

26

**MINISTRY OF INFORMATION
AND BROADCASTING
CENTRAL BOARD OF FILM
CERTIFICATION**

**ESTIMATES COMMITTEE
1992-93**

TENTH LOK SABHA

**LOK SABHA SECRETARIAT
NEW DELHI**

TWENTY-SIXTH REPORT
ESTIMATES COMMITTEE
(1992-93)

(TENTH LOK SABHA)

MINISTRY OF INFORMATION AND BROADCASTING
—CENTRAL BOARD OF FILM CERTIFICATION

**Action Taken by Government on the recommendations contained in the
Third Report of Estimates Committee (Tenth Lok Sabha) on the Ministry of
Information and Broadcasting — Central Board of Film Certification**

Presented to Lok Sabha on 31 March, 1993



LOK SABHA SECRETARIAT
NEW DELHI

March, 1993/Chaitra, 1915 (S)

Corrigenda to 26th Report of Estimates
Committee (1992-93) on Central Board
of Film Certification

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<u>Page</u>	<u>Line</u>	<u>For</u>	<u>Read</u>
2	1	emphasis	emphasise
9	18	chicking	checking
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9	29	Justric	Justice
11	21	fo	of
11	22	complete	completed
14	3	public	public
	(from below)		
19	2	preview	review
21	19	certifctc	certificate
30	26	preview	review
30	38	preview	review
31	1	preview	review

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LIST OF MEMBERS OF THE ESTIMATES COMMITTEE
(1992-93)

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3. Shri B.B. Pandit — *Director*
4. Shri K.L. Anand — *Under Secretary*
5. Shri R.S. Misra — *Committee Officer.*

INTRODUCTION

1. The Chairman of the Estimates Committee having been authorised by the Committee to submit the Report on their behalf present this Twenty Sixth Report on action taken by Government on their recommendations contained in the Third Report of Estimates Committee (10th Lok Sabha) on the Ministry of Information and Broadcasting — Central Board for Film Certification.

2. The Third Report was presented to Lok Sabha on 26th February, 1992. The Government furnished their replies indicating action taken on the recommendations contained in that Report on 16th October, 1992. The draft report was adopted by Estimates Committee on 16th March, 1993.

3. The Report has been divided into following Chapters:

- (i) Report
- (ii) Recommendations/Observations which have been accepted by Government.
- (iii) Recommendations/Observations which the Committee do not desire to pursue in view of Government's replies.
- (iv) Recommendations/Observations in respect of which replies of Government have not been accepted by the Committee.
- (v) Recommendations/Observations in respect of which final replies of Government are still awaited.

4. An analysis of action taken by Government on the recommendations contained in Third Report of Estimates Committee (10th Lok Sabha) is given in Appendix. It would be observed that out of 18 recommendations made in the Report, 10 recommendations *i.e.* about 55.56% have been accepted by Government and the Committee do not desire to pursue 5 recommendations *i.e.* about 27.78% in view of Government replies. Final replies in respect of 3 recommendations *i.e.* about 16.66% are still awaited.

NEW DELHI;

MANORANJAN BHAKTA,
Chairman,
Estimates Committee.

March 26, 1993

Chaitra 5, 1915 (S)

CHAPTER I

REPORT

1.1. This Report of the Estimates Committee deals with action taken by Government on recommendations contained in their Third Report (10th Lok Sabha) on the Ministry of Information and Broadcasting — Central Board of Film Certification, which was presented to Lok Sabha on 26th February, 1992.

1.2 Action taken notes have been received in respect of all the 18 recommendations contained in the Report.

1.3 Action taken notes on the recommendations of the Committee have been categorised as follows:—

- (i) Recommendations/Observations which have been accepted by Government:
Sl. Nos. 4, 5, 6, 8, 9, 12, 14, 16, 17, 18.
(Total 10 — Chapter II)
- (ii) Recommendations/Observations which the Committee do not desire to pursue in view of Government replies:
Sl. Nos. 2, 7, 11, 13, 15.
(Total 5 — Chapter III)
- (iii) Recommendations/Observations in respect of which Government's replies have not been accepted by the Committee:
(Nil — Chapter IV)
- (iv) Recommendations/Observations in respect of which replies of Government are awaited:
Sl. Nos. 1, 3, 10.
(Total 3 — Chapter V)

1.4 The Committee note that the recommendations contained in the 3rd Report (10th Lok Sabha) on the Ministry of Information and Broadcasting—Central Board of Film Certification have been replied to by Government generally to the Committee's satisfaction.

1.5 In pursuance of recommendation made in para 2.47(2), the Government have replied that the words "Permits to be exhibited" appearing in Sub Section (a) of Section 7 of the Cinematograph Act, 1952 covers everybody who has indulged in interpolation in a film and can be punished by the Court of Law. The Committee hope that every effort will be made to ensure that nobody takes shelter by interpreting the provisions of the Act to his advantage.

1.6 The Committee are also happy that in pursuance of recommendation made in Para 2.47(5) of their 3rd Report the Government have introduced a Bill in Rajya Sabha to amend the Cinematograph Act, 1952. They hope that once the bill is enacted, Government will ensure strict compliance of its provisions.

Implementation of Recommendations

1.7 The Committee would like to emphasize that they attach the greatest importance to the implementation of the recommendations accepted by the Government. They would, therefore, urge the Government to implement such recommendations expeditiously. In case where it is not possible to implement the recommendations in letter and spirit for any reasons, the matter should be reported to the Committee in time with reason for non-implementation.

1.8 The Committee also desire that final replies in respect of the recommendations contained in Chapter V of this Report may be furnished to the Committee expeditiously.

CHAPTER II

RECOMMENDATIONS/OBSERVATIONS WHICH HAVE BEEN ACCEPTED BY GOVERNMENT

Recommendation [Serial No. 4, Para 2.47(1)]

The existing guidelines regarding certification of foreign films may be modified to ensure that like Indian films, foreign films are also certified in such a manner as to conform to contemporary social mores of the targeted audience.

Action taken by Government

Government fully share the concern expressed by the Committee regarding certification of foreign films. It may be stated here that the question of revision of the Guidelines for certification of films had been under consideration of Government for some time past. Government have, after consultation with the film industry and also the Consultative Committee of Members of Parliament attached to the Ministry of Information and Broadcasting and after due deliberation, revised the Guidelines on 6.12.91. A copy of the revised Guidelines is enclosed. According to para 3 of these Guidelines, "the Board of Film Certification shall also ensure that the film:—

- (i) is judged in its entirety from the point of view of its overall impact; and
- (ii) is examined in the light of the period depicted in the film and the contemporary standards of the country and the people to which the film relates, provided that the film does not deprave the morality of the audience."

The proviso now added takes care of the point raised by the Committee. The recommendation thus stands implemented.

(Ministry of Information and Broadcasting O.M. No. 810/9/92-F(C) Dated
16-10-92)

TO BE PUBLISHED IN THE EXTRAORDINARY GAZETTE OF INDIA
PART II, SECTION 3, SUB-SECTION (ii).

GOVERNMENT OF INDIA
MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 6th December, 1991.

NOTIFICATION

S.O. 836(E) In exercise of the powers conferred by sub-section (2) of section 5B of the Cinematograph Act, 1952 (37 of 1952) and in supersession of the notification of the Government of India in the Ministry of Information and Broadcasting No. S.O. 9(E), dated the 7th January, 1978, except as respects things done or omitted to be done before such supersession, the Central Government hereby directs that in sanctioning films for public exhibition, the Board of Film Certification shall be guided by the following principles:—

1. The objectives of film certification will be to ensure that—

- (a) the medium of film remains responsible and sensitive to the values and standards of society;
- (b) artistic expression and creative freedom are not unduly curbed;
- (c) certification is responsive to social change;
- (d) the medium of film provides clean and healthy entertainment; and
- (e) as far as possible, the film is of aesthetic value and cinematically of a good standard.

2. In pursuance of the above objectives, the Board of Film Certification shall ensure that—

- (i) anti-social activities such as violence are not glorified or justified;
- (ii) the *modus operandi* of criminals, other visuals or words likely to incite the commission of any offence are not depicted;
- (iii) scenes—
 - (a) showing involvement of children in violence as victims or as perpetrators or as forced witnesses to violence, or showing children as being subjected to any form of child abuse;
 - (b) showing abuse or ridicule of physically and mentally handicapped persons; and
 - (c) showing cruelty to, or abuse of, animals are not presented needlessly;
- (iv) pointless or avoidable scenes and violence, cruelty and horror, scenes of violence primarily intended to provide entertainment and such scenes as may have the effect of desensitising or dehumanising people are not shown;

- (v) scenes which have the effect of justifying or glorifying drinking are not shown;
- (vi) scenes tending to encourage, justify or glamorise drug addiction are not shown;
- (vii) human sensibilities are not offended by vulgarity, obscenity or depravity;
- (viii) such dual meaning words as obviously cater to baser instincts are not allowed;
- (ix) scenes degrading or denigrating women in any manner are not presented;
- (x) scenes involving sexual violence against women like attempt to rape, rape or any form of molestation, or scenes of a similar nature are avoided, and if any such incident is germane to the theme, they shall be reduced to the minimum and no details are shown;
- (xi) scenes showing sexual perversions shall be avoided and if such matters are germane to the theme, they shall be reduced to the minimum and no details are shown;
- (xii) visuals or words contemptuous of racial, religious or other groups are not presented;
- (xiii) visuals or words which promote communal, obscurantist, anti-scientific and anti-national attitudes are not presented.
- (xiv) the sovereignty and integrity of India is not called in question;
- (xv) the security of the State is not jeopardised or endangered;
- (xvi) friendly relations with foreign States are not strained;
- (xvii) public order is not endangered;
- (xviii) visuals or words involving defamation of a individual or a body of individuals, or contempt of court are not presented;

Explanation: Scenes that tend to create scorn, disgrace or disregard of rules or undermine the dignity of court will come under the term "contempt of court"; and

- (xix) national symbols and emblems are not shown except in accordance with the provisions of the Emblems and Names (prevention of Improper Use) Act, 1950 (12 of 1950).
3. The Board of Film Certification shall also ensure that the film—
 - (i) is judged in its entirety from the point of view of its overall impact; and
 - (ii) is examined in the light of the period depicted in the film and the contemporary standards of the country and the people to which the film relates, provided that the film does not deprave the morality of the audience.
 4. Films that meet the above-mentioned criteria but are considered unsuitable for exhibition to non-adults shall be certified for exhibition to adult audiences only.
 5. (1) While certifying films for unrestricted public exhibition, the Board shall ensure that the film is suitable for family viewing, that is to say,

the film should be such that all the members of the family including children can view it together.

(2) If the Board, having regard to the nature, content and theme of the film, is of the opinion that it is necessary to caution the parents/guardian to consider as to whether any child below the age of twelve years may be allowed to see such a film, the film shall be certified for unrestricted public exhibition with and endorsement to that effect.

(3) If the Board, having regard to the nature, content and theme of the film, is of the opinion that the exhibition of the film should be restricted to members of any profession or any class of persons, the film shall be certified for public exhibition restricted to the specialised audiences to be specified by the Board in this behalf.

6. The Board shall scrutinise the titles of the films carefully and ensure that they are not provocative, vulgar, offensive or violative of any of the above-mentioned guidelines.

Foot Note:— Notification No. 5/5/77-F(C) dated 7-1-78 published in the Extraordinary Gazette of India Part II Section 3 sub-section (ii) dated 7-1-78 as S.O.9(E)

Amended by—

(i) Notification No. 5/5/77-F(C) dated 27-1-79 published as S.O. 618 in the Gazette of India Part II Section 3 sub-section (ii) dated 17-2-79.

(ii) Notification No. 805/2/82-F(C) dated 7-5-83 published as S.O. 356(E) in the Gazette of India Extraordinary Part II Section 3 sub-section (ii) dated 7-5-83.

(iii) Notification No. 803/4/89-F(C) dated 11-8-89 published as S.O. 2179 in the Gazette of India Part II Section 3 sub-section (ii) dated 9-9-89.

[File No. 805/1/90-F(C)]

Sd/-

(S. LAKSHMI NARAYANAN)

Joint Secretary to the Government of India.

Tele. 38 38 57

The Manager,
Government of India Press,
Mayapuri, Ring Road,
New Delhi.

[Recommendation Serial No. 5, Para 2.47 (2)]

Suitable provisions may be incorporated in the Cinematograph Act as will make directors, technicians and exhibitors, also actors/actresses responsible/liable for interpolation of scenes of vulgar depiction disallowed during certification or otherwise violative of guidelines issued under the Cinematograph Act.

Reply of the Government

Sub-section (1) of section 7 of the Cinematograph Act 1952 which provides for penalties for contraventions of Part II of the Act relating to certification of films reads as follows:—

“7. Penalties for contraventions of this Part-(1)

If any person—

(a) exhibits or permits to be exhibited in any place—

(i) any film other than a film which has been certified by the Board as suitable for unrestricted public exhibition or for public exhibition restricted to adults or to members of any profession or any class of persons and which, when exhibited, displays the prescribed mark of the Board and has not been altered or tampered with in any way since such mark was affixed thereto,
** ** * * *

(b) without lawful authority (the burden of proving which shall be on him) alters or tampers with in any way any film after it has been certified, or ** ** * * ** he shall be punishable ** ** * * ”.

The words “permits to be exhibited” in the above sub-section are significant. It covers everybody and if a director or a technician or exhibitor or even actor/actress is found to have colluded with the person who has been accused to have indulged in interpolation in a film can be punished by court of law. In fact, it is for the police to thoroughly investigate the case and prosecute all the offenders.

[Ministry of I&B O.M. No. 810/9/92—F(C) dated 16-10-92]

[Recommendation (Serial No. 6, Para 2.47(3))]

Coordination with State Police authorities for effectively enforcing the conditions of certification of films under the Cinematograph Act may be taken up systematically and for this purpose interaction with State Police at district level may be taken up. If necessary officer complement in regional centres of C.B.F.C. may be suitably augmented.

Reply of the Government

The recommendation is accepted except that it is not possible to augment the staff in various regional offices for reasons of economy. The Ministry has taken action to print a pamphlet giving information to all concerned about the violations of the Cinematograph Act, 1952 and also the Act with rules and guidelines. As soon as it is printed, it is proposed to send to the district authorities throughout India so that they become aware of the problem and take appropriate action to bring the offenders to book.

[Min. of I&B O.M. No. 810/9/92—F(C) dated 16-10-92]

[Recommendation [S. No. 8, Para 2.47(5)]]

The Cinematograph Act, 1918 may also be amended to provide stringent punishment for offences like interpolation of certified films and video piracy.

Reply of the Government

A Bill to amend the Cinematograph Act, 1952 has been introduced in the Rajya Sabha on 18-8-92.

This Bill *inter alia* provides for enhancement of penalties as indicated below:—

At present, an offence under Part II of the Act relating to certification of films is punishable under sub-section (1) of section 7 with imprisonment upto three years or with fine upto Rs. one lakh or with both. In the case of continuing offence a further fine upto Rs. 20,000 for each day during which the offence continues is leviable. In the case of showing an uncertified film on video format there is a minimum punishment of three months imprisonment and fine of Rs. 20,000.

It is proposed to provide for more stringent punishment by amending sub-section (1) of section 7 of the Act—

- (a) to enhance the punishment to imprisonment which may extend to five years or fine which may extend to Rs. five lakhs or both, while the penalty for a continuing offence will continue to be a further fine which may extend to Rs. 20,000 per day;
- (b) to make provision for—
 - (i) a minimum punishment of imprisonment for three months and fine of Rs. 50,000 in the case of conviction for showing an-uncertified film or showing a film altered or tampered with after certification; and
 - (ii) a minimum punishment of imprisonment for six months and fine of Rs. one lakh in case a certified film is interpolated with a blue film or any portion thereof.

2. The penalties prescribed in the Copyright Act, 1957 for copyright violations, namely, imprisonment for a term which shall not be less than six months but which may extend to three years and fine which shall not be less than fifty thousand rupees but which may extend to two lakh rupees, in the case of the first offence, and imprisonment for a term which shall not be less than one year but which may extend to three years and fine which shall not be less than one lakh rupees but which may extend to two lakh rupees for the second and every subsequent offence, with courts having discretion to impose a punishment less than the minimum in appropriate cases, are already stringent.

[Ministry of Information and Broadcasting O.M. No. 810/9/92—F(C)
dated 16-10-92].

[Recommendation (Serial No. 9, Para 2.47 (6))]

All efforts including training of advisory panel members may be made to achieve uniformity in application of guidelines for certification of films at various regional centres of Central Board of Film Certification.

Reply of the Government

The recommendation is accepted. Though no formal training is practicable as the advisory panel members are all non-officials having their own profession and doing the work of examination of films only in their own spare time, workshops and seminars have been held in the past. At these workshops, there are exchanges of notes, discussions on films passed at other centres and on judgements of the Film Certification Appellate Tribunal, screening of cut portions etc. Thus the Board endeavours to achieve as much consistency as is possible and will continue to strive for uniformity in film censorship.

[Ministry of Information and Broadcasting O.M. No. 810/9/92—F(C) dated 16-10-92].

[Recommendation Serial No. 12, Para 2.47 (9)]

The proliferation of unauthorised video parlours and circulation of pirated or interpolated video cassettes may be checked by making necessary changes in the statutes and by persuading State Governments to tighten up administrative measures in this regard.

Reply of the Government

With a view to chicking up the proliferation of unauthorised video parlours and circulation of pirated or interpolated video cassettes, the question of amending the Cinematograph Act, 1952 was taken up by this Ministry with the Ministry of Law and Justic (Department of Legal Affairs) in February 1991 for—

- (i) revising the definition of 'film',
- (ii) introducing a definition of "Public exhibition",
- (iii) specifically providing for censorship of 'information cassettes' and
- (iv) enhancing the punishment provided in the Act.

According to the ruling given in February, 1991 by the Ministry of Law and Justic, the existing definition of 'film' read with the definition of 'cinematograph' in the Act is sufficient to deal with the above cassettes. Further, since section 4 of the Act requires any person 'desiring to exhibit any film' to go to the Central Board of Film Certification for a certificate, persons manufacturing the cassettes for sale/hire/circulation etc. should obtain the censor certificate before they put them under circulation. That Ministry did not, therefore, agree to the suggestions at (i) to (iii) above.

Regarding (iv), it may be stated that all offences under Part II of the Act, relating to certification of films, are cognizable and non-bailable. The penalties prescribed in the Act, viz., imprisonment for a term upto three years or fine upto one lakh rupees or both and in addition a fine upto Rs. 20,000/- per day for a continuing offence and also minimum punishment of imprisonment for three months and fine of Rs. 20,000/- with additional fine prescribed for a continuing offence, for showing an uncertified video film, were found adequate. According to the Ministry of Law and Justice, what is required is effective implementation of the existing provisions in the Act.

2. Since the responsibility for enforcing the penal provisions in the Cinematograph Act, 1952 rests with the State Governments and Union Territory Administrations, a communication was sent in February 1991 by Joint Secretary (Films) to the Chief Secretaries of all State Governments/ Union Territory Administrations for issuing suitable instructions to the law enforcing agencies to —

- (a) periodically inspect the video duplicating units with a view to ensuring that no uncensored video film is being duplicated; and
- (b) take effective action under the law against video parlours, video libraries and individuals who may be found to be in possession of uncensored video cassettes.

A list of the video duplicating units registered with this Ministry was also sent to the State Governments/Union Territory Administrations.

3. Again, a letter was sent by the Minister of Information and Broadcasting on 18.12.1991 to the Chief Ministers of all State Governments/Union territory Administrations for directing the law enforcing agencies to strictly enforce the provisions of the Cinematograph Act, 1952.

4. It may be added that the question of enhancing the penalties has been further considered in consultation with the Ministry of Law, Justice & Company Affairs (Department of Legal Affairs and Legislative Department). A Bill to amend the Cinematograph Act, 1952 has been introduced in the Rajya Sabha on 18.3.92. The Cinematograph (Amendment) Bill, 1992 seeks, *inter alia*, to amend section 7 of the Act relating the penalties, to provide for more stringent punishments. It is proposed therein —

- (a) to enhance the punishment to imprisonment upto five years or fine upto Rs. five lakhs or both, while the penalty for a continuing offence will continue to be a further fine upto Rs. 20,000 per day;
- (b) to make provision for —
 - (i) a minimum punishment of imprisonment for three months and fine of Rs. 50,000/- in the case of conviction for showing an uncertified or showing a film altered or tempered with after certification; and
 - (ii) a minimum punishment of imprisonment for six months and fine of Rs. one lakh in case a certified film is interpolated with blue film or any portion thereof, with additional fine prescribed for a continuing offence.

5. The penalties provided in the Copyright Act, 1957 for copyright violations are —

- (a) imprisonment for a term which shall not be less than six months but which may extend to three years and with fine which shall not be less than Rs. 50,000 but which may extend to two lakh rupees, for the first offence; and

- (b) imprisonment for a term which shall not be less than one year but which may extend to three years and fine which shall not be less than one lakh rupees but which may extend to two lakh rupees, for the second and subsequent offences.

However, the courts may, for adequate and special reasons to be mentioned in the judgement, impose a sentence less than that mentioned above. The Copyright (Second amendment) Bill, 1992 has been introduced in the Lok Sabha in July, 1992. It is proposed in this Bill to *inter alia* provide for the courts imposing lesser punishment only "where the infringement has not been made for gain in the course of trade or business" the Copyright Act, 1957 is administered by the Department of Education in the Ministry of Human Resource Development.

[Ministry of Information and Broadcasting U.O. No. 810/9/92-F(C)
dated 16-10-92]

Regarding wherewithal provided to the Board, the Ministry has stated as under:—

Like some other Media Units of this Ministry, the Headquarters Office of Central Board of Film Certification at Bombay is at present housed in a private rented accommodation. Films Division, another media unit of this Ministry has constructed their own building at Bombay. Two phases of the construction fo the building have already been complete. There is a scheme included in the Annual Plan for 1992-93 of Films Division to construct third phase of this building. On completion of this phase of the building, it is proposed to accommodate some other media units of this Ministry in that building. CBFC, Bombay is one of these media units.

2. There is a scheme included in the 8th Five Year Plan regarding computerisation of the work of CBFC with a Plan out-lay of Rs. 25 lakhs. The computerisation of CBFC is to be undertaken in a phased manner and to begin with the work in the Bombay Office is proposed to be computerised. For this an out-lay of Rs. 8.50 lakhs has been earmarked in the Annual Plan for 1992-93. This work has been entrusted by CBFC to National Informatics Centre.

3. As regards provision of more staff cars to CBFC, it is stated that at present there is a ban on purchase of new staff cars. The position in this regard will be reviewed after the present ban is lifted.

[Ministry of Information and Broadcasting Office Memorandum No. 810/
9/92-FC dated 21.12.92]

[Recommendation S. No. 14, Para 3.55(2)]

The Central Board of Film Certification may be granted greater functional autonomy. If necessary, suitable amendments to Cinematograph Act 1952 may be considered.

Reply of the Government

The Central Board of Film Certification is a statutory body set up under the Cinematograph Act, 1952. For administrative purposes, it is a subordinate office under the Ministry of Information and Broadcasting.

2.1 Under the existing framework of the Cinematograph Act, 1952, the decision to grant a certificate or not is taken by the Central Board of Film Certification, *vide* section 5A. If a person applying for a certificate is aggrieved by any decision of the Board, he has a right of appeal to the Film Certification Appellate Tribunal, *vide* section 5C. However, he has no right of further appeal against the decision of the Film Certification Appellate Tribunal. All he can do is to go to courts having writ jurisdiction.

2.2 If a person other than a person applying for a certificate is aggrieved by any order of the Board, he has no right of appeal. There should be some forum (outside the courts) which can rectify errors of judgement on the part of the Board or the Tribunal. That is why the revisionary powers have been vested in the Central Government, *vide* section 6.

2.3 The Central Government can intervene, under section 6, at any stage in the case of a film pending before, or decided by, the Board or, as the case may be, decided by the Tribunal, but not in any case pending before the Tribunal. The Central Government exercises this power very rarely, only in extreme cases involving sovereignty and integrity of India, the security of the State, friendly relations with foreign States and public order. Such powers of revision are necessary so that human errors, if any, may be rectified quickly.

2.4 Government have also got powers for suspension and revocation of a censor certificate in a case where the film is being exhibited in a form other than the one in which it was certified or the film or any part thereof is being exhibited in contravention of the provisions of Act or the rules made thereunder, *vide* sections 5E and 5F. Government can issue guidelines to the Board for certification of films which will, of course, conform to the reasonable restrictions clause in the Constitution, *vide* section 5B.

3. In the matter of taking a decision on **whether** a film should be granted a certificate or not the Board **has complete** and total autonomy. The Board is allowed to function **with complete** freedom within the statutory framework indicated above.

4. As already stated, the Board is a **subordinate** office under this Ministry. The Chairman of the Board has **been declared** as a Head of Department and all powers of the Ministry under Fundamental Rules & Supplementary Rules, Delegation of Financial Powers Rules and General Financial Rules except in the matter of (a) creation of posts,

(b) re-appropriation of funds, in certain cases and (c) write off of loss, have been delegated to him. The Board being a subordinate office, no further financial powers can be delegated to it.

5. It may be stated, at the cost of repetition, that Government comes in the picture only for—

- (i) appointment of Chairman and members of the Board and its advisory panels;
- (ii) appointment of Group A level officers;
- (iii) issue of guidelines under section 5B;
- (iv) suspension and revocation of certificate under section 5E and 5F;
- (v) revision under section 6;
- (vi) approving the budget submitted by the Board;
- (vii) other administrative control such as implementation of reservation orders for Scheduled Castes and Scheduled Tribes etc.

Otherwise, the Board has complete and total autonomy in its functioning. In the matter of certification of films, there is no further area where delegation to the Board can be considered.

6. It may be added that there have been suggestions from various quarters to have a re-look at the existing provisions of the Cinematograph Act, 1952 and make them more stringent. This matter was, therefore, gone into in 1990 by a small Committee headed by the then Chairman of the Board and having other members including another erstwhile Chairman of the Board. The recommendations of this Committee were examined in the Ministry in consultation with the Ministry of Law, Justice and Company Affairs (Department of Legal Affairs and Legislative Department). Such of these recommendations as have been accepted as legally feasible have been incorporated in the Cinematograph (Amendment) Bill 1992. This Bill has been introduced in the Rajya Sabha on 18.8.92. The more important of the amendments proposed in the Bill are—

- (a) For strengthening the Board, it is proposed to increase the maximum number of members of the Board from 25 to 35;
- (b) It is proposed to make a provision for the suspension or revocation of censorship certificate in proven cases of fraud or misrepresentation as to an essential fact;
- (c) It is proposed to amend section 7 to enhance the punishments provided for the violation of the provisions of the Act. Section 7A is also being amended to authorise the Regional Officers to make search and seizure.

[Ministry of Information and Broadcasting U.O. No. 810/9/92-F(C)
dated 16-10-92].

Recommendation [Serial No. 16, Para 3.55(4)]

The Chairman and the members of the C.B.F.C. may be appointed from amongst the public figures known for their cultural eminence and understanding of the film media.

Reply of the Government

While examining a film for certification, the censors have to take into account the likely impact of the film on a person of average intelligence, that is, common man on the street. The person to be appointed as a members of the Board or its advisory panels should, therefore, possess a lot of common sense and should "in the opinion of the Central Government be able to judge the effect of films on the public". Government have been appointing only eminent persons from a cross section of the society as member of the Board and its advisory panels. Therefore, automatically public figures known for their cultural eminence and understanding of the film media stand included in the Board/Panels.

2. Regarding Chairman, if it is decided to appoint a full-time officer, Government have been appointing a suitable officer from the organised services. Sometimes retired officers are also appointed, for example, Shri B.P. Singhal, who retired from the Indian Police Service. If it is decided to appoint a part-time Chairman, Government have been appointing only the best person available, for example, Shri Hrishikesh Mukherjee, distinguished film-maker during 1981-1982 and Shri Bikram Singh, well-known film critic, during 1983-1989. Presently, Shri Shakti Samanta, an eminent film-maker, is the Chairman.

3. Thus the recommendation has been implemented.

[Ministry of Information & Broadcasting O.M. No. 810/9/92-F(C)
dated 10-10-1992]

Recommendation [Sl. No. 17, Para 3.55(5)]

The appointment of the Chairman should be on a full time basis.

Reply of the Government

Under sub-section (2) of section 3 of the Cinematograph Act, 1952, "the Chairman of the Board shall receive such salary and allowances as may be determined by the Central Government". Thus the Legislature has left it to Government to decide whether a Chairman should receive any salary and if so, how much. Therefore, the Central Government has the discretion to make appointment as Chairman on full-time or part-time basis as the situation demands. Such flexibility is necessary and desirable as Government should be free to appoint the best person available on such terms as may be considered appropriate. There cannot be any objection to the appointment of a person of standing in his own field as Chairman of the Board provided that he commands the confidence of the Government the film industry and the pulic and this will be irrespective of whether he works on a full-time basis or part-time basis so long as he is able to discharge his duties efficiently.

2. Government have, over the years, been finding it difficult to get a professionally competent person for appointment as a full-time incumbent. That is why part-time appointment was resorted to for some time past. Professional expertise is one of the main considerations for this appointment, as production of films is in the private sector and anybody is free to produce any film and the only check is the clearance from the Central Board of Film Certification. Therefore, even if a person with professional expertise is available for appointment on a part-time basis, he should be considered adequate for the purpose. However, as the existing provision in the Act is worded, Government has the discretion to appoint a full-time incumbent if and when a vacancy arises and a person of eminence is available for such appointment. The observations of the Committee will, therefore, be kept in view as and when the post of Chairman falls vacant. [Ministry of Information and Broadcasting O.M. No. 810/9/92-F(C) dated 16-10-1992].

Recommendation [Serial No. 18, Para 3.55(6)]

It may be ensured that members of the Advisory Panel are not reappointed after they complete their normal term. Care may also be taken that persons so appointed have sufficient and appropriate linguistic knowledge to enable them to discharge their responsibilities effectively.

Reply of the Government

The recommendation of the Committee is for ensuring—

- (i) that members of the advisory panels are not re-appointed after they complete their normal term; and
- (ii) that persons so appointed have sufficient and appropriate linguistic knowledge to enable them to discharge their responsibilities effectively.

2. Regarding (i), it is clarified that under sub-rule (3) of rule 8 of the Cinematograph (Certification) Rules, 1983, a retiring member or a member whose term of office has expired by efflux of time is eligible for re-appointment to the advisory panel of the Central Board of Film Certification. This is an enabling provision. Not all the members of the panels are reappointed beyond the normal term of two years. Such re-appointment is resorted to only in the case of a few persons of eminence who have proved their merit.

3. Regarding (ii), Government take into account the requirement of knowledge of various languages on the part of the members while reconstituting the advisory panels. By way of illustration, it may be stated that as a number of Hindi films are certified at the Madras Office of the Board, persons with knowledge of Hindi are also appointed to the Madras panel.

4. The observations of the Committee will, however, be kept in mind while appointing members of the various advisory panels of the Central Board of Film Certification.

[Ministry of Information & Broadcasting O.M. No. 810/9/92-F(C) dated 16-10-92].

CHAPTER III

RECOMMENDATIONS/OBSERVATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN VIEW OF GOVERNMENT REPLIES

Recommendation [S.No. 2, Para 1.16(b)]

1.16(b) Urgent attention may be given to the recommendations of National Film Policy Group.

Reply of the Government

The concept of 'Film Council' has been dropped due to opposition from the film industry. Regarding Chalachitra Academy recommended by the Working Group on National Film Policy, the existing position has been indicated in reply to Lok Sabha Unstarred Question No. 3180 dated 14.8.91, as follows:—

“Government is of the view that there would be no special advantage in having a new set up like Chalachitra Academy because the functions envisaged for such an Academy are already being performed by the Directorate of Film Festivals, National Film Archive of India, Children's Film Society of India and National Film Development Corporation”.

Since the film industry is for *status quo*, Government is not in a position to take any action to regulate the film industry.

Subsequently, the Ministry has stated as under:—

- (a) Functions of the Directorate of Film Festivals, National Film Archive of India, Children's Film Society (now known as National Centre of Films for Children and Young People) and National Film Development Corporation are given in Annexure.
- (b) Joint Secretary (Films) in the Ministry of Information and Broadcasting is the Chairman of the Advisory Committee of the National Film Archive of India. He is also *ex-officio* member of the Film Advisory Committee of the Directorate of Film Festivals and a member of the General Body of the Children's Film Society of India. He is also a Director (Part-time) on the Board of National Film Development Corporation. So Joint Secretary (Films) is in one way or the other associated with all the above four organisations representing the Government of India thereon. In these capacities he acts as a coordinating Officer amongst these organisations. As such in case there is any problem among these Organisations, this can be resolved at his level. Wherever decisions at Ministry's level are required these

are referred to the Ministry for examination and decision. However, film industry being a loosely organised one and the production of film is in the private sector, these agencies are not in a position to regulate the industry and no standards at pre-production stage of the film can be set up.

DIRECTORATE OF FILM FESTIVALS

(I) The functions of the Directorate of Film Festivals are broadly as under:

- 1. Organisation of the International Film Festival of India.**
- 2. Organisation of the National Awards for Indian Films and National Film Festival.**
- 3. Organisation of the selection of Indian Panorama Films.**
- 4. Organisation of Film weeks under Cultural Exchange programmes or otherwise, in India and abroad.**
- 5. Participation in International Films Festivals abroad, and**
- 6. Organisation of Special Film Programmes on behalf of the Govt. of India as and when required.**

NATIONAL FILM ARCHIVE OF INDIA

(II) The functions of National Film Archive of India are the following:—

- 1. Acquisition and preservation of Indian and international film classics, books, journals and other ancillary material relating to Cinema.**
- 2. Classification and documentation of the material acquired.**
- 3. Publication of books/pamphlets/monographs/filmographies/programme notes on Cinema.**
- 4. Conducting periodical courses, seminars, lectures, on Film Appreciation/Teacher Training Workshops for the spread of film culture among University Students and general public.**
- 5. Building up an oral history of Indian Cinema by interviewing eminent film personalities and others concerned with the development of Cinema in the country and recording their interviews on audio and video tapes.**
- 6. Servicing film training institutions in the country with a regular supply of film classics and ancillary material required for their academic use.**
- 7. Instituting fellowships/study grants for encouraging film scholarship.**
- 8. Opening regional set ups of the Archive at major film production centres and State Capitals.**
- 9. Circulation of film classics to film societies/film clubs/educational institutions for non-commercial study, screenings through the Archive Distribution Library at Pune and the respective Regional Offices.**

10. Extending facilities to film-makers, research scholars and students of Cinema for preview/study of rare films in the Archive collection within the premises.
11. Providing guidance and advisory service to individuals and organisations interested in film research and film study activities.
12. Preserving the heritage of national Cinema for the sake of posterity and extending service to film makers, distributors etc. for repair of their old negatives or video copying and also preparing compilation films, using extracts, clips from archival material for academic use.

NATIONAL CENTRE OF FILMS FOR CHILDREN & YOUNG PEOPLE

(III) The National Centre of Films for Children and Young People (N'CYP) formerly known as Children's Film Society, India (CFSI) was established in 1955 as a registered body under the Societies Registration Act XXI of 1860. The N'CYP functions as an autonomous body under the administrative control of and with the financial support from the Ministry of Information & Broadcasting, Government of India.

The primary function of N'CYP is to distribute and exhibit the films it produces, acquires and dubs; the prime idea being that the films should reach even the deprived children in the remote village of India.

The Principal activities are:—

1. Theatrical exhibition.
2. School shows.
3. Organisation of the week-long (Mini) Children's Film Festival.
4. Conducting sponsored film shows.
5. Film Clubs.
6. Children's Day shows on 14th November.
7. Mobile Van shows for the benefit of rural children.
8. Import & Export of Children's film.
9. Participation in International Children's Film Festivals.
10. Telecast of N'CYP films on Doordarshan Network.
11. Holding of International Children's Film Festivals once every two years.

NATIONAL FILM DEVELOPMENT CORPORATION

IV. Functions of National Film Development Corporation Limited are:—

1. To produce and finance low budget good quality films;

2. To finance construction of local cinema theatres and thus increase exhibition outlets;
3. To promote joint ventures and co-productions;
4. To fund/set-up infrastructure for film related activities;
5. Promotion of export of Indian films;
6. Import and distribution of foreign films; and
7. Acting as a liaisoning body between the film Industry and the Government.

[Ministry of Information and Broadcasting Office Memoranda No. 810/9/92-FC dated 16.10.92 and 21.12.92]

Recommendation [Serial No. 7, Para 2.47(4)]

The power to suspend the certification issued by C.B.F.C. as soon as interpolation is established under section 6 of the Cinematography Act may be delegated to Chairman, C.B.F.C.

Reply of the Government

In 1990 the then Chairman of the Central Board of Film Certification (Shri B.P. Singhal) had recommended that the power to suspend the censor certificate should be given to the Chairman of the Board. The Ministry also then felt that the Cinematograph Act, 1952 needed to be strengthened by giving powers to the Chairman to suspend a certificate as soon as interpolation was established. This proposal was, therefore, considered along with other proposals for amendment of the Cinematograph Act, 1952. It has since been decided by Government to introduce a Bill to amend the Act *inter alia* for enhancing the penalties for contraventions of Part II of the Act. The Bill has been introduced in the Rajya Sabha on 18.8.92. However, the proposal for delegation of powers to the Chairman of the Board for suspension of censor certificate has not been accepted for the following reasons:—

- (a) The rights of a film areawise are sold by its producer or copyright owner to various distributors in the country. If a print allegedly containing interpolation is seized under section 7A of the Act, further action in the matter is taken by the police for prosecution of the offender in a court of law. Suspension of a certificate in case of seizure of one print with interpolations may be oppressive in character as other innocent distributors holding rights over particular areas will be punished for no fault of theirs. Therefore, suspension of a certificate is not a routine matter, but involves examination of various connected issues having legal implications. The Board, being not fully equipped to handle this complicated work, now shares the above view with the Government.
- (b) According to the existing framework of the Cinematograph Act, 1952, the decision to grant a certificate or not is taken by the

Central Board of Film Certification, vide section 5A. Any appeal against this decision lies to the Film Certification Appellate Tribunal, vide section 5C. All other powers regarding certification, namely, powers for suspension and revocation of certificate (sections 5E and 5F) and revisional powers (section 6) are with the Central Government.

Under sub-section (4) of section 5E, during the period in which a certificate remains suspended under this section, the film shall be deemed to be an uncertified film. Thus, suspension of a certificate amounts to decertification of a film already certified by the Board. It is felt that this power should not be given to the same body which issues the certificate.

In view of the above, it is felt that the power to suspend a certificate should continue to remain with the Central Government.

Subsequently, the Ministry has stated as under:—

- (a)(1) "Freedom of screen" falls within the domain of freedom of expression. Therefore, a film-maker has right to show whatever he wants, but the only condition is that he is required to get a certificate from the Central Board of Film Certification. The Board can impose only 'reasonable restrictions' within the meaning of Article 19(2) of the Constitution. Therefore, a film can be refused a certificate or its portions can be deleted only on grounds which should satisfy the judicial test of reasonableness.
- (2) Issue of a censor certificate is a very responsible job. This certificate cannot be equated to a licence issued for driving a vehicle or a certificate issued for running a restaurant by the local administration. We are here dealing with the fundamental right to freedom of expression. Accordingly, the Board acts as a quasi-judicial body while examining and certifying films. In the judicial set-up a court passing a final order in a case cannot revise its own decision later. This job of revision has been given to higher courts. This is the normal hierarchy of judicial administration in this country. Therefore, if a censor certificate is issued by the Board, the same Board should not have the power to withdraw it. Such a power should be given only to a higher body. This is the basis why the power to suspend a certificate has been given to the Central Government.
- (3) It is further submitted as follows:—
 - (i) It is not logical to give the power to suspend a certificate to the same person or body of persons who has, in his wisdom,

considered the film fit for public exhibition. The same person or body of persons cannot, after certification, decide that the film should be withdrawn from circulation, whatever may be the reason. It should be done only by a higher body. This is one of the basic principles of natural justice. The withdrawal should always be by a higher body.

- (ii) Whenever any print of film is found interpolated, it is only one print which is involved. This print is seized by the police and the police prosecute the person who "exhibits or permits it to be exhibited". The producer or his distributor might not have done the interpolation. In the case of a popular Hindi film, there may be 200 prints. If one print is seized for interpolation and if the censor certificate of the film is suspended, the producer or his distributors cannot show the film anywhere. In such an eventuality, the producer and/or his distributors who may not have done the interpolation will be punished for no fault of theirs. Since the stakes are very high in film production, the producer and/or his distributors would be ruined in case the certification of the film is suspended as all the prints of the film will have to be withdrawn from circulation. In fact, the producer and/or his distributors cannot have any control over various exhibitors, because interpolation is noticed only when the film is exhibited. The film industry is a loosely organised one and there is always business rivalry between one producer/distributor and another producer/distributor. If an unscrupulous exhibitor indulges in interpolation, we can punish only that exhibitor and it is not fair and just to punish the producer and his distributors for the fault of the exhibitor. That is why sub-section (3) of section 5E provides that "no action under this section shall be taken except after giving an opportunity to the person concerned for representing his views in the matter." The term 'person concerned' is a very wide term and includes every person who has some interest in the film.

- (4) In view of the above, Government are not satisfied that the power to suspend a censor certificate already issued, should be given to the same issuing authority, that is, the CBFC. It should also be borne in mind that in view of video piracy, Cable TV, satellite TV etc., the film industry in India is facing the worst crisis and any change of statutory rule or provision should be supportive to the industry and should not be oppressive, even in the remotest possible way.
- (b) The rights of a film area-wise are sold by its producer or copyright holder to various distributors in the country. If a print allegedly containing interpolation is seized under section 7A of the Cinematograph Act, 1952, further action in the matter is taken by the police

for prosecution of the offender in a court of law. Simultaneously such cases can also be brought to the notice of the Government by the Board for taking action under section 5E and 5F of the Act for suspension or revocation of the certificate. During the last three years, i.e. 1990, 1991 and 1992 (upto November), 71 such cases were referred to the Government by the Board. Show cause notices were issued in 50 cases to the original applicants whose names and addresses were mentioned in the application form for certification. Section 5E of the Act provides that no action under this section shall be taken except after giving an opportunity to the 'persons concerned' for representing his views in the matter. As stated earlier, the rights of a film are sold by its producer or copy-right holder to various distributors in the country. So, all these persons are 'persons concerned' for this purpose and have to be given an opportunity for representing their views in the matter before any action for suspension/revocation of the certificate is taken by the Government.

[Ministry of Information and Broadcasting Office Memoranda
No. 810/9/92-FC dated 16.10.92 and 21.12.92]

Recommendation [S. No. 11, Para 2.47(8)]

Suitable measures may be taken to check the undesirable impact of Cable TV on social mores, also the impact of this new phenomenon on national security may be studied in depth so as to take all precautionary measures.

Reply of the Government

The Cinematograph Act, 1952 applies also to films shown on Cable TV and the Cable TV operators can exhibit only certified films on Cable TV. However, the impact of Cable TV on society has not been studied in detail. It is proposed to entrust the study to the same agency which will make a comprehensive sociological study of film censorship in relation to emerging social realities with reference to recommendation No. 1 [para 1.61(a)] of the Report of the Estimates Committee.

2. The impact of the Cable TV on national security is a matter for the Ministry of Home Affairs to examine in depth. A copy of the recommendation along with relevant extracts from the Report has been sent to that Ministry for necessary action. A copy of the recommendation and relevant extracts have also been sent to the Ministry of Communications, who are concerned with the subject of legislation for regulation of Cable TV. That Ministry will, of course, take into account the view of the Ministry of Home Affairs while bringing out the legislation.

[Ministry of Information and Broadcasting U.O. No. 810/9/92-F(C) dated
16-10-92].

Recommendation [S. No. 13, Para 3.55(1)]

The Committee may be assured the C.B.F.C. will continue to be placed under the Ministry of Information and Broadcasting and that no further *ad hoc* changes will be made.

Reply of the Government

Allocation of business among various Ministries/Departments is made after taking into account all relevant factors including administrative convenience. The observations of the Committee will be kept in view whenever a change in the allocation of work relating to certification of films is considered.

[Ministry of Information and Broadcasting, U.O. No. 810/9/92-F(C) dated 16-10-92].

Recommendation [S. No. 15, Para 3.55(3)]

The C.B.F.C. may be given full powers to appoint members of the Advisory Panels at the Regional Centres as also the officers at Group 'A' level.

Reply of the Government

Sub-section (1) of section 5 of the Cinematograph Act, 1952 relating to advisory panels is reproduced below:—

“5.(1) For the purpose of enabling the Board to efficiently discharge its functions under this Act, the Central Government may establish at such regional centres as it thinks fit, advisory panels each of which shall consist of such number of persons, being persons qualified in the opinion of the Central Government to judge the effect of films on the public, as the Central Government may think fit to appoint thereto.”

Therefore, the Parliament has given the power of appointment of members of advisory panels to the Central Government. This provision has been in existence for about 30 years and has stood the test of time.

2. Rule 7 of the Cinematograph (Certification) Rules 1983, which deals with constitution of advisory panels, reads as follows:—

“7. Constitution of advisory panels— (1) The Central Government shall constitute an advisory panel at each of the regional offices of the Board.

(2) An advisory panel constituted under sub-rule (1) shall consist of such number of members as the Central Government may, after consultation with the Board, determine.

(3) The Central Government may, after consultation with the Board, appoint any person whom it thinks fit to be a member of an advisory panel:

Provided that the Central Government may dispense with such consultation in respect of such number of members not exceeding

one-third of the total number of members of the advisory panel as that Government thinks fit.”

Therefore, even if the Government appoints members of the advisory panels, the Board is consulted and such consultation can be dispensed with only in respect of one-third of the total membership of each panel. Thus the Board has a say in the matter and can recommend names of persons whom it considers fit for appointment to the advisory panels.

3. About 90% of the feature films are granted certificates on the recommendation of Examining Committees. An Examining Committee consists of four advisory panel members and one officer. Therefore, only the advisory panel members forming a majority in the Examining Committee are the actual censors. The members of the Board are involved only in cases of films coming up before Revising Committees. The Chairman or a member of the Board unless he happens to be the presiding officer or a member of a Revising Committee does not actually see a film for purposes of certification. It is felt that the Central Government should have an undivided authority for final approval of names for appointment as members of the advisory panels as ultimately the Government is responsible to the Parliament and the people at large. Censorship and its related issues are matters of continuous, ever-evolving, changing social and ethical mores. Any Government of the day having regard to the compulsions of the time should feel free to evolve its own approach in the matter of appointment of advisory panels, subject, of course, to the statutory provisions. As pointed out already, the Board is consulted in making appointments to the panels and such consultation can be dispensed with only in respect of one-third of the total membership of an advisory panel. Considering all these factors, it is felt that the powers to appoint advisory panel members should continue to be with the Central Government.

4. The Central Board of Film Certification is a subordinate office of the Ministry of Information and Broadcasting. The appointing authority in respect of Group 'A' officers is the President. Cases relating to appointment of Group 'A' officers are processed in the Ministry for obtaining the approval of the Minister or, as the case may be, of a Cabinet Committee. It is not considered appropriate to delegate the powers of appointment of Group 'A' officers to the Board.

Regarding criteria laid down for appointment of advisory panel members and the procedure being followed for selection of such members, the Ministry has stated as under:—

(a) According to the provisions of the Cinematograph Act, 1952 and the Rules framed thereunder, the Central Government, after consultation with the Board, may appoint any person qualified in its opinion to judge the effect of films on the public, as member of the Advisory Panel. The Central Government may dispense with such consultations in respect of

such number of members not exceeding one-third of the total number of members on the Advisory Panel.

(b) Names of persons from different walks of life such as Social Science, Law, Teaching, Arts etc., are received from various quarters. The views of Central Board of Film Certification on the suitability of these persons for appointment as members on the Advisory Panel are invited. The appointment of members is finally made with the approval of the Minister for Information and Broadcasting.

[Ministry of Information and Broadcasting, Office Memoranda No. 810/9/92—FC dated 16-10-92 and 21-12-92]

CHAPTER IV

**RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH
GOVERNMENT'S REPLIES HAVE NOT BEEN ACCEPTED BY THE
COMMITTEE**

—NIL—

CHAPTER V

RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH REPLIES OF GOVERNMENT ARE AWAITED

Recommendation [S. No. 1, Para 1.16(a)]

To institute a comprehensive sociological study of film censorship in relation to emerging social realities.

Reply of the Government

Accepted. The modalities for instituting the study are being worked out in consultation with the Central Board of Film Certification.

Subsequently, the Ministry has stated as under:—

Chairman, Central Board of Film Certification has written to the Director, Indian Institute of Mass Communications to depute officers concerned of the Institute to Bombay to have preliminary discussions about the scope of the study, method of financing the project and other related matters.

[Ministry of Information and Broadcasting, Office Memoranda No. 810/9/92—FC dated 16-10-92 and 21-12-92]

Recommendation [Sl. No. 3, Para 1.16(c)]

The Ministry ought to formulate a clear and cogent policy in regard to 'film censorship' after taking into account the recommendations of the National Film Policy Group.

Reply of the Government

Government has accepted the recommendation made in para 1.16(a) regarding institution of a comprehensive sociological study of film censorship in relation to emerging social realities. The agency conducting the study will be asked to include, in its study, the viewers' reactions on the necessity of 'film censorship' so that Government may be able to formulate its policy for the future.

[Ministry of Information and Broadcasting, Office Memoranda No. 810/9/92—FC dated 16-10-92 and 21-12-92]

Recommendation (Sl. No. 10) in Appendix Para 2.47(7)

The decision to exempt visuals in dubbed films from certification may be implemented expeditiously.

Reply of the Government

The recommendation is accepted. Government have already worked out the detailed procedure for certification of dubbed films and sent to the Central Board of Film Certification for implementation as early as possible after consulting the film industry association so that its adoption may not pose any serious problem later. The Board will be able to start implementing it as soon as this consultation is over.

Subsequently, the Ministry has stated as under:—

The detailed procedure worked out by the Government for certification of dubbed films and sent to the Central Board of Film Certification for implementation after consulting the film industry associations is enclosed. CBFC have invited comments of various film industry associations on certain aspects of the proposed procedure. Out of the 24 associations, it is learnt that reply from only 5 associations has been received so far. CBFC is yet to take a view on the implementation of this procedure.

Central Board of Film Certification Proposed Procedure

1. An applicant in respect of a film claim to be a dubbed version, which by definition is a revised version has a right to have his film treated as a fresh film for purpose of examination and certification. Accordingly an applicant in respect of a film claimed to be a dubbed version will be given an option either to his film being treated as a fresh film or to his film being subjected to the special procedure mentioned below.

2. The application for certification shall be accompanied, in addition to the papers mentioned in Rule 21 of the Cinematograph (Certification) rules 1983, by the following:

- (i) An affidavit, duly verified, on a stamped paper for Rs. 10/- declaring that the applicant has not made any alteration or addition or subtraction in the visuals of the film except (a) the main title of the picture and credit titles (b) name plates, boards etc. appearing in the visuals of the film converted to the language in which the film is being dubbed, and (c) comedy sequences not relevant to the region of the language in which the film is being dubbed, having been deleted or reduced; that otherwise the dubbed version is frame to frame the same as the original version; and that the dialogues are a literal translation from the original version and there is no change or addition or deviation. The difference in length of the original film and the dubbed version should be fully explained in the affidavit. The deponent shall also state that the meaning of lyrics of the songs in the dubbed version are more or less the same as in the original version.
- (ii) A declaration from the laboratory-in-charge indicating the reelwise length of the dubbed version of the film and certifying that the length of the original film tallies with the length of the

dubbed film except for the title etc., mentioned in (a), (b) and (c) of clause (i) above. The deponent shall also say that the copy of the visuals in the dubbed version (except (a), (b) and (c) of clause (i) above) has been made only from the certified version;

- (iii) Copy of agreement with the copyright holder of the original film and the producer of the dubbed film; and
- (iv) an additional affidavit, duly verified, on a stamped paper for Rs. 10/- from the copyright holder to the effect that the dubbed negative given to the producer of the dubbed film represent only the certified version; that the cuts ordered by the Board on the original version had already been carried out; and that he has not added any portions not shown to the Board.

3. No voluntary deletions (except (a), (b) and (c) of clause (i) of sub-paragraph (2) above) are permitted in the 'dubbed version' at this stage. If the producer wants to make voluntary deletions, he can come to the Board under Rule 33 of the Cinematograph (Certification) Rules, 1983 after certification.

4. After the papers mentioned in sub-paragraph (2) have been received, the Regional Officer may obtain the record of the original film. The applicant shall submit a print of the certified original film and if it is not possible he shall submit a video-copy of the same. In case he is not able to give even that, the sealed video cassette already available in the Board's office may be opened in the presence of the applicant of the original certified film or his authorised representative.

5. The Examining Committee shall first preview the original certified film. If the Committee finds that the film or any part of it contravenes all or any of the guidelines issued by the Government in exercise of its power under section 5B(2) of the Cinematograph Act, 1952 (37 of 1952), it shall recommend to the Board for taking up with the Central Government for action under Section 6 of the said Act against the original version. Further action on the application in respect of the dubbed version shall be kept pending till the Central Government takes a decision on the complaint on the original version referred to it by the Board. After the Central Government passes orders under Section 6 of the Act, the Board shall ensure that the orders are complied with in respect of the original version.

6. After action has been taken as contemplated in sub-paragraph (5) above or if, on preview of the original certified film, the Examining Committee finds that no such action is called for, it shall proceed with the examination of the dubbed film. The Committee shall satisfy itself that the visuals referred to in (a), (b) and (c) in clause (i) of sub-paragraph (2) above do not contravene the guidelines issued by Government for certification of films referred to above and that the other visuals of the dubbed version are exactly the same as the visuals of the original version.

7. The preview of the original version and of the dubbed version may be on the same day or on different dates as may be fixed by the Examining Committee at its discretion.

8. Once the Examining Committee is satisfied in terms of sub-paragraph (6) above that the dubbed version visuals are exactly the same as the visuals of the original certified version, there should not be any censorship of the visuals except in respect of (a), (b) and (c) of clause (i) of sub-paragraph (2) above and the Examining Committee shall examine only the audio tracks (dialogue, lyrics etc.) in terms of the guidelines issued by the Central Government for certification of films, referred to above.

9. The other provisions relating to examination of films by the Examining Committee and the Revising Committee shall apply *mutatis mutandis* to the cases of dubbed versions.

10. For the purpose of Rule 26 of the Cinematograph (Certification) Rules 1983, the applicant of a dubbed version shall not be called upon to submit cut from the original picture negative if he does not have copyright over such negative. However, if the applicant has made or proposes to make dupe negative(s) for preparing prints, he shall surrender cuts from the dupe negative(s) also.

[Ministry of Information and Broadcasting, Office Memoranda
No. 810/9/92-FC dated 16.10.92 and 21.12.92].

MANORANJAN BHAKTA

*Chairman,
Estimates Committee.*

MINUTES OF THE 27TH SITTING OF THE ESTIMATES
COMMITTEE (10TH LOK SABHA) HELD ON 16TH MARCH, 1993

The Committee sat from 1500 hours to 1625 hours.

2. The following were present in the sitting of the Committee:—

Shri Manoranjan Bhakta—*Chairman*

MEMBERS

2. Shri Somjibhai Damor
3. Shri Santosh Kumar Gangwar
4. Shrimati Girija Devi
5. Shri Nurul Islam
6. Dr. Viswanatham Kanithi
7. Shri Manjay Lal
8. Shri Hannan Mollah
9. Shri G. Devaraya Naik
10. Shri Rupchand Pal
11. Shri Sriballav Panigrahi
12. Shri Harish Narayan Prabhu Zantye
13. Shri Amar Roypradhan
14. Shri Moreshwar Save
15. Shri Manabendra Shah
16. Shri Mahadeepak Singh Shakya
17. Shri Manku Ram Sodhi

SECRETARIAT

1. Shri B.B. Pandit — *Director*
2. Shri K. L. Anand — *Under Secretary*
3. Shri R. C. Gupta — *Assistant Director*
4. Shri R. S. Misra — *Committee Officer*
5. Shri S. B. Arora — *Committee Officer*

APPENDIX
(Vide Introduction)

Analysis of Action taken by Government on the 3rd Report of the
Estimates Committee (Tenth Lok Sabha).

I. Total number of Recommendations	18
II. Recommendations/Observations which have been accepted by Government	10
Nos. 4, 5, 6, 8, 9, 12, 14, 16, 17, 18.	
Percentage to Total	55.56%
III. Recommendations/Observations which the Committee do not desire to pursue in view of Government's reply	5
Nos. 2, 7, 11, 13, 15.	
Percentage to total	27.78%
IV. Recommendations/Observations in respect of which Government's replies have not been accepted by the Committee	
Nil.	
Percentage to total	Nil
V. Recommendations/Observations in respect of which final replies of Government are awaited	3
Nos. 1, 3, 10.	
Percentage to total	16.66%

**LIST OF AUTHORISED AGENTS FOR THE SALE OF LOK SABHA
SECRETARIAT PUBLICATION**

Sl. No.	Name of Agent	Sl. No.	Name of Agent
ANDHRA PRADESH		UTTAR PRADESH	
1.	M/s. Vijay Book Agency, 11-1-477, Mvargadda, Secunderabad-500 306.	12.	Law Publishers, Sardar Patel Marg, P.B. No. 77, Allahabad, U.P.
BIHAR		WEST BENGAL	
2.	M/s. Crown Book Depot. Uppar Bazar, Ranchi (Bihar).	13.	M/s. Madimala, Buys & Sells, 123, Bow bazar Street, Calcutta-1.
GUJARAT		DELHI	
3.	The New Order Book Company, Ellis Bridge, Ahmedabad-380 006. (T.No. 79065)	14.	M/s. Jain Book Agency. C-9, Connaught Place, New Delhi, (T.No. 351663 & 350806).
MADHYA PRADESH		15.	M/s. J.M. Jaina & Brothers, P. Box 1020, Mori Gate, Delhi-110006. (T. No. 2915064 & 230936).
4.	Modern Book House, Shiv Vilas place, Indore City. (T.No. 35289)	16.	M/s. Oxford Book & Stationry Co., Scindia House, Connaught Place, New Delhi-110001. (T.No. 3315308 & 45896).
MAHARASHTRA		17.	M/s. Bookwell, 2/72. Sant Nirankari Colony, Kingsway Camp, Delhi-110009. (T.No. 7112309).
5.	M/s. Sunderdas Gian Chand, 601, Girgaum Road, Near Princes Street, Bombay-400 002.	18.	M/s. Rajendra Book Agency, IV-DR59, Lajpat Nagar, Old, Double Storey, New Delhi-110 024. (T.No. 6412362 & 6412131).
6.	The International Book Service, Deccan Gymkhana, Poona-4.	19.	M/s. Ashok Book Agency. BH-82, Poorvi Shalimar Bagh, Delhi-110 033.
7.	The Current Book House, Maruti lane, Raghunath Dadaji Street, Bombay-400 001.	20.	M/s. Venus Enterprises, B-2/85, Phase-II, Ashok Vihar, Delhi.
8.	M/s. Usha Book Depot, Law Book Seller and Publishers' Agents Govt. Publications, 585, Chira Bazar, Khan House. Bombay-400 002.	21.	M/s. Central News Agency Pvt. Ltd., 23/90, Connaught Circus, New Delhi-110 001. (T.No. 344448 322705, 344478 & 344508).
9.	M & J Services, Publishers, Rep- resentative Accounts & Law Book Sellers, Mohan Kunj, Ground Floor, 68, Jyotiba Fuele Road Nalgaum, Dadar, Bombay-400 014	22.	M/s. Amrit Book Co., N-21, Connaught Circus, New Delhi.
10.	Subscribers Subscription Service India, 21, Raghunath Dadaji Street, 2nd Floor, Bombay-400 001.	23.	M/s. Books India Corporation Publishers, Importers & Exporters, L-27, Shastri Nagar, Delhi-110 052. (T. No. 269631 & 714465).
TAMIL NADU		24.	M/s. Sangam Book Depot, 4378/4B, Murari Lal Street, Ansari Road, Darya Ganj, New Delhi-110 002.
11.	M/s. M.M. Subscription Agencies, 14th Murali Street, (1st Floor), Mahalingapuram, Nungambakkam, Madras-600 034. (T.No. 476558)		