraject Yadav

#### *Rajya Sabha*

14. Shri Jalaludin Ansari
15. Shrimati Malti Devi
16. Shri Mohammed Afzal *alias* Mcem Afzal
17. Shrimati Anandiben Jethabhai Patel
18. Shri Jancshwar Mishra
19. Shrimati Veena Verma

### SECRETARIAT

|                  |                          |
|------------------|--------------------------|
| Shri S.C. Gupta  | — <i>Joint Secretary</i> |
| Shri R.V. Warjri | — <i>Director</i>        |
| Shri S.K. Sharma | — <i>Under Secretary</i> |

### REPRESENTATIVES OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

Dr. Raghubir Singh — Joint Secretary & L.C.

**WITNESSES**

1. **Shri Bhaskar Ghose** — Secretary Ministry of Information & Broadcasting
2. **Shri R. Basu** — Additional Secretary
3. **Ms. Sharwaree Gokhale** — Joint Secretary
4. **Shri Shakti Samanta** — Chairman, CBFC

2. The Committee, in the absence of Chairperson, requested Shri Lal Krishna Advani to act as Chairman for the sitting under Rule 258(3) of Rules of Procedure and Conduct of Business in Lok Sabha.

3. The Chairman welcomed representatives of the Ministry of Information & Broadcasting and requested Secretary to introduce his colleague to the Committee. Thereafter Members of the Committee sought certain clarifications on the various clauses of the Cinematograph (Amendment) Bill, 1992. The representatives of the Ministry of Information & Broadcasting replied to the clarifications sought the by Members. It was also decided that the Ministry should furnish a fresh note for the consideration of the Committee taking into account the discussions held by the Committee with the representatives of the film industry and the Ministry.

4. The Chairman, thanked the representatives of the Ministry of Information & Broadcasting for giving valuable information to the Committee.

5. A verbatim record of the discussions has been kept.

*The Committee then adjourned.*

## MINUTES OF THE EIGHTEENTH SITTING OF THE STANDING COMMITTEE ON COMMUNICATIONS (1994-95)

The Committee sat on Wednesday, 9 November 1994 from 11.00 hours to 12.15 hours in Committee Room 'C', Parliament House Annex, New Delhi.

### PRESENT

Kumari Vimla Verma — *Chairperson*

### MEMBERS

#### *Lok Sabha*

2. Shri R. Jeevarathinam
3. Shri R. Anbarasu
4. Shri Somjibhai Damor
5. Shri Rupchand Pal

#### *Rajya Sabha*

6. Shri Prakash Yashwant Ambedkar
7. Shri Jalaludin Ansari
8. Shri Virendra Kataria
9. Shri Aas Mohammed
10. Smt. Malti Devi
11. Smt. Anandiben Jethabhai Patel
12. Shri Kishore Chandra Deo Vyricheria

### SECRETARIAT

Shri S.C. Gupta — *Joint Secretary*

Shri Ashok Sarin — *Under Secretary*

### REPRESENTATIVES OF THE MINISTRY OF INFORMATION AND BROADCASTING

1. Shri Bhaskar Ghose — *Secretary*
2. Shri R. Basu — *Additional Secretary*
3. Ms. Sharware Gokhale — *Joint Secretary*
4. Shri K.S. Venkataraman — *D.S.*

### REPRESENTATIVE OF MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

Dr. Raghubir Singh — *J.S. & L.C.*

At the outset, the Chairperson welcomed the Members as well as the representatives of Ministries of Information & Broadcasting and Law, Justice and Co. Affairs.

The Committee then took up for consideration the background note

submitted by the Ministry of Information & Broadcasting highlighting the developments which took place after the introduction of Cinematograph (Amendment) Bill, 1992. The Chairperson requested the Secretary, Ministry of Information & Broadcasting to explain the main points contained in the background note.

After the Secretary, Ministry of Information & Broadcasting explained briefly the salient points contained in the note, the Committee sought clarifications on the various clauses of Cinematograph (Amendment) Bill, 1992 which were duly given by the representatives of the Ministry.

The Chairperson, then requested the Members to send their specific amendments which they would like to be incorporated in the Cinematograph (Amendment) Bill, 1992 to the Secretariat by 28th November, 1994.

Thereafter, the Chairperson thanked the officials for giving valuable information to the Committee.

*The Committee then adjourned.*

## MINUTES OF THE NINETEENTH SITTING OF THE STANDING COMMITTEE ON COMMUNICATIONS (1994-95)

The Committee met on Monday, 28 November, 1994 from 15.00 hours to 16.15 hours in Committee Room 'E', Parliament House Annexe, New Delhi.

### PRESENT

Kumari Vimla Verma — *Chairperson*

### MEMBERS

#### *Lok Sabha*

2. Shri Shravan Kumar Patel
3. Shri Pawan Kumar Bansal
4. Shri Somjibhai Damor
5. Shri Ram Pujan Patel
6. Shri Shivsharan Verma
7. Shri Satyagopal Misra
8. Shri Sanat Kumar Mandal

#### *Rajya Sabha*

9. Shri Jalaludin Ansari
10. Shri Virendra Kataria
11. Shri Aas Mohammed
12. Shrimati Malti Devi
13. Shri Mohammed Afzal *alias* Meeem Afzal
14. Shrimati Anandiben Jethabhai Patel
15. Shri Janeshwar Mishra
16. Shrimati Veena Verma

### SECRETARIAT

Shri G.C. Malhotra — *Joint Secretary*

Shri O.P. Ghai — *Deputy Secretary*

Shri S.K. Sharma — *Under Secretary*

### REPRESENTATIVES OF THE MINISTRY OF INFORMATION AND BROADCASTING

1. Shri Bhaskar Ghose — *Secretary*
2. Shri R. Basu — *Additional Secretary*
3. Ms. Sharwaree Gokhale — *Joint Secretary*
4. Shri K.S. Venkataraman — *D.S.*

## REPRESENTATIVE OF MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

Shri Z.S. Negi — Deputy Secretary

2. At the outset, the Chairperson welcomed the Members as well as the representatives of Ministries of Information & Broadcasting and Law, Justice and Co. Affairs.

3. It was decided that recommendations contained in the Eighth Report of this Committee on Central Board of Film Certification which are relevant to the provisions of Cinematograph (Amendment) Bill, 1992 might be incorporated in the Draft Report on the Bill.

4. Thereafter, the Committee took up clause-by-clause consideration of the Bill which was adopted with the following amendment in clause 6:—

In Section 7 of the principal Act, in Sub-Section (1) (iii) b in line 1 for 'blue' read 'pornographic'.

The Chairperson directed the Secretariat to prepare the Draft Report in the light of evidence tendered by the representatives of the Film Industry and officials of Ministry of Information and Broadcasting.

*The Committee then adjourned to meet again on 29 November, 1994 at 11.00 hours.*

# MINUTES OF THE TWENTY-SECOND AND TWENTY-THIRD SITTINGS OF THE STANDING COMMITTEE ON COMMUNICA- TIONS (1994-95)

The Committee met on Tuesday, the 24th January, 1995 from 15.00 hours to 16.40 hours and from 15.00 hrs. to 15.30 hrs. on 25th January, 1995 in Committee Room No. 53, Parliament House, New Delhi.

## PRESENT

Kumari Vimla Verma — *Chairperson*

## MEMBERS

### *Lok Sabha*

- \$2. Shri R. Jeevarathinam
3. Shri Shravan Kumar Patel
4. Shri Lacta Umbrey
5. Shri Surajbhanu Solanki
6. Shri N. Dennis
- @7. Shri Jagmeet Singh Brar
8. Shri Pawan Kumar Bansal
9. Shri B. Devarajan
10. Shri Somjibhai Damor
11. Shri Mahesh Kumar Kanodia
12. Shri Lal Krishna Advani
13. Shri Ram Pujan Patel
14. Shri Shivsharan Verma
15. Shri Rupchand Pal
16. Shri A. Asokaraj
- @17. Shri Sanat Kumar Mandal
- @18. Shri Chandraject Yadav

### *Rajya Sabha*

- @19. Shri Prakash Yashwant Ambekar
20. Shri Virendra Kataria
21. Shrimati Malti Devi
22. Shri Mohammed Afzal *alias* Meem Afzal
23. Shrimati Anandiben Jethabhai Patel
- \$24. Shrimati Sushma Swaraj
25. Shri Janeshwar Mishra
26. Shrimati Veena Verma

---

\$ Attended sitting on 24.1.1995

@ Attended sitting on 25.1.1995

## SECRETARIAT

1. Shri G.C. Malhotra — *Joint Secretary*
2. Shri O.P. Ghai — *Deputy Secretary*
3. Shri S.K. Sharma — *Under Secretary*

The Committee took up for consideration of the Draft Report on the Cinematograph (Amendment), Bill, 1992 and adopted the same with additions/deletion as indicated at the Annexure.

Thereafter, the Committee authorised the Chairperson to finalise and present the Report to Lok Sabha.

*The Committee then adjourned.*



## APPENDIX

| <i>Page No.</i> | <i>Para No./Line No.</i> | <i>Amendments/Modifications</i>   |
|-----------------|--------------------------|---|
| 1.              | 1<br>Line 14             | <i>For "There has"<br/>read "There have"</i>  |
| 2.              | 3<br>Line 5              | <i>For "proposed following changes in"<br/>read "with a view to make the Act more effective,<br/>introduced"</i>  |
| 3.              | 9                        | <i>For the existing paragraph<br/>read "The Committee agree to the proposal"</i>  |
| 6.              | 17                       | <i>Para No. 17 may be renumbered as Para No. 15<br/>and subsequently original Para Nos. 15 &amp; 16 may<br/>be read as Para Nos. 16 &amp; 17.</i>   |
| 7.              | 18                       | <i>For the existing para<br/>read "The Committee agree with the amende-<br/>ment".</i>  |
| 7.              | 20                       | <i>At the end add "20 A" since the word "Blue film"<br/>is not defined in the Act, the Committee is of the<br/>opinion that the word "blue" occuring in Clause 6<br/>of the Bill be substituted by the word "pornog-<br/>raphic".</i>   |
| 9 &<br>10       | 25<br>Line 17 to<br>22   | <i>Delete "The provision regarding ..... normally<br/>prepared.</i>   |
| 11 &<br>12      | 31                       | <i>For the existing para<br/>Substitute "The Committee feel that the proposed<br/>amendment of section 7A in clause 7(b) of the Bill<br/>requiring the person who has been granted a<br/>certificate, or any other person to whom the rights<br/>in the film have been passed, or both, to get all<br/>other prints of such film verified by the Board is<br/>not necessary in view of the provisions contained<br/>in section 5E which empower the Central Govern-<br/>ment to suspend or revoke the censor certificate in<br/>case of interpolated films. The words, "if it (i.e.<br/>the Central Government) is satisfied" in Section<br/>5E(1) for suspending/revoking such certificate are<br/>significant. The section empowers the Central</i> |

| <i>Page No.</i> | <i>Para No./Line No.</i> | <i>Amendments/Modifications</i>  |
|-----------------|--------------------------|--|
|                 |                          | Government even now to ask the Central Board of Film Certification to get all the prints of the film verified. In view of this the proposed amendment in clause 7(b) is not necessary. However, the Committee agree to the proposals made in clause 7(a) and 7(c) of the Bill. |
| 12.             | 34                       | <i>Delete para 34.</i>   |