

F O R E W O R D

The role of the Government in regard to film has undergone a major change over the years. While its role as regulator has considerably widened with the innovation of new technology, new dimensions in the form of measures in support of the industry have been added. All this calls for proper conversance with the legal provisions and welfare schemes concerning film on the part of the persons dealing with the subject. The need for a comprehensive manual on cinema is now more keenly felt by all concerned. We are happy to present the instant volume for the benefit of those associated with the matter at official level.

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Calcutta,

19.7.88

INTRODUCTION

In preparing this Manual, the needs of the law enforcing authorities as well as the requirements of the authorities implementing various schemes relating to film have been taken into consideration. In the first part of the volume, all the existing laws with up-to-date amendments concerning certification of films, issue of cinema licence, regulation of cinema and video shows and censorship of film publicity materials have been included. The Copyright Act and Rules have been included in view of their relevance to cinematograph exhibition. The West Bengal (Compulsory Censorship of Film Publicity Materials) (Amendment) Bill, 1988 has since become an Act.

The second part contains the schemes which were introduced by this Department for the benefit of the industry from time to time. Some of them, viz., (a) the scheme of financial assistance (loan) to private producers of films in West Bengal (1975), (b) the scheme of sanctioning grant-in-aid to private producers of films in West Bengal (1978) and (c) the revised scheme of sanctioning grant-in-aid to private producers of films in West Bengal (1984) are no longer in force.

We hope, the Manual will meet a long-felt need of all concerned.

Calcutta,
19.7.88

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CONTENTS

Acts and Rules

	PAGE
1. The Cinematograph Act, 1952	1
2. The Cinematograph (Certification) Rules, 1983	17
3. The West Bengal Cinemas (Regulation) Act, 1954 ..	73
4. The West Bengal Cinemas (Regulation) (Amendment) Act, 1976	79
5. The West Bengal Cinemas (Regulation of Public Exhibitions) Rules, 1956	81
6. The West Bengal Cinemas (Regulation of Public Exhibitions) (Amendment) Rules, 1976	128
7. The West Bengal Cinemas (Regulation of Public Exhibitions) (Amendment) Rules, 1987	130
8. The West Bengal (Compulsory Censorship of Film Publicity Materials) Act, 1974	152
9. The West Bengal (Compulsory Censorship of Film Publicity Materials) (Amendment) Bill, 1988	157
10. The West Bengal (Compulsory Censorship of Film Publicity Materials) Rules, 1975	159
11. The West Bengal (Compulsory Censorship of Film Publicity Materials) (Amendment) Rules, 1988	292
12. The Technicians' Studio Private Limited Act, 1980 ..	169
13. The Technicians' Studio Private Limited (Amendment) Act, 1985	177
14. The Copyright Act, 1957	179
15. The Copyright Rules, 1958	224

Schemes

1. The scheme of financial assistance (loan) to private producers in West Bengal (1975)	250
2. The scheme of sanctioning grant-in-aid to private producers in West Bengal (1978)	271
3. The revised scheme of sanctioning grant-in-aid to private producers in West Bengal (1984)	274
4. Film Workers' Welfare Fund	277

5. The scheme of retaining entertainments tax by way of subsidy by proprietor of cinema hall (1986)	282
6. The scheme of sanctioning subsidy to film producers for availing of the facilities at the Cine Laboratory Complex (Rupayan) (1988)	289

Miscellaneous

1. Cinema Enquiry Committee, 1987	287
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THE CINEMATOGRAPH ACT, 1952

37 of 1952

(21st March 1952)

An Act to make provision for the certification of cinematograph films for exhibition and for regulating exhibitions by means of cinematographs.

Be it enacted by Parliament as follows:

PART I

PRELIMINARY

1. Short title, extent and commencement—(1) This Act may be called the Cinematograph Act, 1952.

(2) Parts I, II and IV extend to the whole of India and Part III extends to the Union Territories only.

(3) This Act shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint,

Provided that Parts I and II shall come into force in the State of Jammu and Kashmir only on such date after the* commencement of the Cinematograph (Amendment) Act, 1973, as the Central Government may, by notification in the Official Gazette, appoint.

*Date of commencement in Jammu and Kashmir State, 1st May 1974.

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

- (a) "adult" means a person who has completed his eighteenth year;
- (b) "Board" means the Board of Film Certification constituted by the Central Government under Section 3;
- (bb) "certificate" means the certificate granted by the Board under Section 5A;
- (c) "cinematograph" includes any apparatus for the representation of moving pictures or series of pictures;
- (d) "district magistrate", in relation to a presidency-town, means the Commissioner of Police;
- (dd) "film" means a cinematograph film;
- (e) "place" includes a house, building, tent and any description of transport, whether by sea, land or air;
- (f) "prescribed" means prescribed by rules made under this Act;

- (g) "regional officer" means a regional officer appointed by the Central Government under Section 5 and includes an additional regional officer and an assistant regional officer;
- (h) "Tribunal" means the Appellate Tribunal constituted under Section 5D.

2 A. Any reference in this Act to any law which is not in force, or any functionary not in existence, in the State of Jammu and Kashmir, shall, in relation to that State, be construed as a reference to the corresponding law in force, or to the corresponding functionary in existence, in that State.

PART II

CERTIFICATION OF FILMS FOR PUBLIC EXHIBITION

3. Board of Film Certification—(1) For the purpose of sanctioning films for public exhibition, the Central Government may, by notification in the Official Gazette, constitute a Board to be called the Board of Film Certification which shall consist of a Chairman and not less than twelve and not more than twenty-five other members appointed by the Central Government.

(2) The Chairman of the Board shall receive such salary and allowances as may be determined by the Central Government, and the other members shall receive such allowances or fees for attending the meetings of the Board as may be prescribed.

(3) The other terms and conditions of service of the members of the Board shall be such as may be prescribed.

4. Examination of films—(1) Any person desiring to exhibit any film shall in the prescribed manner make an application to the Board for a certificate in respect thereof, and the Board may, after examining or having the film examined in the prescribed manner,—

- (i) sanction the film for unrestricted public exhibition; provided that, having regard to any material in the film, if the Board is of the opinion that it is necessary to caution that the question as to whether any child below the age of twelve years may be allowed to see such a film should be considered by the parents or guardian of such child, the Board may sanction the film for unrestricted public exhibition with an endorsement to that effect; or
- (ii) sanction the film for public exhibition restricted to adults; or
- (iii) sanction the film for public exhibition restricted to members of any profession or any class of persons, having regard to the nature, content and theme of the film; or

- (iii) direct the applicant to carry out such excisions or modifications in the film as it thinks necessary before sanctioning the film for public exhibition under any of the foregoing clauses; or
 - (iv) refuse to sanction the film for public exhibition.
- (2) No action under the proviso to clause (i), clause (ii), clause (iiA), clause (iii) or clause (iv) of sub-section (1) shall be taken by the Board except after giving an opportunity to the applicant for representing his views in the matter.

5. Advisory Panels—(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.

(2) At each regional centre there shall be as many regional officers as the Central Government may think fit to appoint, and rules made in this behalf may provide for the association of regional officers in the examination of films.

(3) The Board may consult in such manner as may be prescribed any advisory panel in respect of any film for which an application for a certificate has been made.

(4) It shall be the duty of every such advisory panel whether acting as a body or in committees as may be provided in the rules made in this behalf to examine the film and to make such recommendations to the Board as it thinks fit.

(5) The members of the advisory panel shall not be entitled to any salary but shall receive such fees or allowances as may be prescribed.

5A. Certification of films—(1) If, after examining a film or having it examined in the prescribed manner, the Board considers that—

- (a) the film is suitable for unrestricted public exhibition, or, as the case may be, for unrestricted public exhibition with an endorsement of the nature mentioned in the proviso to clause (i) of sub-section (1) of Section 4, it shall grant to the person applying for a certificate in respect of the film a 'U' certificate or, as the case may be, a 'UA' certificate; or
- (b) the film is not suitable for unrestricted public exhibition, but is suitable for public exhibition restricted to adults or, as the case may be, is suitable for public exhibition restricted to members of any profession or any class of persons, it shall grant to the person applying for a certificate in respect of the film an 'A' certificate or, as the case may be, a 'S' certificate; and cause the film to be so marked in the prescribed manner;

Provided that the applicant for the certificate, any distributor or exhibitor or any other person to whom the rights in the film have passed shall not be liable for punishment under any law relating to obscenity in respect of any matter contained in the film for which certificate has been granted under clause (a) or clause (b).

(2) A certificate granted or an order refusing to grant a certificate in respect of any film shall be published in the Gazette of India.

(3) Subject to the other provisions contained in this Act, a certificate granted by the Board under this section shall be valid throughout India for a period of ten years.

5B. (1) A film shall not be certified for public exhibition if, in the opinion of the authority competent to grant the certificate, the film or any part of it is against the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or involves defamation or contempt of court or is likely to incite the commission of any offence.

(2) Subject to the provisions contained in sub-section (1), the Central Government may issue such directions as it may think fit setting out the principles which shall guide the authority competent to grant certificates under this Act in sanctioning films for public exhibition.

5C. (1) Any person applying for a certificate in respect of a film who is aggrieved by any order of the Board—

- (a) refusing to grant a certificate; or
- (b) granting only an 'A' certificate; or
- (c) granting only a 'S' certificate; or
- (d) granting only a 'UA' certificate; or
- (e) directing the applicant to carry out any excisions or modifications,

may, within thirty days from the date of such order prefer an appeal to the Tribunal;

Provided that the Tribunal may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the aforesaid period of thirty days, allow such appeal to be admitted within a further period of thirty days.

(2) Every appeal under this section shall be made by a petition in writing and shall be accompanied by a brief statement of the reasons for the order appealed against where such statement has been furnished to the appellant and by such fees, not exceeding rupees one thousand, as may be prescribed.

5D. Constitution of Appellate Tribunal—(1) For the purpose of hearing appeals against any order of the Board under Section 5C, the

Central Government shall, by notification in the Official Gazette, constitute an Appellate Tribunal.

(2) The head office of the Tribunal shall be at New Delhi or at such other place as the Central Government may, by notification in the Official Gazette, specify.

(3) Such Tribunal shall consist of a Chairman and not more than four other members appointed by the Central Government.

(4) A person shall not be qualified for appointment as the Chairman of the Tribunal unless he is a retired Judge of a High Court, or is a person who is qualified to be a Judge of a High Court.

(5) The Central Government may appoint such persons who, in its opinion, are qualified to judge the effect of films on the public, to be members of the Tribunal.

(6) The Chairman of the Tribunal shall receive such salary and allowances as may be determined by the Central Government and the members shall receive such allowances or fees as may be prescribed.

(7) Subject to such rules as may be made in this behalf, the Central Government may appoint a Secretary and such other employees as it may think necessary for the efficient performance of the functions of the Tribunal under this Act.

(8) The Secretary to, and other employees of, the Tribunal shall exercise such powers and perform such duties as may be prescribed after consultation with the Chairman of the Tribunal.

(9) The other terms and conditions of service of the Chairman and members of and the Secretary to, and other employees of, the Tribunal shall be such as may be prescribed.

(10) Subject to the provisions of this Act the Tribunal may regulate its own procedure.

(11) The Tribunal may, after making such inquiry into the matter as it considers necessary, and after giving the appellant and the Board an opportunity of being heard in the matter, make such order in relation to a film as it thinks fit and the Board shall dispose of the matter in conformity with such order.

5E. Suspension and revocation of certificate—(1) 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 certificate if it is satisfied that—

(i) 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; or

(ii) the film or any part thereof is being exhibited in contravention of the provisions of this Part or the rules made thereunder.

(2) Where a notification under sub-section (1) has been published, the Central Government may require the applicant for certificate or any other person to whom the rights in the film have passed, or both, to deliver up the certificate and all duplicate certificates, if any, granted in respect of the film to the Board or to any person or authority specified in the said notification.

(3) No action under this section shall be taken except after giving an opportunity to the person concerned for representing his views in the matter.

(4) During the period in which a certificate remains suspended under this section, the film shall be deemed to be an uncertified film.

5F. Review of orders by Central Government—(1) Where an applicant for a certificate or any other person to whom the rights in the film have passed, is aggrieved by any order of the Central Government under Section 5E, he may, within sixty days of the date of publication of the notification in the Official Gazette, make an application to the Central Government for review of the order, setting out in such application the grounds on which he considers such review to be necessary;

Provided that the Central Government may, if it is satisfied that the applicant for a certificate or that other person was prevented by sufficient cause from filing an application for review within the aforesaid period of sixty days, allow such application to be filed within a further period of sixty days.

(2) On receipt of the application under sub-section (1), the Central Government may, after giving the aggrieved person a reasonable opportunity of being heard, and after making such further inquiry as it may consider necessary, pass such order as it thinks fit, confirming, modifying or reversing its decision and the Board shall dispose of the matter in conformity with such order.

6. Revisional powers of the Central Government—(1) Notwithstanding anything contained in this Part, the Central Government may of its own motion at any stage call for the record of any proceeding in relation to any film which is pending before, or has been decided by, the Board, or, as the case may be, decided by the Tribunal (but not including any proceeding in respect of any matter which is pending before the Tribunal) and after such inquiry into the matter as it considers necessary, make such order in relation thereto as it thinks fit, and the Board shall dispose of the matter in conformity with such order:

Provided that no such order shall be made prejudicially affecting any person applying for a certificate or to whom a certificate has been granted, as the case may be, except after giving him an opportunity for representing his views in the matter:

Provided further that nothing in this sub-section shall require the Central Government to disclose any fact which it considers to be against the public interest to disclose.

(2) Without prejudice to the powers conferred on it under sub-section (1) the Central Government may, by notification in Official Gazette, direct that—

- (a) a film which has been granted a certificate shall be deemed to be an uncertified film in the whole or any part of India; or
- (b) a film which has been granted a 'U' certificate or a 'UA' certificate or a 'S' certificate shall be deemed to be a film in respect of which an 'A' certificate has been granted; or
- (c) the exhibition of any film be suspended for such period as may be specified in the direction:

Provided that no direction issued under clause (c) shall remain in force for more than two months from the date of the notification.

(3) No action shall be taken under clause (a) or clause (b) of sub-section (2) except after giving an opportunity to the person concerned for representing his views in the matter.

(4) During the period in which a film remains suspended under clause (c) of sub-section (2), the film shall be deemed to be an uncertified film.

6A. Information and documents to be given to distributors and exhibitors with respect to certified films—Any person who delivers any certified film to any distributor or exhibitor shall, in such manner as may be prescribed, notify to the distributor or exhibitor, as the case may be, the title, the length of the film, the number and the nature of the certificate granted in respect thereof and the conditions, if any, subject to which it has been so granted and any other particulars respecting the film which may be prescribed.*

7. Contravention 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,

*Sec. 6-B omitted vide Bill No. XVII of 1984.

- (ii) any film, which has been certified by the Board as suitable for public exhibition restricted to adults, to any person who is not an adult,
 - (iii) any film which has been certified by the Board as suitable for public exhibition restricted to any profession or class of person, to a person who is not a member of such profession or who is not a member of such class, or
- (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
- (c) fails to comply with the provision contained in Section 6A or with any order made by the Central Government or by the Board in the exercise of any of the powers or functions or conferred on it by this Act or the rules made thereunder, he shall be punishable with imprisonment for a term which may extend to three* years, or with fine which may extend to One Lakh Rupees* or with both, and in the case of a continuing offence with a further fine which may extend to twenty* thousand rupees, for each day during which the offence continues:

Provided that a person who exhibits or permits to be exhibited in any place a video film in contravention of the provisions of sub-clause (i) of clause (a) shall be punishable with imprisonment for a term which shall not be less than three months, but which may extend to three years and with fine which* shall not be less than twenty thousand rupees, but which may extend to one lakh rupees, and in the case of a continuing offence with a further fine which may extend to twenty thousand rupees for each day during which the offence continues:*

Provided further that a court may, for adequate and special reasons to be mentioned in the judgement, impose a sentence of imprisonment for a term of less than three months or a fine of less than twenty thousand rupees;*

Provided further that notwithstanding anything contained in Section 29 of the Code of Criminal Procedure 1973, it shall be lawful for any Metropolitan Magistrate, or any Judicial Magistrate for the first class specially empowered by the State Government in this behalf, to pass a sentence of fine exceeding five thousand rupees on any person convicted of any offence punishable under this part (2 of 1974.):

Provided also* that no distributor or exhibitor or owner or employee of a cinema house shall be liable to punishment for contravention of any condition of endorsement of caution on a film certified as "UA" under this Part:

(2) If any person is convicted of an offence punishable under this

*Amended vide Bill No. XVII of 1984.

section committed by him in respect of any film, the convicting court may further direct that the film shall be forfeited to the Government.

(3) The exhibition of a film, in respect of which an "A" certificate or "S" certificate or a "UA" certificate has been granted, to children below the age of three years accompanying their parents or guardians shall not be an offence within the meaning of this Section.

7A. Power of seizure—(1) Where a film in respect of which a certificate has been granted under this Act is exhibited, or a film certified as suitable for public exhibition respected to adults is exhibited to any person who is not an adult or a film is exhibited in contravention of any of the other provisions contained in this Act or of any order made by the Central Government, the Tribunal or the Board in exercise of any of the powers conferred on it, any police officer may enter any place in which he has reason to believe that the film has been or is likely to be exhibited, search it and seize the film.

(2) All searches under this Act shall be carried out in accordance with the provisions of the Code of Criminal Procedure, 1973, relating to searches. (2 of 1974)

7B. Delegation of Powers by Board—(1) The Central Government may, by general or special order, direct that any power, authority or jurisdiction exercisable by the Board under this Act shall, in relation to the certification of the films under this Part and subject to such conditions, if any, as may be specified in the order, be exercisable also by the Chairman or any other member of the Board, and anything done or action taken by the Chairman or other member specified in the order shall be deemed to be a thing done or action taken by the Board.

(2) The Central Government may, by order and subject to such conditions and restrictions as may be prescribed, authorise the regional officers to issue provisional certificates.

7C. Power to direct exhibition of films for examination—For the purpose of exercising any of the powers conferred on it by this Act, the Central Government, Tribunal or the Board may require any film to be exhibited before any person or authority specified by it in this behalf.

7D. Vacancies, etc., not to invalidate proceeding—No act or proceeding of the Board, the Tribunal or of any advisory panel shall be deemed to be invalid by reason only of a vacancy in, or any defect in, the constitution of the Board, the Tribunal or panel, as the case may be.

*amended vide Bill No. XVII of 1984.

7E. Members of the Board and advisory panels to be public servants—All members of the Tribunal, the Board and of any advisory panel shall, when acting or purporting to act in pursuance of any of the provisions of this Act, be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code (45 of 1860).

7F. Bar of legal proceedings—No suit or other legal proceedings shall lie against the Central Government, the Tribunal, the Board, advisory panel or any officer or member of the Central Government, the Tribunal, the Board or advisory panel, as the case may be, in respect of anything which is in good faith done or intended to be done under this Act.

8. Power to make rules—(1) The Central Government may, by notification in the Official Gazette, make rules for the purpose of carrying into effect the provisions of this Part.

(2) In particular, and without prejudice to the generality of the foregoing power, rules made under this section may provide for—

- (a) the allowances or fees payable to the members of the Board;
- (b) the terms and conditions of service of the members of the Board;
- (c) the manner of making an application to the Board for a certificate and the manner in which a film has to be examined by the Board and the fees to be levied therefor;
- (d) the association of regional officers in the examination of films, the conditions and restrictions subject to which regional officers may be authorised under Section 7B to issue provisional certificates and the period of validity of such certificates;
- (e) the manner in which the Board may consult any advisory panel in respect of any film;
- (f) the allowances or fees payable to the members of advisory panel;
- (g) the marking of the films;
- (h) the allowances or fees payable to the members of the Tribunal;
- (i) the powers and duties of the Secretary to, and other employees of, the Tribunal;
- (j) the other terms and conditions of service of the Chairman and members of, and the Secretary to, and other employees of, the Tribunal;
- (k) the fees payable by the appellant to the Tribunal in respect of an appeal;
- (l) the conditions (including conditions relating to the length of films in general or any class of films, in particular) subject to which any certificate may be granted, or the circumstances in which any certificate shall be refused;
- (m) any other matter which is required to be or may be prescribed.

(3) Every rule made by the Central Government under this Part shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule, shall, thereafter, have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

9. Power to exempt—The Central Government may, by order in writing, exempt, subject to such conditions and restrictions, if any, as it may impose, the exhibition of any film or class of films from any of the provisions of this Part or of any rules made thereunder.

PART III

REGULATION OF EXHIBITIONS BY MEANS OF CINEMATOGRAPHS

10. Cinematograph exhibitions to be licensed—Save as otherwise provided in this part, no person shall give an exhibition by means of a cinematograph elsewhere than in a place licensed under this Part or otherwise than in compliance with any conditions and restrictions imposed by such licence.

11. Licensing authority—The authority having power to grant licences under this Part (hereinafter referred to as the licensing authority) shall be the district magistrate:

Provided that the State Government may, by notification in the Official Gazette, constitute, for the whole or any part of a Union Territory, such other authority as it may specify in the notification to be the licensing authority for the purpose of this Part.

12. Restrictions on powers of licensing authority—(1) The licensing authority shall not grant a licence under this Part, unless it is satisfied that—

- (a) the rules made under this Part have been substantially complied with, and
- (b) adequate precautions have been taken in the place, in respect of which the licence is to be given, to provide for the safety of persons attending exhibitions therein.

(2) Subject to the foregoing provisions of this section and to the control of the State Government, the licensing authority may grant licences under this Part to such persons as that authority thinks fit and on such terms and conditions and subject to such restrictions as it may determine.

(3) Any person aggrieved by the decision of a licensing authority refusing to grant a licence under this Part, may, within such time as may be prescribed, appeal to the State Government or to such officer as the State Government may specify in this behalf and the State Government or the officer, as the case may be, may make such order in the case as it or he thinks fit.

(4) The Central Government may, from time to time, issue directions to licensees generally or to any licensee in particular for the purpose of regulating the exhibition of any film or class of films, so that scientific films, films intended for educational purposes, films dealing with news and current events, documentary films or indigenous films secure an adequate opportunity of being exhibited, and where any such directions have been issued those directions shall be deemed to be additional conditions and restrictions subject to which the licence has been granted.

13. Power of Central Government or local authority to suspend exhibition of films in certain cases—(1) The Lieutenant-Governor or, as the case may be, the Chief Commissioner, in respect of the whole or any part of a Union Territory, and the district magistrate in respect of the district within his jurisdiction, may, if he is of opinion that any film which is being publicly exhibited is likely to cause a breach of the peace, by order, suspend the exhibition of the film and during such suspension the film shall be deemed to be an uncertified film in the State, part or district, as the case may be.

(2) Where an order under sub-section (1) has been issued by the Chief Commissioner or a district magistrate, as the case may be, a copy thereof, togetherwith a statement of reasons therefor, shall forthwith be forwarded by the person making the same to the Central Government, and the Central Government may either confirm or discharge the order.

(3) An order made under this section shall remain in force for a period of two months from the date thereof, but the Central Government may, if it is of opinion that the order should continue in force, direct that the period of suspension shall be extended by such further period as it thinks fit.

14. Penalties for Contravention of this part—If the owner or person in charge of a cinematograph uses the same or allows it to be used, or if the owner or occupier of any place permits that place to be used in contravention of the provisions of this Part or of the rules made thereunder, or of the conditions and restrictions upon or subject to

which any licence has been granted under this Part, he shall be punishable with fine which may extend to one thousand rupees and, in the case of a continuing offence, with a further fine which may extend to one hundred rupees for each day during which the offence continues.

15. Power to revoke licence—Where the holder of a licence has been convicted of an offence under Section 7 or Section 14 the licence may be revoked by the licensing authority.

16. Power to make rules—(1) The Central Government may, by notification in the Official Gazette, make rules—

- (a) prescribing the terms, conditions and restrictions, if any, subject to which licences may be granted under this Part;
- (b) providing for the regulation of cinematograph exhibitions for securing the public safety;
- (c) prescribing the time within which and the conditions subject to which an appeal under sub-section (3) of Section 12 may be preferred.

(2) Every rule made by the Central Government under this Part shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

17. Power to exempt—The Central Government may by order in writing exempt, subject to such conditions and restrictions as it may impose, any cinematograph exhibition or class of cinematograph exhibitions from any of the provisions of this Part or any rules made thereunder.

PART IV

REPEAL

18. Repeal and Saving—The Cinematograph Act, 1918 is hereby repealed (**2 of 1918**):

Provided that in relation to Part A States and Part B States the repeal shall have effect only in so far as the said Act relates to the sanctioning of cinematograph films for exhibition.

(1) On and from the date on which the provisions of Part I and II of the principal Act come into force in the State of Jammu and Kashmir, the provisions of the Jammu and Kashmir Cinematograph Act, 1959, in so far as they relate to the sanctioning of cinematograph films for exhibition, shall stand repealed.

(2) The repeal by sub-section (1) of the provisions of the Jammu and Kashmir Cinematograph Act, 1959, in so far as they relate to the sanctioning of cinematograph films for exhibition, shall not affect—

- (a) the previous operation of the provisions so repealed or anything duly done or suffered thereunder; or
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under the provisions so repealed; or
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the provisions so repealed; or
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if the said provisions had not been repealed:

Provided that anything done or any action taken (including any appointment made, notification issued or rule made) under the provisions so repealed shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by the Cinematograph (Amendment) Act, 1973, and now extended to the State of Jammu and Kashmir and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under the principal Act as amended by the Cinematograph (Amendment) Act, 1973.

*STATEMENT OF OBJECTS AND REASONS

The penalty provided in Section 7 of the Cinematograph Act, 1952, for contravention of the provisions of Part II of the Act and the rules framed thereunder is as follows:

"Imprisonment for a term which may extend two years, or with fine which may extend to twenty thousand rupees, or with both and in the case of a continuing offence with a further fine which may extend to five thousand rupees, for each day during which the offence continues."

2. There are various kinds of contraventions of Part II of the Act. These include exhibition of uncensored films or certified films with portions directed to be deleted by the Central Board of Film Certification or portions not shown to the Board (which are called 'interpolations in films' in common parlance), showing adult films to non-adults, failure to comply with any order of the Central Government or the Board in exercise of the powers conferred on it by the Act or the rules made thereunder, etc.

3. Because of the video boom in the country, there are reports that uncertified video films are being exhibited on a large scale. A large number of video parlours have sprung up all over the country and they exhibit such films recorded on video tapes by charging admission fee from the clients. Among other things, this has also hit the Indian film industry very adversely. It is felt that there should be more stringent punishment provided in the Cinematograph Act, 1952 to curb this practice of exhibiting uncertified Indian/foreign films by video parlours, etc.

4. It is, therefore, proposed (vide clause 3) to amend Section 7 of the Act as follows:

- (i) to enhance the punishment for an offence under Section 7 of the Act to imprisonment for a term which may extend to three years or with fine which may extend to one lakh rupees or both;
- (ii) in the case of a continuing offence, to enhance the punishment to a further fine which may extend to twenty thousand rupees for each day during which the offence continues,
- (iii) in the case of exhibition of video films in contravention of the provisions of sub-clause (i) of clause (a) of sub-section (1) of Section 7 of the Act, to provide for the minimum punishment of imprisonment for a term of not less than three months and a fine of not less than twenty thousand rupees. The court shall, however, have power to impose a punishment less than the minimum for adequate and special reasons to be mentioned in the judgement.

*Relates to the Cinematograph (Amendment) Bill, 1984.

5. Under the Code of Criminal Procedure, 1973, the offences punishable with imprisonment for three years and upwards are cognizable offences. Since the quantum of imprisonment for the offences under Part II is proposed to be increased to three years, the offences under that Part shall be cognizable offences even under the general law contained in the Code of Criminal Procedure, Section 6B of the Act will, therefore, become redundant and is sought to be omitted by clause 2 of the Bill.

6. The Bill seeks to service the above objects.

New Delhi
The 27th July 1984

H. K. L. BHAGAT

CINEMATOGRAPH (CERTIFICATION) RULES, 1983

GOVERNMENT OF INDIA MINISTRY OF INFORMATION AND BROADCASTING

Dated New Delhi-110 001, the 9th May, 1983

NOTIFICATION

G.S.R. No. 381 (E). In exercise of the powers conferred by Section 8 of the Cinematograph Act, 1952 (37 of 1952), and in supersession of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby makes the following rules, namely:

1. Short title and commencement—(1) These rules may be called the Cinematograph (Certification) Rules, 1983.

(2) They shall come into force on 1st day of June, 1983.

2. Definitions—In these rules, unless the context otherwise requires,—

- (i) "Act" means the Cinematograph Act, 1952 (37 of 1952);
- (ii) "advisory panel" means the advisory panel of the Board constituted under rule 7;
- (iii) "applicant" means a person applying for certification of a film for public exhibition under section 4;
- (iv) "assistant regional officer" means an assistant regional officer appointed under rule 9 and includes the Secretary to Chairman;
- (v) "Board" means the Board of Film Certification constituted under section 3;
- (vi) "Chairman" means the Chairman of the Board;
- (vii) "Chief Executive Officer" means a Chief Executive Officer appointed under rule 9;
- (viii) "examining officer" means a Chief Executive Officer or* a regional officer or an additional regional officer or an assistant regional officer or the Secretary to Chairman or such other officer who is a member of the examining committee appointed under sub-rule (1) of rule 22;
- (ix) "feature film" means fictionalised story film exceeding 2,000 metres in length in 35 mm or corresponding length in other gauges or on video;*

*Amended as per Notification dated 28.2.84.

- (x) "imported" means bringing into India from a place outside India;
- (xi) "long film" is a film with a length exceeding 2,000 meters in 35 mm or corresponding length in other gauges or on video;*
- (xii) "member" means a member of the Board and includes the Chairman;
- (xiii) "regional officer" means a regional officer appointed under rule 9 and includes a Chief Executive Officer, an additional regional officer and an assistant regional officer or such other officer appointed under that rule;
- (xiv) "Secretary to the Tribunal" means the officer of Government appointed to function as the Secretary to the Appellate Tribunal under sub-section (7) of section 5D;
- (xv) "section" means a section of the Act;
- (xvi) "short film" means a film with a length up to and including 2,000 meters in length in 35 mm or corresponding length in other gauges, or on video.*

3. Terms of office—(1) A member of the Board shall hold office during the pleasure of the Central Government.

(2) Subject to the provisions of sub-rule (1), the Chairman shall hold office for a period of three years and shall continue to hold office until his successor is appointed:

Provided that pending the appointment of his successor, the Central Government may appoint another person to act as Chairman for a period not exceeding one year.

(3) Subject to the provisions of sub-rule (1), every other member shall hold office for a period not exceeding three years.

(4) A retiring member or a member whose term of office has expired by efflux of time shall be eligible for reappointment.

4. Casual vacancy—A casual vacancy caused in the Board by resignation, death or removal of a member or otherwise shall be filled by the appointment of another member who shall hold office for the full term of membership provided under sub-rule (3) of rule 3.

5. Headquarters—Unless otherwise directed by the Central Government, the headquarters of the Board shall be at Bombay.

6. Temporary absence of Chairman—Notwithstanding anything contained in these rules, when the Chairman is unable to discharge his functions owing to absence, illness or any other cause, the Central Government may appoint another person to discharge the functions of the Chairman until the Chairman resumes his duties:

*Amended as per Notification dated 28.2.84.

Provided that where no such appointment is made, the Chief Executive Officer or the Regional Officer at Bombay shall, in addition to his other duties, exercise the powers and perform the duties of the Chairman and shall have the right to participate in meetings of the Board, but shall not be entitled to preside at any meeting.

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.

8. Term of office of members of advisory panels—(1) A member of an advisory panel shall hold office during the pleasure of the Central Government.

(2) Subject to the provisions of sub-rule (1), every such member shall hold office for a period not exceeding two years:

Provided that any person holding office as a member immediately before the commencement of these rules shall hold such office only for the remainder of the term for which he was appointed.

(3) A retiring member or a member whose term of office has expired by efflux of time shall be eligible for reappointment.

(4) A casual vacancy in an advisory panel caused by the resignation, death or removal of any member or otherwise shall be filled by fresh appointment and the person so appointed shall hold office for a period not exceeding two years.

(5) The central Government may remove from office any member of an advisory panel before the expiration of his term of office:

Provided that a member appointed to an advisory panel after consultation with the Board shall not be so removed except on the recommendation of or after consultation with the Board.

9. Officers of the Board—(1) For the purpose of enabling the Board to perform its functions under the Act, the Central Government may appoint a Chief Executive Officer, regional officers, additional regional officers, assistant regional officers and such other officers at the headquarters and at each of the regional offices of the Board:

Provided that the Central Government may delegate to the Chairman/Chief Executive Officer subject to such conditions and limitations, if any, as may be specified by it, the power of appointment conferred on it under this sub-rule, other than the powers of appointment in relation to the posts of regional officer and additional regional officer;

Provided further that the Chairman/Chief Executive Officer may grant leave to or suspend or remove from service any officer appointed by him under the powers delegated to him under this sub-rule.

(2) The regional officers, additional regional officers, assistant regional officers and other officers appointed under sub-rule (1) shall perform such duties as may be assigned to them under these rules, or by the Chairman/Chief Executive Officer or by the Board.

10. Duties of the Board—The Board shall, in addition to other duties prescribed under these rules,—

- (1) submit an annual report to the Central Government reviewing the work done by the Board during the preceding financial year and the report shall contain a detailed analytical study of the trends in film industry;
- (2) prescribe the manner in which the registers, records and accounts of the Board shall be kept; and
- (3) review the work of Regional Officers and members of the advisory panels.

11. Assessment of public reactions to films—With a view to determining the principles to be observed in certifying films, the Board may take such steps as it thinks fit to assess public reactions to films, and for that purpose, the Board may hold symposia or seminars of film critics, film writers, community leaders and persons engaged in the film industry, or such other persons and also undertake local or national surveys to study the impact of various kinds of films on the public mind.

12. Terms and conditions of service (other than salary and allowances) of the Chairman of the Board and allowances payable to the other members of the Board—(1) The Chairman, if he is a paid full-time officer, shall be entitled to draw travelling and daily allowances as admissible under the Fundamental and Supplementary Rules and shall be entitled to leave and leave salary and such other benefits and shall be governed by such conditions of service as are applicable to Central Government Officers engaged on contract:

Provided that in the case of an officer of an All-India or Central Civil or General Central Service or State Service being appointed as Chairman he shall be entitled to leave and leave salary and other benefits

admissible to officers of such service so long as he continues to belong to that service :

Provided further that if an officer who has already been holding a post under Government on contract with the benefits of Contributory Provident Fund is appointed as Chairman, he shall be allowed to carry forward the unutilised portion of leave earned by him during previous service and he shall also continue to be eligible for the Contributory Provident Fund benefits.

(2) Every honorary member (including the Chairman where he does not receive any salary) may,—

- (a) if he is an out-station member,
 - (i) travel by air or by train as admissible according to the orders issued by the Central Government from time to time in respect of journeys undertaken by him for the performance of his duties as such member;
 - (ii) be paid a consultancy fee for attending the preview of a film or meeting of the Revising Committee or the Board at the rate of Rs. 75 for each day of such preview or meeting;
 - (iii) be paid daily allowance at the rate of Rs. 50 per day for the day preceding the meeting and that following the meeting, if the member actually stays at the place of the meeting;
- (b) if he is a local member, be paid a consultancy fee for attending the preview of a film or meeting of the Reviewing Committee or the Board at the rate of Rs. 50 for each day of such preview or meeting:

Provided that daily allowance will not be admissible in addition for the day or days for which consultancy fee is paid.

13. Allowances payable to members of the advisory panels—

(1) Every member of the advisory panel shall be entitled to draw travelling and daily allowances for journeys performed by him for attending the meetings of the Board outside the headquarters or for the purpose of discharging any other duties prescribed under the Act on the scale provided under the Fundamental and Supplementary Rules applicable to First Grade Officers of Government.

(2) Every member of the advisory panel shall be entitled to receive a consultancy fee for attending a preview of film or a meeting of the Committee or panel or for verification of cuts and affected reels at the rate of Rs. 50 per diem, provided that daily allowance in terms of (1) above will not be admissible in addition for the day or days for which consultancy fee is paid.

14. Meetings of the Board—(1) The Board shall ordinarily meet once a quarter for the transaction of business but the Chairman may at any time call an extraordinary meeting, if he considers it necessary to do so.

(2) Meetings of the Board shall be held at such places as the Chairman may at his discretion fix for the purpose.

15. Co-opted members—The Chairman may co-opt the Chief Executive Officer or any one or more of the regional officers or any officer of the Central Government as a member or members of the Board for the purpose of attending a particular meeting of the Board and such officer or officers shall then be entitled to participate in the deliberations of the Board at the meeting but shall not be entitled to vote.

16. Notice of meeting—(1) At least seven clear days' notice of all meetings of the Board shall be given to each member but an urgent meeting may be called by the Chairman at three clear days' notice.

(2) The notice shall state the business to be transacted at the meetings and no business other than that stated shall be transacted at such meeting except with the consent of the Chairman or on his motion.

17. Business ordinarily to be transacted at meetings—The business of the Board shall ordinarily be transacted at a meeting duly called in accordance with the provisions of these rules:

Provided that the Chairman may, if he thinks fit, circulate any urgent matter among the members for their opinion.

18. Quorum—At every meeting of the Board four members if the Chairman be present, and six members if he be absent, shall form a quorum.

19. President of the meeting—Meetings of the Board shall be presided over by the Chairman or in his absence by a member elected by the members present from among themselves.

20. Question to be decided by majority of votes—Every question before the Board shall be decided by a majority of votes and in the case of equality of votes the Chairman or the member elected to preside under rule 19, as the case may be, shall have a second or casting vote.

21. Application for examination of films—(1) Every application to certify a film for public exhibition shall be made in writing in Form 1 or 1-A or Form 11 or Form 11-A as the case may be* set out in the Second Schedule according as the film is produced in or imported into India.

*Amended as per Notification dated 28.2.84.

(2) The application shall be addressed to the Board and delivered to the regional officer concerned as per the First Schedule:

Provided that where films are imported into India, the Chairman may direct or permit applications in respect of them to be delivered to a regional officer other than the regional officer to whom such applications would have been delivered but for this proviso:

Provided further that the Chairman may in the following circumstances direct or permit applications in respect of any films or class of films to be delivered to a regional officer other than the regional officer to whom such applications would have been delivered but for this proviso, namely:

- (i) where the Chairman is satisfied that immediate action for examination of a film is necessary, or
 - (ii) where examination of a film with the assistance of persons well acquainted with the language of the film is not possible at the place where, but for the provisions of this proviso, it would have been delivered for examination, or
 - (iii) for such other reasons as may be specified by the Chairman in writing.
- (3) Every such application shall be accompanied by—
- (a) the fee prescribed under rule 36;
 - (b) eight copies in the case of feature films and five copies in the case of other films, of the synopsis of the film, together with full credit titles and of the full text of the songs if any with reel number, one copy of complete shooting script as prescribed and a statement showing the reelwise length of the film;

Provided that where the film is in a language other than English or any Indian language, the applicant shall furnish eight typed or printed copies of the translation in English or Hindi of the synopsis and of the full text of the songs, if any, and one copy of the translation in English or Hindi of dialogues:

Provided further that in the case of a film referred to in the preceding proviso, the regional officer may direct the applicant to furnish also eight typed or printed copies of the translation in English or Hindi of the full text of the dialogue, speeches or commentary;

- (c) if the application is made for the purpose of a fresh certificate under sub-rule (2) of rule 29, the original certificate or duplicate certificate; and*
- (d) if the application is made by a person other than the producer or copyright holder of the film, an authorisation in writing on a stamped paper of appropriate value to be notified by the Chairman from the producer or copyright holder of the film.*

*Amended as per Notification dated 29.5.84.

(4) If, in the case of a newsreel, documentary or other short film the regional officer is satisfied that the applicant is not able to furnish the documents specified in sub-rule (3) along with the application for reasons beyond his control, the regional officer may direct that such documents may be furnished within such period after the examination of the film as he may specify or that the submission of such documents may be dispensed with.

(5) No such application shall be accompanied by any documents other than those mentioned in sub-rule (3).

(6) Notwithstanding anything contained in the foregoing sub-rules, in the case of a film which is imported,—

- (a) the applicant shall furnish the original or a certified copy of the import licence together with the customs clearance permit and with the customs clearance papers;
- (b) where there is a doubt or dispute about the validity or genuineness of the documents referred to in clause (a), the Board may before the application is considered refer such documents for ascertaining their validity or genuineness to the authority which issued the same; and
- (c) the Board shall not take any steps for certification of a film in a case where any matter regarding the validity of the documents referred to in clause (b) is pending before any court or any public authority until the disposal of such matter by the court or authority.

Explanation—For the purpose of certification for public exhibition, every revised version or shorter version of a film shall be deemed to be a fresh film.

22. Examining Committee—(1) On receipt of an application under rule 21, the regional officer shall appoint an Examining Committee to examine the film. The examination shall be made at the cost of the applicant on such date, at such place and at such time as the regional Officer may determine.

- (2) The Examining Committee shall consist of—
 - (a) in the case of a short film, a member of the advisory panel and an examining officer; and
 - (b) in the case of a long film, four members of the advisory panel and an examining officer:

Provided that if the examining officer is unavoidably absent at the examination of a film, the Examining Committee shall consist of two members of the advisory panel in a case falling under clause (a) and five members of the advisory panel in a case falling under clause (b).

(3) The film to be examined by the Examining Committee shall be in its final form with the background music and all sound effects duly recorded on the film itself.

(4) All previews of films for the purpose of examination for certification and the reports and records relating thereto shall be treated as confidential.

(5) The names of the members of the Examining Committee examining the film shall not be disclosed to any official or non-official not concerned with the preview of the particular film or to any other person including the applicant or his representative.

(6) The applicant or his representative shall not be allowed to be present inside the preview theatre.

(7) Notwithstanding anything contained in sub-rules (4), (5) and (6), the Chairman may by special or general order permit any member of the staff to be present at the preview to render such assistance as may be required.

(8) The Examining Committee shall examine the film having regard to the principles for guidance in certifying films specified in Section 5B(1) and the guidelines issued by Government under Section 5B(2).

(9) Immediately after the examination of the film each member of the Examining Committee attending the examination shall, before leaving the preview theatre, record his opinion in writing in Form VIII set out in the Second Schedule spelling out in clear terms the reasons therefor and state whether he or she considers—

- (a) that the film is suitable for unrestricted public exhibition, i.e., fit for 'U' certificate; or
- (b) that the film is suitable for unrestricted public exhibition but with an endorsement of caution that the question as to whether any child below the age of twelve years may be allowed to see the film should be considered by the parents or guardian of such child, i.e., fit for 'UA' certificate; or
- (c) that the film is suitable for public exhibition restricted to adults, i.e., fit for 'A' certificate; or
- (d) that the film is suitable for public exhibition restricted to members of any profession or any class of persons having regard to the nature, content and theme of the film, i.e., fit for 'S' certificate; or
- (e) that the film is suitable for 'U' or 'UA' or 'A' or 'S' certificate, as the case may be, if a specified portion or portions be excised or modified therefrom; or
- (f) that the film is not suitable for unrestricted or restricted public exhibition, i.e., that the film be refused a certificate;

and if the Chairman is away from the regional centre where the film is examined, the form aforesaid shall be prepared in duplicate.

(10) The examining officer shall distribute copies of the synopsis with credit titles and songs among the members of the Committee and furnish them the form and such other documents as may be specified by the Board for making their recommendations.

(11) After the screening of the film, the examining officer shall see that—

- (a) the recommendation of every member of the Committee is recorded in unambiguous terms and each excision or modification is properly specified in clear terms with reason or reasons therefor;
- (b) the same is duly signed by the members of the Committee; and
- (c) where the report of any member of the Committee is incomplete, that fact is brought to the notice of the member concerned before he leaves the preview theatre.

(12) The examining officer shall within three working days send the recommendations of all the members of the Examining Committee to the Chairman and where the Chairman is away from the centre where the film is examined, by registered post.

(13) It shall be the personal responsibility of the examining officer to examine whether each and every guideline issued by Government has been followed and to bring any lapse or deviation to the notice of the Chairman.

(14) The quorum for the Examining Committee for a long film shall be four.

23. Certification—On receipt of the record referred to in sub-rule (12) of rule 22, the Chairman, unless the provisions of sub-rule (1) of rule 24 are not attracted, direct the Regional Officer concerned to take further action on behalf of the Board in conformity with the recommendation of the Examining Committee either unanimous or by majority:

Provided that in case of a short film when the Committee is divided in its opinion, the Chairman shall either examine the film himself and take, or direct the Regional Officer concerned to take further action on behalf of the Board to give effect to his decision.

24. Revising Committee—(1) On receipt of the record referred to in rule 22, the Chairman may, of his own motion or on the request of the applicant, refer it to a Revising Committee constituted for the purpose.

(2) The Revising Committee shall, subject to sub-rule (5), consist of a Chairman and not more than nine members, being members of the

Board or members of any of the advisory panels, to be specified by the Chairman.

(3) The Chairman or in his absence a member of the Board nominated by the Chairman shall preside at every meeting of the Revising Committee.

(4) The regional officer of the centre where the application was received under rule 21, may be invited to attend any meeting of a Revising Committee and participate in proceedings thereof but he shall have no right to vote thereat.

(5) No member of the advisory panel who has been a member of the Examining Committee for any film shall be a member of the Revising Committee in respect of the same film.

(6) The provisions of sub-rules (4) to (8) of rule 22 shall apply mutatis mutandis to the examination of films by the Revising Committee or the Board.

(7) The Revising Committee shall examine the film at the applicant's expense, on such date, at such place and at such time, as the Chairman may determine.

(8) For the purpose of examination by a Revising Committee,—

- (a) the applicant shall present the same clear runnable print of the film which was shown to the Examining Committee and he shall make no change whatsoever in it and he shall furnish the necessary declaration in writing in that behalf;
- (b) the applicant shall be required to furnish fifteen typed or printed copies of the complete synopsis of the film together with the full credit titles and of the full text of songs, if any, with reel number and where he has made a representation under sub-section (2) of Section 4 fifteen copies thereof shall also be furnished:

Provided that where the film is in a language, other than English or any Indian language, the applicant shall furnish fifteen typed or printed copies of the translation in English or in Hindi of the synopsis together with full credit titles and of the full text of the songs, if any:

Provided further that in the case of a film referred to in the preceding proviso, the Chairman may direct the applicant to furnish also fifteen typed or printed copies of the translation in English or Hindi of the full text of the dialogue, speeches or commentary:

Provided also that where the Chairman is satisfied that the applicant is not able to furnish the documents specified in this sub-rule for reasons beyond his control, the Chairman may direct that the submission of such documents be dispensed with.

(9) Immediately after examination of the film, each member of the Revising Committee shall, before leaving the preview theatre record his

recommendations in writing in Form VIII set out in the Second Schedule spelling out in clear terms the reasons therefor and stating whether he or she considers—

- (a) that the film is suitable for unrestricted public exhibition, i.e., fit for 'U' certificate; or
- (b) that the film is suitable for unrestricted public exhibition but with an endorsement of caution that the question as to whether any child below the age of twelve years may be allowed to see the film should be considered by the parents or guardian of such child, i.e., fit for 'UA' certificate; or
- (c) that the film is suitable for public exhibition restricted to adults, i.e., fit for 'A' certificate; or
- (d) that the film is suitable for public exhibition restricted to members of any profession or any class of persons having regard to the nature, content and theme of the film, i.e., fit for 'S' certificate; or
- (e) that the film is suitable for grant of 'U' or 'UA' or 'A' or 'S' certificate, as the case may be, if a specified portion or portions be excised or modified therefrom; or
- (f) that the film is not suitable for unrestricted or restricted public exhibition, i.e., that the film be refused a certificate;

and if the Chairman is away from the regional centre where the film is examined the form aforesaid shall be prepared in duplicate.

(10) The presiding officer of the Revising Committee shall, within three days, send the recommendations of all the members of the Revising Committee to the Chairman and where the Chairman is away from the centre where the film is examined, by registered post.

(11) The quorum of the Revising Committee shall be five.

(12) The decision of a Revising Committee shall be that of the majority of the members attending the examination of the film and, in the event of an equality of votes, the presiding officer shall have a second or casting vote:

Provided that where the Chairman disagrees with the decision of the majority of the Committee, the Board shall itself examine the film or cause the film to be examined again by another Revising Committee and that the decision of the Board or the second Revising Committee, as the case may be, shall be final.

25. On receipt of the orders of the Board under section 4 or section 5A, the Regional Officer shall communicate the same to the applicant by registered post or in such other manner as in the circumstances of the case he deems fit and take such other steps in accordance with the said orders as he may deem necessary.

26. Issue of certificate subject to removal of portions of film—

(1) Where the applicant is informed by a regional officer that a film will not be granted 'U' or 'UA' or 'A' or 'S' certificate, as the case may be, unless a specified portion or portions thereof be removed from the film, the regional officer may issue such a certificate, if he is satisfied on a declaration made in writing (in Form IX set out in the Second Schedule) by the applicant that the portion or portions objected to have been excised from the negative of the film and from all copies thereof, whether in the possession of the applicant or the laboratory where the film was processed, the distributor, the exhibitor or any other person, and surrendered to him.

Explanation—For the purpose of being satisfied that the portion or portions objected to have been excised from the negative of the film and from all copies thereof,—

- (a) the regional officer or the Chairman may at the expense of the applicant examine the relevant portions of the negative of the film or copies thereof or cause it or them to be examined by one or more members of the advisory panel at such time and place as he may determine;
- (b) the regional officer may require the applicant to produce a certificate from the owner or the manager of the laboratory where the film was processed, in such form as may be specified by the Board in this behalf in regard to the number of positive and negative copies of the film made in the laboratory.

(2) A certificate issued under sub-rule (1) shall be endorsed with a specification of the portion or portions required to be removed and a statement of the exact length of each part or parts removed and in the case of reduction of scene or sequences, it shall mention the length of the portion reduced and the length of the portion retained and shall bear a clearly visible triangle drawn at the left-hand bottom corner of the certificate.

(3) Where any film has been granted a certificate under this rule subject to the condition that a specified portion or portions thereof be removed from the film, any person who imports or otherwise acquires a copy of the film after the date of certificate aforesaid, shall surrender to the Board such portion or portions in any such copy.

27. The portion or portions of the film and of all copies surrendered to the regional officer as provided in rule 26 shall be preserved for a period of six months in the Board's office and unless required by the Board shall thereafter be handed over to an authorised officer of the National Film Archive of India, Poona for study and research.

28. Deposit of a copy of certified film—(1) In the case of a feature film after the Chairman or* the regional officer has affixed his signature to the certificate granted under the foregoing rules and prior to the delivery or despatch of the certificate to the applicant, a copy in any gauge of the film as certified by the Board shall be deposited by the applicant with the Board at his own expense for the purpose of record.

Explanation—A video copy of the film shall be treated as a copy of the film for the purpose of this sub-rule.

(2) In the copy deposited under sub-rule (1) the negative side numbers (key numbers) shall be clearly printed.

(3) The copy deposited under sub-rule (1) except where it is a video copy may, at the discretion of the regional officer concerned, be returned to the applicant on the expiry of one year from the date of first release of the film.

(4) Before return of the copy of the film under sub-rule (3), the applicant shall deliver to the Board the full shooting script of the film together with dialogues:

Provided that where the script as aforesaid is not delivered within one month after the expiry of one year from the first release of the film, the film shall be sent to the Curator of the National Film Archive of India, Poona and the applicant shall thereafter collect the same at his own expense, only after obtaining a release order from the Board after delivering the script aforesaid.

(5) No application for the return of the copy of film deposited with the Board in exchange for the full shooting script under the proviso to sub-rule (4) shall be entertained after two years from the date of the first release of the film:

Provided that the Chairman may, on being satisfied that there is sufficient cause for not making the application within the said period of two years, entertain the application before the expiry of a further period of one year.

(6) In the case of films other than feature films, that is, shorts, documentaries, newsreels, advertisement films and such other films, after the regional officer has affixed his signature to the certificate granted under the foregoing rules and prior to the delivery or despatch of the certificate to the applicant, the applicant shall deposit with the Board a copy of the film or in lieu of such deposit, the shooting script or a verbatim commentary or a tape record of the commentary:

Provided that in the case of such films where the Chairman is of the opinion that the applicant for reasons beyond his control is unable to deposit a copy of the film or script or verbatim commentary or tape record of that commentary prior to the delivery or despatch of the certificate, he may direct that the certificate be delivered to the applicant on his giving

*Amended as per Notification dated 28.2.84.

an undertaking in writing that he shall deposit the said copy of the film or script or verbatim commentary or tape record of the commentary within such time not exceeding sixty days as may be specified by the Chairman.

(7) All such copies of films or scripts or commentaries or tape records of commentaries deposited with the Board shall be accompanied by a declaration in Form X set out in the Second Schedule.

29. Validity of certificate—(1) A certificate granted by the Board under sub-section (1) of Section 5A in respect of a film shall be valid for a period of ten years from the date on which the certificate is granted.

(2) Where in relation to the certificate of a film the period has expired a fresh certificate in Form IV, IV-A, V, V-A, VI, VI-A, VII or VII-A* set out in the Second Schedule, as the case may be, may be issued on an application made in this behalf and the same shall be dealt with as if it were an original application:

Provided that a regional officer may, with the prior approval of the Chairman, dispense with examination of the film, if the application is for the issue of certificate in the same form in which it was issued earlier.

(3) An applicant for a fresh certificate shall be required to deposit a copy of shooting script or verbatim commentary or tape recorded commentary of the film only in cases where at the time of making application for the initial certificate the same was not deposited.

30. Compliance with section 6A—(1) The manner of notification to the distributor or exhibitor for the purpose of section 6A, shall be by delivery of a duplicate copy of the certificate (containing both parts I and II thereof) with each copy of the certified film to be distributed or exhibited:

Provided that in the case of video film, a copy of Part II of the certificate showing the serial number, the category and other details should be pasted on every video cassette as well as on its case.*

(2) The provisions of sub-rule (1) shall apply in relation to an amendment of a certificate in respect of a film as it applied in relation to the certificate itself.

(3) The duplicate copy of the certificate of a film referred to in sub-rule (1) shall accompany the film and be prominently exhibited in the theatre on all days on which the film is exhibited therein.

31. Uncertification of a film under section 6—Where in exercise of the powers conferred by section 6 of the Act, the Central Government by notification directs that a certified film shall be deemed to be an un-certified film in the whole of India, the applicant and any other person or persons to whom the rights in the film have passed, shall stop the exhibition of the film forthwith and surrender the certificate and all copies

*Amended as per Notification dated 28.2.84 and 29.5.84.

of the duplicate certificate granted in respect of the film to the Board within one month from the date of the notification:

Provided that the Chairman may, at the written request of the applicant or any other person concerned, extend the said period.

32. Re-examination of certified films—(1) Where in respect of a film which has been certified for public exhibition, any complaint is received by the Board, the same shall be forwarded to the Central Government.

(2) The Central Government may, if it considers it necessary so to do, direct the Chairman to re-examine any film (in respect of which a complaint has been received by it directly or through the Board) in such manner and with such assistance as may be specified in the direction.

(3) The Chairman may, for the purpose of re-examination aforesaid, require by written notice the person who made the application for certification of the film or the person to whom the rights of ownership or distribution in the film have passed, to arrange at his expense to deliver a print of the certified film to any specified regional officer within such time as may be specified in the notice for the purpose of re-examination.

(4) The place, date and time of such re-examination shall be determined by the Chairman.

(5) The Chairman shall forward his opinion together with the print of the film in relation to which a certificate was issued earlier to the Central Government who may after such enquiry as it deems fit, pass such orders thereon in exercise of the revisional powers under section 6.

(6) The provisions of this rule shall apply only in cases where the revisional powers are exercisable by the Central Government under section 6.

33. Alteration of film after issue of certificate—(1) When a film is altered by excision, addition, colouring or otherwise after it has been certified under these rules, it shall not be exhibited unless the portion or portions excised, added, coloured or otherwise altered, have been reported to the Board in Form III in the Second Schedule and the Board has endorsed the particulars of the alteration or alterations on the certificate.

Explanation I—Reasonable wear and tear in the normal course of handling or projecting a film shall not be deemed to be an alteration of the film within the meaning of this sub-rule.

Explanation II—Any addition, deletion, alteration or replacement of background music in a film or, (unless the Chairman by general or special order otherwise directs) a mere change in gauge shall not be deemed to be an alteration of the film within the meaning of this sub-rule.

(2) For the purpose of exercising its powers under sub-rule (1), the regional officer shall appoint an Examining Committee to examine at the

expense of the applicant, the reel or reels of the film in which the portion or portions are altered in such manner and with such assistance as he may deem fit and where the Examining Committee considers it necessary so to do, it shall re-examine the entire film:

Provided that where a film is altered by excision or by the change of a coloured film into black and white version only it shall not ordinarily be necessary to appoint an Examining Committee unless the regional officer in any case otherwise directs.

(3) The Examining Committee, appointed under sub-rule (2) shall consist of "one" member of the Advisory Panel and an examining officer:

Provided that where the examining officer is unavoidably absent at the examination of the film or any reel thereof, the Examining Committee shall consist of two members of the Advisory Panel.

(4) Pending examination of the altered film under this rule, the applicant shall not exhibit the film incorporating the proposed alteration.

(5) Where the film or any portion thereof as the case may be, is re-examined under this rule, the Chairman shall, unless for reasons to be recorded in writing, he declines permission for the alteration, make suitable endorsement in the certificate granted in relation to the film.

34. Amendment of a certificate granted by the Board after notification under section 6—When a notification is published under the powers conferred by section 6 of the Act, declaring that a film in respect of which a 'U' certificate or a 'UA' certificate or an 'S' certificate has been granted shall be deemed to be a film in respect of which an 'A' certificate has been granted, the person to whom the certificate has been granted or the person to whom the rights in the film have passed as the case may be, shall surrender within one month from the date of issue of the order the original certificate and all the duplicate copies thereof to the Board for the issue of a fresh certificate of the new category.

35. Certificates—(1) A certificate authorising the public exhibition of a film shall be in one of the Forms IV I, V-A, V, V-A, VI, VI-A, VII or VII-A* set out in the Second Schedule according as the film is fit for 'U' or 'UA' or 'A' or 'S' certificate as the case may be.

(2) The certificate shall be signed for and on behalf of the Board by the Chairman or by a regional officer for the Chairman.

(3) The prescribed mark of the Board shall be a film copy of Part I of the certificate, i.e., a trailer certificate, which shall be affixed to the film and always exhibited with it. In the case of a video film, the trailer certificate shall be for a duration of not less than fifteen second and in the case of other films the length of the trailer certificate will be as laid down in the following table:*

*Amended as per Notification dated 28.2.84.

TABLE

<i>Size of film</i>	<i>Length of film</i>	<i>Length of trailer certificate</i>
35 mm/70 mm	Exceeding 600 metres	5 metres
35 mm	600 metres or less	3 metres
16 mm	Exceeding 240 metres	2 metres
16 mm	240 metres or less	1.50 metres
8 mm/Super-8	240 metres or less	1.00 metre

36. Fees—(1) A fee shall be charged for the examination of every film at the rates laid down in the following Table and the same shall be paid either in cash or remitted by postal order or bank draft to the regional centre of the Board where the film is to be examined.

TABLE OF FEES

Part I—35 millimetres/70 millimetres films:

- (i) Rs. 20 per 300 metres or part thereof where the film does not exceed 600 metres in length.
- (ii) Rs. 100 per 300 metres or part thereof where the film exceeds 600 metres in length.

Part II—16 millimetres films:

- (i) Rs. 20 per 120 metres or part thereof where the film does not exceed 240 metres in length.
- (ii) Rs. 100 per 120 metres or part thereof where the film exceeds 240 metres in length.

Part III—8 millimetres/Super-8 films:

- (i) Rs. 20 per 60 metres or part thereof where the film does not exceed 120 metres in length.
- (ii) Rs. 100 per 60 metres or part thereof where the film exceeds 120 metres in length.

Part IIIA—Video films:

- (i) Rs. 40 for every 10 minutes of duration or part thereof where the video film does not exceed 20 minutes.
- (ii) Rs. 200 for every 10 minutes of duration or part thereof where the video film exceeds 20 minutes of duration subject to a minimum of Rs. 600.*

*Amended as per Notification dated 28.2.84.

Part IV—Films classified as predominantly educational/educational/children's films:

- (i) Rs. 20 per every 300 metres or part thereof in 35 millimetres or in 70 millimetres; or
- (ii) Rs. 20 per every 120 metres or part thereof in 16 millimetres; or
- (iii) Rs. 20 per every 60 metres or part thereof in 8 millimetres or super-8, irrespective of the total length of the film;
- (iv) Rs. 40 for every 10 minutes of duration or part thereof in case of video film:

Provided that if a film, the length of which exceeds 600 metres or 240 metres or 120 metres according as the film is in 35/70 millimetres or 16 millimetres or 8 millimetres/super-8 and in the case of a video film with a duration of more than 20 minutes* and in respect of which examination fee has been paid at the rate specified above is, after examination, considered by the Board not to be suitable for being certified as predominantly educational/children's film, the applicant shall forthwith pay the balance of the examination fee that would have been payable in respect of the film under Part I or Part II or Part III or Part IIIA* as the case may be, of this Table;

Provided further that if a certified film is claimed as predominantly educational/children's film and the applicant has paid the examination fees that would have been payable in respect of the film under Part I or Part II or Part III or Part IIIA* as the case may be, of this Table, then in the event of the film being classified as predominantly educational/children's film, the fees shall be charged at the rate prescribed in this Part and the balance of the fees shall be refunded to the applicant.

Part V—Fees for examination of issue of a fresh certificate on expiry of the old certificate:

Fees for the examination of a film for a fresh certificate after expiry of the old certificate shall be at the same rates as specified above in Parts I, II, III, IIIA* or IV, as the case may be:

Provided that where the fresh certificate is granted without examination of the film, the fee payable shall be at the rate of Rs. 10 per film where it does not exceed 600 metres or 240 metres or 120 metres in length according as the film is in 35 millimetres/70 millimetres or 16 millimetres or 8 millimetres/super-8; and where it does not exceed 20 minutes of duration in the case of video films* and at the rate of Rs. 50 per film where the film exceeds 600 metres or 240 metres or 120 metres in length accord-

*Amended as per Notification dated 28.2.84.

ing as the film is in 35 millimetres/70 millimetres or 16 millimetres or 8 millimetres/super-8; or where the video film exceeds 20 minutes of duration;*

Provided further that where the film is classified as predominantly educational/educational/children's film, the fee payable shall be at the rate of Rs. 10 per film irrespective of the length or gauge of the film.

Part VI—Fee for examination for certifying alterations under rule 33:

Fee for the examination of a film for certifying alteration under rule 33 shall be calculated only with reference to the reel or reels or cassette or cassettes† in which the portion or portions excised, added, coloured or otherwise altered occur and for the purpose, the rate specified in the Table aforesaid for original certification shall be applicable.

Provided that where the alteration is by excision, the fee chargeable shall be at the rate of Rs. 10 per each endorsement.

(2) A fee of Rs. 10 shall be paid for a duplicate copy of the certificate.

(3) In the event of an application for certification being withdrawn before the film is examined, the Board may on an application made to it in that behalf, refund to the applicant the amount of fee paid towards the examination of the film after deducting 25% of the amount so paid.

(4) In the event of an applicant failing to present a runnable print before the Examining Committee or the Revising Committee on the day and time and at the place fixed for such examination, an additional fee of 25% of the fee payable for examination of the film under this Table shall be paid before another place, date and time for the examination of the film is fixed.

(5) If, by mistake, miscalculation or such other reason, the applicant pays towards fee for the examination of any film any amount in excess of the amount of fee payable under these rules, the Board may, on an application made in that behalf, within a period of one year from the date of certification of the film, refund to the applicant the amount so paid in excess.

(6) Any person who applies to the Board for information regarding the certification or any other particular in respect of a film shall along with the application, pay a search fee of rupees five per each title of the film.

37. Power of entry—The Chairman or any member of the Board or an advisory panel or a regional officer or any other officer or member of the staff of the Board or any officer of the Central Government authorised in writing by the Chairman or members or any officer or member of the staff of the Appellate Tribunal or any officer of the Central Government

*Amended as per Notification dated 28.2.84.

†Amended as per Notification dated 28.8.84.

authorised in writing by the Secretary to the Government of India in the Ministry of Information and Broadcasting in this behalf, may enter any place licensed under the law in force relating to cinemas, in the discharge of his duties under the Act or these rules and thereupon the owner or the manager of such place shall provide him with a seat of the highest rate or the next lower class to view the film without charging the admission fee and entertainment tax.

38. Advertisement of films—Any person advertising a film granted 'UA', 'A', or 'S' certificate or the exhibition of such films by means of insertions in newspapers, hoardings, posters, handbills or trailers shall, after the date of its certification, indicate in such insertions in newspapers, hoardings, posters, handbills or trailers that the film has been certified for such public exhibition. Such advertisements shall indicate only the certified title of a film.*

39. Maintenance of register—(1) The Board shall maintain a register in which shall be entered,—

- (a) the name of every film examined under the Act;
- (b) the name of the person applying for a certificate;
- (c) the name of the person or company producing or releasing the film;
- (d) the name of the country in which the film was originally produced;
- (e) the name of the place where the film was examined;
- (f) the date of the examination;
- (g) the names of the persons who examined the film;
- (h) the result of the examination and of any further proceedings thereon;
- (i) the number and date of the certificate issued, if any, together with a copy of any endorsement made thereon.

(2) For the purpose of enabling the Board to maintain such a register, the regional officers concerned shall each maintain similar registers in respect of applications for certification made to them and send to the Board a duplicate copy of every entry made in it, as soon as may be, after it has been made.

(3) A copy of the entries in the register maintained by the Board made during any month shall be sent to all the regional officers during the next following month.

40. Certain films to continue to remain uncertified films—If a film has been declared by a notification issued before the 15th January, 1951 by any State Government to be an uncertified film in any part or

*Amended as per Notification dated 29.5.84.

parts of the State concerned and if the said notification has not ceased to be in force by virtue of the proviso to sub-rule (2) of rule 35 of the Cinematograph (Censorship) Rules, 1951 the film shall not be publicly exhibited unless it is certified for public exhibition in accordance with the provisions of these rules:

Provided that before certifying any such film for public exhibition the Board shall obtain the prior approval of the Central Government.

41. Time limit in relation to certification of films—(1) After an application under rule 21 for the certification of a film, complete in all respects (including the proof of payment of fees) is received, the Board shall scrutinise the application within seven days from the receipt thereof.

(2) On receiving an intimation from the applicant that a clear runnable print of the film is available for examination, the Board, shall, within fifteen days therefrom refer the film for examination to an Examining Committee.

(3) The films may be referred to the Examining Committees in the order in which the applications are received:

Provided that the regional officer may on receipt of a written request from any applicant, if satisfied that there are grounds for an early examination, alter the order of examination of the film after recording the reasons in writing.

(4) (a) In cases where the Examining Committee, after examination of the film, considers that a scrutiny of the shooting script is necessary or the authenticity of the incidents depicted in a film of historical, mythological, biographical or legendary nature is to be verified, a provisional report to that effect shall be submitted by the regional officer to the Chairman within a maximum of three working days after such examination.

(b) A written communication shall be sent to the applicant within a maximum of three working days following the receipt of the Chairman's orders on the provisional report referred to in clause (a) and the applicant shall submit the script or the authentic sources on which the subject of his film is based within ten days from the date of receipt of such communication.

(c) In cases where the members of the Examining Committee after the examination of the film submit to the Chairman a provisional report indicating that expert opinion on subjects depicted in the film such as subjects relating to defence or foreign relations or any particular religion or law or medicine or any other subject, should be sought before the final report is submitted, the Chairman may after taking into consideration the circumstances of the case specify a time limit for obtaining the expert opinion and for the submission of the final report of the Examining Committee thereafter.

(d) In other cases, the script submitted by the applicant or the authentic sources furnished by him shall be scrutinised by the examining officer and the final report of the Examining Committee shall be forwarded by the examining officer to the Chairman within ten days from the date of receipt of the script or the authentic sources as the case may be.

(5) (a) On receipt of the orders of the Board on the recommendations of the Examining Committee, in cases where sub-section (2) of section 4 is applicable, the communication to the applicant shall be issued within three days.

(b) The applicant shall submit his reply within fourteen days of the receipt of the communication.

(6) In cases where the film is not referred to a Revising Committee, certificate shall be issued or decision communicated within seven days.

(7) (a) In cases where a film is to be referred to a Revising Committee, a Revising Committee shall be constituted within twenty days from the receipt of the necessary documents from the applicant.

(b) The provisions of sub-rules (3) to (6) shall apply mutatis mutandis to the examination of films by the Revising Committee.

(c) When a film is referred to another Revising Committee or to the Board in terms of proviso to sub-rule (12) of rule 24 the time-limits will be further extended on the lines of (a) and (b) of this sub-rule.

(8) The applicant shall surrender the cuts, if any, and the affected reels together with full particulars thereof, within a period of fourteen days from the date of receipt of the final orders of the Board under section 4:

Provided that where the applicant applies to the Board that he intends to appeal against the orders of the Board, the Board may extend the period specified above for surrender of the cuts by such period as it thinks fit, but in any case not beyond fourteen days from the date of disposal of the appeal or from the date of expiration of the period for filing the appeal in cases where no appeal is filed.

(9) The cuts and the affected reels shall be examined by the regional officer within ten days of the submission of the same.

(10) If the cuts are found to be adequate on the scrutiny of the relevant reels and all particulars necessary for the presentation of the certificate are fully furnished, a certificate shall be prepared and issued within five days of the deposit of a copy of the film or script, as the case may be, as required under these rules.

(11) If however the cuts are found to be inadequate on a scrutiny of the relevant reels, the regional officer shall record the same on the file and send within two days a further communication to the applicant for compliance with the orders of the Board.

(12) The applicants shall submit further cuts to the regional officer within three days from the date of receipt of the communication.

(13) The regional officer shall again verify further cuts and the reels within five days of the receipt of the same and if the cuts are found to be adequate a certificate shall be issued.

(14) The Chairman may, for reasons to be recorded in writing relax the time-limits prescribed by this rule for the performance of any act if he is satisfied that it is necessary so to do to avoid any undue hardship.

Explanation—In calculating the periods specified in this rule working days alone shall be taken into account and Sundays and other holidays shall be excluded.

42. Preservation of records of certification of films—(1) Records of certification of feature/long films shall be preserved by the Board for a minimum period of twelve years.

(2) Records of certification of all short films shall be preserved by the Board for a minimum period of two years:

Provided that in the case of short films if there be cuts made by the Board or alterations made therein under rule 33 or if complaints have been received against the film, records of certification of the film shall be preserved for a minimum period of twelve years.

43. Terms and conditions of service of the Chairman and members of the appellate Tribunal—(1) The Chairman and members of the Appellate Tribunal shall hold office during the pleasure of the Central Government.

(2) Subject to the provisions of sub-rule (1), the Chairman of the Appellate Tribunal shall hold office for a period of three years and shall continue to hold office until his successor is appointed.

(3) Subject to the provisions of sub-rule (1), every other member of the Appellate Tribunal shall hold office for a period not exceeding three years.

(4) A retiring Chairman or a member of the Appellate Tribunal whose term of office has expired by efflux of time shall be eligible for re-appointment.

(5) Notwithstanding anything contained in the foregoing sub-rules, when the Chairman of the Appellate Tribunal is unable to discharge his functions owing to absence, illness or any other cause, the Central Government may appoint another person to discharge the functions of the Chairman until the Chairman resumes his duties.

(6) The Central Government may, after consultation with the Chairman of the Appellate Tribunal, appoint any person whom it thinks fit to be a member of the Appellate Tribunal:

Provided that the Central Government may, for reasons to be recorded in writing, dispense with such consultation.

(7) A casual vacancy in the membership of the Appellate Tribunal caused by the resignation, death or removal of any member or otherwise shall be filled by fresh appointment and the person so appointed shall hold office for a period not exceeding three years.

(8) The Central Government may remove from office any member of the Appellate Tribunal before the expiration of his term of office:

Provided that a member appointed to the Appellate Tribunal after consultation with the Chairman of the Appellate Tribunal shall not be so removed except on the recommendation of or after consultation with the Chairman of the Appellate Tribunal.

(9) For the purpose of enabling the Appellate Tribunal to perform its functions under the Act, the Central Government may appoint a Secretary to the Appellate Tribunal and such other officers for the Appellate Tribunal as may be considered necessary:

Provided that the Central Government may delegate to the Chairman of the Appellate Tribunal subject to such conditions and limitations, if any, as may be specified by it, the power of appointment conferred on it under this sub-rule, other than the powers of appointment in relation to the post of Secretary to the Appellate Tribunal:

Provided further that the Chairman of the Appellate Tribunal may grant leave to or suspend or remove from service any officer appointed by him under the powers delegated to him under this sub-rule.

(10) The Secretary to the Tribunal and other officers appointed under sub-rule (9) shall perform such duties as may be assigned to him by these rules or by the Chairman of the Appellate Tribunal.

(11) Notwithstanding anything contained in the foregoing sub-rules, the Chairman of the Appellate Tribunal may, for the purpose of enabling the Tribunal to discharge its functions under the Act, make appointments to posts other than Group A posts and may assign to the persons holding such posts such duties as he may deem fit.

(12) The Chairman of the Appellate Tribunal, if he is a paid full time officer, shall receive such pay and allowances as are admissible to a serving Judge of a High Court. He shall be entitled to all facilities and concessions not less favourable than those admissible to a serving Judge of a High Court:

Provided that in the case of a retired Judge of a High Court re-employed as Chairman of the Appellate Tribunal, the pay and other terms and conditions of service shall be the same as are applicable to re-employed Judges of High Courts under the orders of the Central Government.

(13) Every honorary member (including the Chairman where he does not receive any salary) may,—

(a) if he is an out-station member,

(i) travel by air or by train as admissible according to the orders issued by the Central Government from time to

- time in respect of journeys undertaken by him for the performance of his duties as such member;
- (ii) be paid consultancy fee for attending the preview of a film or meeting of the Appellate Tribunal at the rate of Rs. 100 for each day of such preview or meeting: and
 - (iii) be paid daily allowance at the rate of Rs. 50 per day for the day preceding the meeting and that following the meeting, if the member actually stays at the place of the meeting;
- (b) if he is a local member, be paid a consultancy fee for attending the preview of a film or meeting of the Appellate Tribunal at the rate of Rs. 75 per day for each day of such preview or meeting: provided that daily allowance will not be admissible in addition for the day or days for which consultancy fee is paid.

44. Fees for appeal to the Appellate Tribunal—(1) Subject to sub-rule (2) below, fees at the rates laid down in the following table shall be payable along with every appeal petition preferred under sub-section (2) of section 5C and the same shall be paid either in cash or remitted by postal order or bank draft to the Secretary to the Tribunal:

TABLE OF FEES

- (i) Long film : Rs. 750/- irrespective of length and gauge of film;
- (ii) Short film : Rs. 100/- irrespective of length and gauge of film.

(2) The Chairman of the Appellate Tribunal may at his discretion and for reasons to be recorded in writing, waive the payment of fee in any particular case.

(3) In the event of an appeal being withdrawn before the film is previewed, the Chairman of the Appellate Tribunal may, on application made to it in that behalf, refund to the appellant the amount of fee paid towards appeal after deducting 25% of the amount so paid.

(4) In the event of an appellant failing to present a runnable print before the Appellate Tribunal on the day and time and at the place fixed for preview, an additional fee of 25% of the fee payable for consideration of appeal under the Table in sub-rule (1) above shall be paid before another date and time for the preview of the film is fixed.

(5) If, by mistake, miscalculation or such other reason, the applicant pays towards fee for the consideration of appeal any amount in excess of the amount of fee payable under these rules, the Chairman of the Appellate Tribunal may, on an application made in that behalf, within a period of one year from the date the appeal has been decided, refund to the applicant the amount so paid in excess.

FIRST SCHEDULE

(See rule 21)

Applications for certification of films imported into or produced in the States/Union Territories mentioned in column 3 shall be presented at the regional office in column 2:

<i>Sl. No.</i>	<i>Regional Office situated at</i>	<i>Films imported into or produced in</i>
1	2	3
1.	Bangalore	State of Karnataka.
2.	Bombay	States of Gujarat, Madhya Pradesh and Maharashtra and the Union Territories of Dadra and Nagar Haveli and Goa, Daman and Diu.
3.	Calcutta	States of Assam, Bihar, Orissa, West Bengal, Nagaland, Manipur, Meghalaya, Sikkim and Tripura and the Union Territories of the Andaman and Nicobar Islands, Mizoram and Arunachal Pradesh.
4.	Delhi	States of Harayana, Himachal Pradesh, Jammu and Kashmir, Punjab, Rajasthan and Uttar Pradesh and the Union Territories of Chandigarh and Delhi.
5.	Hyderabad	State of Andhra Pradesh.
6.	Madras	State of Tamil Nadu and the Union Territory of Pondicherry.
7.	Trivandrum	State of Kerala and the Union Territory of Lakshadweep.

- Notes 1:* Till the Delhi regional office is set up the films intended for that office will continue to be presented for certification at Bombay.
- 2 Till the Bangalore/Hyderabad/Trivandrum regional office(s) are set up, the films intended for those offices will continue to be presented at Madras.

SECOND SCHEDULE

FORM 1

Form of application for certification for public exhibition of a film produced in India.

(See sub-rule 1 of rule 21)

No. and date of application (to be entered by Board's office)

To

The Central Board of Film Certification
through the Regional Officer at

Application for certification for public exhibition of a film produced in India at.....

- (1)
 - (a) Name of the film
 - (b) Language of the film
 - (c) Length of the film in ft.....
 - (d) Number of reels Metre
 - (e) Gauge of the film
 - (f) Type of the film i.e., whether it is 2-D, 3-D, cinemascope, vistavision etc.
 - (g) Whether the film is silent or a talkie
 - (h) Colour of the film
 - (i) Name and address of the producer
 - (j) Name of the director
- (2) State whether the film is a newsreel/documentary/scientific/ educational/feature/advertisement film.
- (2A) Specify the certificate requested: 'U' 'UA' 'A' or 'S'
- (3) State separately the number of negative and positive prints of the film.
 - (a) produced (negative.....positive.....)
 - (b) in the applicant's possession (negative.....positive.....)
 - (c) Name and address of the processing laboratory.
- (4)
 - (a) Whether the present film is a dubbed version or are-make of any other film. If so, state the particulars along with full details of certificates issued to that film.

- (b) Whether any pre-censorship advice was obtained and, if so, the details thereof.
- (c) Whether permission for any shooting abroad was obtained and, if so, the details thereof.
- (d) Whether the film contains any dialogue/commentary in any language other than the language of the film and, if so, specify the language and the reels in which they occur.
- (5) Has any previous application been made to certify this film as suitable for public exhibition in India? If so,
- (a) Where and to whom was it made?
- (b) What was the result of the application?
- *(i) A 'U'/'UA'/An 'A'/'S' certificate No.....dated.....was granted subject to the following cuts.....
- **(ii) Certificate was refused.
- (6) Has the exhibition of this film been at any time suspended for the film declared uncertified by the Central or any State Government? State particulars:
- (7) Does the film contain any dialogue, song, poem, speech or commentary in any language other than English or an Indian language? If so, specify that reel or reels in which the dialogue, song, poem, speech or commentary occurs and the language or languages used.
- (8) Amount of fee accompanying the application on account of the fee prescribed in Rule 36.

Vide (i) Receipt No.....dated.....
(ii) Bank draft No.....dated.....on
.....Bank.
(iii) Postal Order No.....dated.....on
.....Post Office.

*Score out the word or words which are not applicable.

- (9) Name, address and telephone number, if any, of the applicant.
- (10) I declare that the print of the film is ready for examination by the Board and the statements recorded above are true in every particular.

Date:

Signature of applicant

FORM IA

Form of application for certification for public exhibition of a video film produced in India.

[See sub-rule (1) of rule 21]

No. and date of application (to be entered by Board's office)

To

The Central Board of Film Certification
through the Regional Officer at

Application for cerification for public exhibition of a video film produced in India at.....

- (1) (a) Name of the video film
(b) Language of the video film
(c) Running time
(d) Number of cassettes
(e) Any other particulars of the video conversion
(f) Type of the film, i.e., whether it is 2-D, 3-D, cinemascope, vistavision etc.
(g) Whether the film is silent or a talkie
(h) Colour of the film
(i) Name and address of the producer
(j) Name of the director
- (2) State whether the video film is a newsreel/documentary/scientific/educational/feature/advertisement video film.
- (2A) Specify the certificate requested: 'U', 'UA', 'A', or 'S'.
- (3) State separately the number of negative and positive prints of the video film.
 - (a) produced (negative..... positive.....)
 - (b) in the applicant's possession (negative..... positive.....)
 - (c) Name and address of the laboratory/company where copies were made.

- (4) (a) Whether the video film for which the application has been made is a replica/exact copy of a cinematograph film on celluloid in respect of which a certificate has already been granted by the Central Board of Film Certification. Also state particulars of the film certified.
- (b) Whether the video film is a modified version of a certified cinematograph film on celluloid containing additions, deletions/other alterations (details of modifications may be provided).
- (c) Whether the application being made is in respect of an original, video film and not a copy of an already certified cinematograph film on celluloid.
- (d) Whether the present video film is a dubbed version or re-make of any other video film. If so, state the particulars alongwith full details of certificates issued to that video film.
- (e) Whether any pre-censorship advice was obtained and, if so, the details thereof.
- (f) Whether permission for any shooting abroad was obtained and, if so, the details thereof.
- (g) Whether the video film contains any dialogue/commentary in any language other than the language of the video film and, if so, specify the language and the cassette in which they occur.
- (5) Has any previous application been made to certify this video film as suitable for public exhibition in India? If so,
- (a) Where and to whom was it made?
- (b) What was the result of the application?
- *(i) A 'U'/'UA'/An 'A'/'S' certificate No.....
dt.....was granted subject to the following cuts.....
- *(ii) Certificate was refused.
- (6) Has the exhibition of this video film/film been at any time suspended or the video film/film declared uncertified by the Central or any State Government? State particulars;
- (7) Does the video film contain any dialogue, song, poem, speech or commentary in any language other than English or an Indian language?
If so, specify that cassette or cassettes in which the dialogue, song, poem, speech or commentary occurs and the language or languages used.

- (8) Amount of fee accompanying the application on account of the fee prescribed in rule 36.

Vide (i) Receipt No.....dated.....
(ii) Bank draft No.....dated.....on
.....Bank:
(iii) Postal order No.....dated.....on
.....Post Office.

*Score out the word or words which are not applicable.

- (9) Name, address and telephone number, if any, of the applicant
Telephone No.:
- (10) I declare that the video film is ready for examination by the Board
and the statements recorded above are true in every particular.
I also declare that I own the rights of the video film in question.
I further declare that I have the right to use in the video film the
additional material in the feature film in the form of trailers,
advertisement shorts, documentary films etc.

Date:

Signature of applicant

FORM-II

Form of application for certification for public exhibition of a film imported into India.

[See sub-rule (1) of rule 21]

No. and date of application (to be entered by Board's office)

To

The Central Board of Film Certification through the Regional Officer at Bombay/Calcutta/Madras

Application for certification for public exhibition of a film first imported into India at.....

1. (a) Name of the film
(b) Language of the film
(c) Length of the film in feet.....metres
Length of the film as shown in the CCP and/or import licence.
Have any cuts been made voluntarily by the applicant and if so give details.
(d) Number of reels
(e) Gauge of the film
(f) Type of film i.e., whether it is 2-D, 3-D cinemascope, vistavision etc.
(g) Whether the film is silent or a talkie
(h) Colour of the film
(i) Name of the producer
(j) Name of the director
(k) Country in which produced
2. State whether the film is a *newsreel/documentary/scientific/educational/feature/advertisement film.
3. State separately, the number of negatives and positive print of the film:
(a) imported by the applicant (negative positive)
(b) in the applicant's possession (negative positive)

*Score out the word or words which are not applicable.

4. In what other language/languages, if any, has this been produced or dubbed ?

Where the title is not the same in each language, state the title of each version in which it has been produced or dubbed.

5. Has any previous application been made to certify this film (under its present or any other title) in—
(a) India;
(b) United States of America;
(c) United Kingdom;
(d) Any other country.

If so,

- (i) Where and to whom was it made ?
(ii) What was the result of the application i.e.
*(i) A 'U'/'UA'/An 'A'/'S' certificate No.
date was granted subject to the following cuts:

-
- *(ii) Certificate was refused.
In the case of film made in the United States of America,
state the rating of this film according to (a) the national
groups and (b) the legion of decency.
(a) (b)

6. Has exhibition of this film been at any time suspended or the film
declared uncertified by the Central or any State Government? State
particulars:

7. Does the film contain any dialogue, song, poem, speech or commentary
in any language other than English or any Indian language ?
If so, specify the reel or reels in which the dialogue, song, poem, speech
or commentary occurs and the language or languages used.

*Score out the word or words which are not applicable.

8. Amount of fees accompanying the application on account of the fee
prescribed in rule 36.
(i) Receipt No. dated
(ii) Bank Draft No., dated on Bank
(iii) Postal Order No., dated on
..... Post Office.

9. Name, address and telephone number, if any, of the applicant.

.....
.....
.....

10. (a) Name, address and telephone number, if any, of the importer of
the film.....
(b) Number and date of the import licence.....
(c) Date of clearance through the Customs.....

11. Has the film been produced by or in collaboration with South African or Rhodesian nationals wholly or in part in South Africa, South West Africa or Rhodesia or is the film owned wholly, or in part, by South African or Rhodesian nationals? If so, give details.
12. I declare that the print of the film is ready for examination by the Board and that the statements above recorded are true in every particular.

Date:

Signature of applicant

FORM II-A

Form of application for certification for public exhibition of a video film imported into India,

[See Sub-rule (1) of rule 21]

No. and date of application (to be entered by Board's Office)

To

The Central Board of Film Certification through the Regional Officer at

Application for certification for public exhibition of a video film first imported into India at.....

1. (a) Name of the Video film.
(b) Language of the video film.
(c) Running time of the video film.....metre Running time of the video film as shown in the CCP and/or import licence. Have any cuts been made voluntarily by the applicant and if so give details.
(d) Number of Cassettes.
(e) Any other particulars of the video conversion.
(f) Type of film i.e. whether it is 2-D, 3-D, cinemascope, vistavision etc.
(g) Whether the film is silent or a talkie.
(h) Colour of the film.
(i) Name of the Producer.
(j) Name of director.
(k) Country in which produced.
2. State whether the video film is a *newsreel/documentary/scientific/educational/feature/advertisement video film.
3. State separately, the number of negatives and positive print of the video film:
(a) imported by the applicant (negative.....positive.....)
(b) in the applicant's possession (negative.....positive.....)

*Score out the words which are not applicable.

4. (a) Whether the video film for which the application has been made is a replica/exact copy of a cinematograph film on celluloid in respect of which a certificate has already been granted by the Central Board of Film Certification? Also state particulars of the film certified.

- (b) Whether the video film is a modified version of a certified cinematograph film on celluloid, containing additions, deletions/other alterations (details of modifications may be provided).
- (c) Whether the application being made is in respect of an original video film and not a copy of an already certified cinematograph film on celluloid.
- (d) In what other language/languages, if any, has this been produced or dubbed?
Where the title is not the same in each language, state the title of each version in which it has been produced or dubbed.
5. Has any previous application been made to certify this video film/film (under its present or any other title) in—
- (a) India:
- (b) United States of America:
- (c) United Kingdom:
- (d) Any other country:
If so,
- (i) Where and to whom was it made ?
- (ii) What was the result of the application i.e.
- *(i) A 'U'/'UA'/An 'A'/'S' certificate No.
datewas granted subject to the following cuts:
- *(ii) Certificate was refused.
In the case of film made in the United States of America,
state the rating of this film according to (a) the national
groups and (b) the legion of decency.
(a) (b)

6. Has exhibition of this video film been at any time suspended or the film declared uncertified by the Central or any State Government?
State particulars.

*Score out the words which are not applicable.

7. Does the video film contain any dialogue, song, poem, speech or commentary in any language other than English or any Indian language ?
If so, specify the Cassette or Cassettes in which the dialogue, song, poem, speech or commentary occurs and the language or languages used.

8. Amount of fees accompanying the application on account of the fee prescribed in rule 36.
- (i) Receipt No. dated.....
- (ii) Bank Draft No., dated.....on.....Bank
- (iii) Postal Order No., dated.....on
..... Post Office.
9. Name, address and telephone number, if any, of the applicant.
.....
.....
.....
10. (a) Name, address and telephone number, if any, of the importer of the video film.....
- (b) Number and date of the import licence.....
- (c) Date of clearance through the Customs.....
11. Has the video film/film been produced by or in collaboration with South African or Rhodesian nationals wholly or in part in South Africa, South-West Africa or Rhodesia or is the film owned wholly, or in part, by South African or Rhodesian nationals? If so, give details.
- 12 I declare that the video film is ready for examination by the Board and that the statements above recorded are true in every particular. I also declare that I own the video rights of the film in question. I further declare that I have the right to use in the video film the additional material in the feature film in the form of trailers, advertisement shorts, documentary films etc.

Date:

Signature of applicant

FORM III

(See rule 33)

(To be submitted in duplicate)

[Report under rule 33 of the Cinematograph (Certification) Rules, 1983 regarding an alteration or alterations in a certified film].

1. Name of the applicant:

2. Name of the film:

3. Certificate No:

Dated.....

4. Particulars of alterations:

<i>Reel No.</i>	<i>Scene No.</i>	<i>Description of the scene/dialogue/ song Length</i>
---------------------	----------------------	---

(Specify the exact alteration or alterations, length and the number of the reel or reels in which the alteration or alterations occurs or occur.)

In the case of video films, instead of length and number of reels, duration in minutes and number of cassettes may be given.

To

The Chairman, Central Board of Film Certification
(Through the Regional Officer at Bombay/Calcutta/Madras*)

I declare that the above particulars are true in every respect and are a full description of the alteration or alterations made in the film after its certification.

Date :

Address:

Signature of applicant

*Score out the word or words which are not applicable.

FORM IV

U

[See rule 35 (1)]

GOVERNMENT OF INDIA

CENTRAL BOARD OF FILM CERTIFICATION

Certificate for Unrestricted Public Exhibition

PART I

(Film)

(Gauge)..... (Length)..... (Metre)..... (Reel).....

(Certificate No.).....

(Date of Issue).....

(Date of expiry).....

Chairman

PART II

Particulars of excisions and modifications subject to which the certificate has been granted.

1. This certificate has been issued in accordance with rule 35 of the Cinematograph (Certification) Rules 1983 framed under the Cinematograph Act, 1952.
2. In the event of a copy of the film being prepared in a gauge other than that mentioned in the certificate, the certified length shall be deemed to be corresponding length appropriate to that gauge.

However, this certificate is not valid for video films.*

3. Name of applicant:
4. Name of producer:

Date :

*Amended as per Notification dated 28.2.84.

FORM IV-A

V/U

[See rule 35 (1)]

GOVERNMENT OF INDIA
CENTRAL BOARD OF FILM CERTIFICATION

Certificate for Vidio Film for Unrestricted Public Exhibition

PART I

(Video film).....
(Running time)..... (No. of Cassettes).....
(Certificate No.).....
(Date of Issue).....
(Date of Expiry).....

Chairman

PART II

Particulars of excisions and modification subject to which the certificate has been granted.

1. This certificate has been issued in accordance with rule 35 of the Cinematograph (Certification) Rules 1983 framed under the Cinematograph Act, 1952.
2. This certificate is valid only in respect of the video film.
3. Name of Applicant:
4. Name of Producer:

Date:

FORM—V

A

[See rule 35 (1)]

GOVERNMENT OF INDIA
CENTRAL BOARD OF FILM CERTIFICATION**Certificate for exhibition restricted to ADULTS only**

(Persons below 18 years not admitted)

PART I

(Film)

(Gauge)..... (Length)..... (Metres)..... (Reel).....

(Certificate No.)

(Date of Issue).....

(Date of expiry).....

*Chairman***PART II**

Particulars of excisions and modifications subject to which the certificate has been granted.

1. This certificate has been issued under rule 35 of the Cinematograph (Certification) Rules 1983 framed under the Cinematograph Act, 1952.
2. In the event of a copy of the film being prepared in a gauge other than that mentioned in the certificate, the certified length shall be deemed to be the corresponding length appropriate to that gauge.

However, this certificate is not valid for video films.*

3. Name of Applicant :

4. Name of Producer :

Date :

*Amended as per notification dated 28.2.84.

FORM V-A

[See rule 35 (1)]

V/A

GOVERNMENT OF INDIA
CENTRAL BOARD OF FILM CERTIFICATION

**Certificate for video film for exhibition
restricted to ADULTS only**

(Persons below 18 years not admitted)

PART I

(Video film).....

(Running time).....(No. of Cassettes).....

(Certificate No.).....

(Date of Issue).....

(Date of Expiry).....

Chairman

PART II

Particulars of excisions and modifications subject to which the certificate has been granted.

1. This certificate has been issued under rule 35 of the Cinematograph (Certification) Rules 1983 framed under the Cinematograph Act, 1952.
2. This certificate is valid only in respect of the video film.
3. Name of the Applicant.
4. Name of Producer

Date :

FORM VI

UA

[See rule 35(1)]

GOVERNMENT OF INDIA

CENTRAL BOARD OF FILM CERTIFICATION

Certificate for unrestricted public exhibition with an endorsement of caution that the question as to whether any child below the age of 12 years may be allowed to see the film should be considered by the parents or guardian of such child.

PART I

(Film)
 (Gauge).....(Length).....(Metre).....(Reel).....
 (Certificate No.).....
 (Date of Issue).....
 (Date of Expiry).....

*Chairman***PART II**

Particulars of excisions and modifications subject to which the certificate has been granted.

1. This certificate has been issued, under rule 35 of the Cinematograph (Certification) Rules, 1983 framed under the Cinematograph Act, 1952.
2. In the event of a copy of the film being prepared in a gauge other than that mentioned in the certificate, the certified length shall be deemed to be the corresponding length appropriate to that gauge.

However, this certificate is not valid for video films.*

3. Name of the Applicant :

4. Name of Producer :

Date :

*Amended as per Notification dated 28.2.84.

FORM VI-A

[See rule 35 (1)]

V/UA

GOVERNMENT OF INDIA

CENTRAL BOARD OF FILM CERTIFICATION

Certificate for video film for unrestricted public exhibition with an endorsement of caution that the question as to whether any child below the age of 12 years may be allowed to see the film should be considered by the parents or guardian of such child.

PART I

(Video film).....
(Running time).....(No. of Cassettes).....
(Certificate No.).....
(Date of Issue).....
(Date of Expiry).....

Chairman

PART II

Particulars of excisions and modifications subject to which the certificate has been granted.

1. This certificate has been issued under rule 35 of the Cinematograph (Certification) Rules 1983 framed under the Cinematograph Act, 1952.
2. This certificate is valid only in respect of the video film.
3. Name of the Applicant.
4. Name of Producer.

Date :

FORM—VII

[See rule 35 (1)]

S

GOVERNMENT OF INDIA

CENTRAL BOARD OF FILM CERTIFICATION

Certificate for public exhibition restricted to members of any profession or any class of persons

PART I

(Film)

(Gauge).....(Length).....(Metre).....(Reel).....

(Certificate No.).....

(Date of Issue).....

(Date of Expiry).....

(Fit for audiences consisting of).....

Chairman

PART II

Particulars of excisions and modifications subject to which certificate has been granted.

1. This certificate has been issued under rule 35 of the Cinematograph (Certification) Rules, 1983 framed under the Cinematograph Act, 1952.
2. In the event of a copy of the film being prepared in a gauge other than that mentioned in the certificate, the certified length shall be deemed to be the corresponding length appropriate to that gauge.

However, this certificate is not valid for video films.*

3. Name of Applicant :

4. Name of Producer :

Date :

Ammended as per Notification dated 28. 2. 84.

FORM VII-A

V/S

(See rule 35 (1)]

GOVERNMENT OF INDIA
CENTRAL BOARD OF FILM CERTIFICATION

**Certificate for video film for public exhibition restricted to
members of any profession or any class of persons**

PART I

(Video film).....
(Running time).....(No. of Cassettes).....
(Certificate No.).....
(Date of Issue).....
(Date of Expiry).....
(Fit for audiences consisting of).....

Chairman

PART II

Particulars of excisions and modification subject to which the certificate has been granted.

1. This certificate has been issued under rule 35 of the Cinematograph (Certification) Rules 1983 framed under the Cinematograph Act, 1952.
2. This certificate is valid only in respect of the video film.
3. Name of Applicant.
4. Name of Producer.

Date :

FORM VIII

[See rules 22(9) and 24(9)]

Central Board of Film Certification

Form of Report of Member of Examining/Revising Committee

N.B.:-

1. Please study the guidelines issued by Government once again before you preview the film.
2. Please remember that the objectives of film censorship are to ensure that the medium of film remains responsible and sensitive to the values and standards of society; that artistic expression and creative freedom are not unduly curbed and that censorship is responsive to social change.

File No.

Dated.

PART A

I,.....(in block letters), attended the meeting of the Examining Committee/ Revising Committee on.....and I hereby record my opinion in Parts, B, C and D below.

Title of the film.....

Language

Length of the film..... Metres.....

Reels Gauge..... Black and White/Colour

PART B

1. Do you recommend a certificate? Yes/No
If yes, please state whether you recommend that:
 - (i) the film be sanctioned for unrestricted public exhibition, i.e., fit for 'U' certificate; or Yes/No
 - (ii) the film be sanctioned for unrestricted public exhibition but with an endorsement of caution that the question as to whether any child below the age of 12 years may be allowed to see the film should be considered by the parents or guardian of such child, i.e., fit for 'UA' certificate; or Yes/No
 - (iii) the film be sanctioned for public exhibition restricted to adults, i.e., fit for 'A' certificate; or Yes/No
 - (iv) the film be sanctioned for public exhibition restricted to members of any profession or any class of persons, i.e., fit for 'S' certificate Yes/No
2. If the answer to 1 (i), (ii), (iii) or (iv) is yes, do you consider that the applicant should be directed to carry out any excisions or modifications? If yes, kindly specify the excisions or modifications in the proforma in Part C. Yes/No
3. If you consider that the film be granted 'UA' or 'A' or 'S' certificate, kindly give detailed reasons in the space below:
4. If you consider that the film be granted 'S' certificate, kindly specify below the class or group of persons which should constitute the specialised audiences:
5. If you recommend a certificate,
 - (a) are you satisfied that in the film—
 - (i) anti-social activities such as violence are not glorified or justified ?
 - (ii) the modus operandi of criminals or other visuals or words likely to incite the commission of any offence are not depicted ?
 - (iii) pointless or avoidable scenes of violence, cruelty and horror are not shown ?
 - (iii-a) scenes which have the effect of justifying or glorifying drinking are not shown ?
 - (iv) human sensibilities are not offended by vulgarity, obscenity and depravity ?

- (iv-a) visuals or words depicting women in ignoble servility to man or glorifying such servility as a praiseworthy quality in women are not presented?
 - (v) visuals or words contemptuous of racial, religious or other groups are not presented?
 - (vi) the sovereignty and integrity of India is not called in question?
 - (vii) the security of the State is not jeopardised or endangered?
 - (viii) friendly relations with foreign States are not strained?
 - (ix) public order is not endangered?
 - (x) visuals or words involving defamation or contempt of court are not presented?
- (b) whether the film has been—
- (i) judged in its entirety from the point of view of its overall impact?
 - (ii) examined in the light of contemporary standards of the country and the people to which the film relates.

PART C

DETAILS OF EXCISES OR MODIFICATIONS

<i>Sl. No.</i>	<i>Reel No.</i>	<i>Clear and specific description of excisions or modifications</i>	<i>Reasons with specific reference to guidelines</i>
(1)	(2)	(3)	(4)

N.B.: (I) Wherever a scene or sequence is to be reduced, extent of reduction should be indicated in one of the following terms:

Extent of reduction

- | | |
|-------------------------------|--|
| (i) Reduced drastically, i.e. | .. by 80% to 90% |
| (ii) Reduced considerably | .. by 50% to 60% |
| (iii) Reduced | .. by 30% to 40% |
| (iv) Reduced to a flash | .. Only 1/2 to 1 metre to be kept in the film. |

N.B.: (II) Also if certain portions are to be completely deleted whilst reducing a scene or a sequence, these should be specified.

PART D

If you feel that the film should be refused a certificate, kindly give detailed reasons below specifying the objectionable scenes or sequences, guideline-wise:

.....
Signature

FORM IX

(See Rule 26)

I/We the applicant(s) in respect of the film..... do hereby declare that the portion or portions objected to by the Board of Film Certification in the film..... as endorsed on the certificate have been excised from the film and the original negative (picture and sound), inter-negative, inter-positive and all positive prints thereof are hereby surrendered to the Central Board of Film Certification.

I/We further declare that the above declaration is correct in all respects.

.....
Signature of applicant

Place: *Name:*

Date: *Address:*

Note: (1) If so required by the regional officer, the applicant shall produce a certificate from the owner or manager of the laboratory, where the film was processed in such form as may be specified by the Board in this behalf, in regard to the number of positive and negative copies of the film made in that laboratory.

Note: (2) All the cuts should be joined in the order of reel numbers indicated in the Board's direction with white pieces in between two different cuts to distinguish them. Length of each cut should be indicated in metres separately. In case of a scene required to be reduced as per directive of the Board, the producer shall indicate the length reduced and total length retained separately.

FORM X

[See rule 28(7)]

Copy/Script/Commentary/tape record of commentary of film.....

..... This is to certify that the copy of film/script of the film/commentary/tape record of commentary noted above submitted to the Central Board of Film Certification under rule 28 of the Cinematograph (Certification) Rules, 1983 is an exact copy of the film or its script or commentary, as the case may be, as certified by the Board with complete dialogue, song, sound effects and picturisation. The correct reel wise length of the film as actually measured and certified is given below:

<i>Reel No.</i>	<i>Length in metres</i>
1.	
2.	
3.	
	Total:

N.B.: This includes the length of the 'Interval' and 'End' pieces.

..... *Signature of the applicant*

CENTRAL BOARD OF FILM CENSORS

GUIDELINES

(As amended upto 7th May 1983)

SRO—In exercise of the powers conferred by sub-section (2) of Section 5B of the Cinematograph Act, 1952 (37 of 1952), the Central Government hereby directs that in sanctioning of films for public exhibition, the Board of Film Censors shall be guided by the following principles:

1. The objectives of film censorship 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; and
 - (c) censorship is responsive to social change.
2. In pursuance of the above objectives, the Board of Film Censors shall ensure that—
 - (i) anti-social activities such as violence are not glorified or justified;
 - (ii) the modus operandi of criminals or other visuals or words likely to incite the commission of any offence are not depicted;
 - (iii) pointless or avoidable scenes of violence, cruelty and horror are not shown;
 - (iii-a) scenes which have the effect of justifying or glorifying drinking are not shown;
 - (iv) human sensibilities are not offended by vulgarity, obscenity and depravity;
 - (iv-a) visuals or words depicting women in ignoble servility to man or glorifying such servility as a praiseworthy quality in women are not presented;
 - (v) visuals or words contemptuous of racial, religious or other groups are not presented;
 - (vi) the sovereignty and integrity of India is not called in question;
 - (vii) the security of the State is not jeopardised or endangered;
 - (viii) friendly relations with foreign States are not strained;
 - (ix) public order is not endangered;
 - (x) visuals or words involving defamation or contempt of court are not presented.

3. The Board of Film Censors 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 contemporary standards of the country and the people to which the film relates.
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. The notification of the Government of India in the Ministry of Information and Broadcasting No. G.S.R. 168, dated 6th February 1960 is hereby superseded.

[Authority.—Notification No. F. 5/5/77-FC, dated 7th January 1978 read with Notification No. F. 5/5/77-FC, dated 27th January 1979 and Notification No. 805/2/82-F (C), dated 7th May 1983 issued by the Ministry of Information and Broadcasting, Government of India, New Delhi.]

WEST BENGAL ACT XXXIX OF 1954

THE WEST BENGAL CINEMAS (REGULATION) ACT,¹ 1954²
As modified up to the 1st August 1967

(29th December, 1954)

An Act to provide for the regulation of cinemas in West Bengal

Whereas it is expedient to provide for the regulation of cinemas in West Bengal;

It is hereby enacted in the Fifth Year of the Republic of India, by the Legislature of West Bengal as follows:

Short title, extent and commencement

1. (1) This Act may be called the West Bengal Cinemas (Regulation) Act, 1954.

(2) It extends to the whole of West Bengal.

(3) It shall come into force on such date³ as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) "Calcutta" means the town of Calcutta as defined in the Calcutta Police Act, 1866, together with the suburbs of Calcutta as defined by notification under section 1 of the Calcutta Suburban Police Act, 1866; (Bengal Act IV of 1866, Bengal Act II of 1668).

(b) "cinematograph" includes any apparatus for the representation of moving pictures or series of pictures;

(c) "District Magistrate" includes a Deputy Commissioner and means in relation to Calcutta, the Commissioner of Police, Calcutta;

¹ For Statement of Objects and Reasons, see the *Calcutta Gazette, Extra-ordinary*, dated the 20th August, 1954, Part IVA, page 1168; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meetings of the West Bengal Legislative Assembly held on the 13th and 14th September, 1954; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of the West Bengal Legislative Council held on the 20th September, 1954.

² The Act was brought into force with effect from the 1st February, 1955 vide notification No. 580P., dated the 20th January, 1955, published in the *Calcutta Gazette, Extra-ordinary*, dated the 20th January, 1955, Part I, page 45.

³ The Act was extended to the transferred territories with effect from the 1st July, 1959, vide notification No. 5407-J., dated the 24th June, 1959, published in the *Calcutta Gazette, Extra-ordinary*, dated the 26th June, 1959, Part I, page 1355.

- (d) "place" includes a house, building, tent, enclosure, open space and any description of transport, whether by land, water or air;
- (e) "prescribed" means prescribed by rules made under this Act;
- (f) "a public exhibition" means an exhibition to which persons are admitted on payment.

Cinematograph exhibitions to be licensed

3. (1) Save as otherwise provided in this Act, no person shall give a public exhibition by means of a cinematograph elsewhere than in a place in respect of which a licence has been granted under this Act or otherwise than in compliance with any conditions or restrictions imposed by such licence.

(2) The State Government may, if it considers it necessary to do so, make an order for regulating exhibitions other than public exhibitions and prescribe rules and conditions for the purpose.

Licensing authority

4. The authority having power to grant licences (hereinafter referred to as the licensing authority) shall be the District Magistrate within whose jurisdiction the place where the exhibitions by means of cinematograph are proposed to be given is situated:

Provided that the State Government may, by notification in the *Official Gazette*, constitute for the whole of West Bengal or any part thereof, such other authority as it may specify in the notification, to be the licensing authority for the purposes of this Act and on such a notification being issued, the District Magistrate or the District Magistrates having jurisdiction in the area or areas in respect of which the notification has been issued shall cease to be the licensing authority or authorities for such area or areas.

Restrictions on powers of licensing authority

Appeal and Revision

5. (1) The licensing authority shall not grant a licence under this Act, unless it is satisfied that—

- (a) the rules made under this Act have been substantially complied with, and
- (b) the prescribed precautions have been taken in the place in respect of which the licence is to be given to provide for the safety of persons attending exhibitions therein:

Provided that the licensing authority shall, before refusing to grant a licence under this Act, give the applicant an opportunity of showing cause.

(2) Subject to the control of the State Government, the licensing authority may grant licences, under the provisions of this Act and the rules made thereunder, to such persons as that authority thinks fit and on such

terms and conditions and subject to such restrictions as it may determine and the terms and conditions laid down shall include the prescribing of such prices of admission as the licensing authority may determine.

(3) The State Government may, from time to time, issue directions to licensees generally or if in the opinion of the State Government circumstances so justify, to any licensee in particular, for the purpose of regulating the exhibition of any film or class of films and in particular the exhibition of scientific films, films intended for educational purposes, films dealing with news and current events, documentary films or films produced in India, and where any such directions have been issued, those directions shall be deemed to be additional conditions and restrictions subject to which the licence has been granted.

(4) (a) Any person aggrieved by an order of a licensing authority granting or refusing to grant a licence¹ [or by any other order of a licensing authority which is declared by rules made under this Act to be appealable] or by the terms and conditions on which or the restrictions subject to which a licence is granted, may, within such time as may be prescribed, appeal—

(i) where the licensing authority is the District Magistrate of any district,—to the Commissioner of the Division comprising such district,

(ii) where the licensing authority is the Commissioner of Police, Calcutta,—to the Commissioner of the Presidency Division in West Bengal, and

(iii) in any other case,—to such authority as the State Government, may, by notification in the *Official Gazette*, specify in this behalf;

(b) the State Government may,—

(i) on application made to it within the prescribed period by any person aggrieved, revise any order passed on appeal under clause (a), and

(ii) of its own motion at any time revise,—any order passed on appeal under clause (a), or any order of a licensing authority² [from which an appeal lies under clause (a), but from which no appeal has been preferred];

(c) no order shall be made on such revision without giving the applicant or the licensee an opportunity of being heard.

(d)³ (i) an appellate authority while hearing appeal under clause (a), or the State Government while revising an order under clause (b), may, by order, prohibit any action being taken

¹ The words within square brackets were inserted by s. 2(1) of the West Bengal Cinemas (Regulation) (Amendment) Act, 1965 (West Ben. Act XIII of 1965).

² The words within square brackets were substituted for the words "granting or refusing to grant a licence or determining the terms and conditions on which or the restrictions subject to which a licence is granted, where no appeal has been preferred under clause (a) from such order" by s. 2(2), *ibid.*

³ Clause (d) was added by s. 2(3), *ibid.*

on the order under appeal or, as the case may be, under revision, or stay the consideration of any other application in connection with the grant of a licence under this Act or may pass such other interlocutory order as it may think just and convenient;

- (ii) no order under this clause shall be made without giving all persons likely to be affected by such order an opportunity of being heard:

Provided that where the circumstances of a case are such that immediate action is necessary, an appellate authority or, as the case may be, the State Government may make any such order under this clause as it thinks fit, with notice to all persons affected to show cause against such order and may after considering the cause, if any, shown by such persons, either confirm such order or vary or set it aside.

Power of State Government or District Magistrate to suspend exhibition of films in certain cases

6. (1) The State Government in respect of the whole of West Bengal or any part thereof, and a District Magistrate in respect of the area within his jurisdiction, may, if it or he is of opinion that any film which is being publicly exhibited or is about to be exhibited is likely to cause a breach of the peace, by order, suspend or prohibit the exhibition of the film and during such suspension or prohibition the film shall not be exhibited in the State, or in such part thereof or in such area, as the case may be.

(2) Where an order under sub-section(1) has been issued by a District Magistrate, a copy thereof, together with a statement of the reasons therefor, shall forthwith be forwarded by the District Magistrate to the Commissioner of the Division comprising the district under the jurisdiction of the District Magistrate and such Commissioner may either confirm or discharge the order:-

Provided that before confirming any such order, such Commissioner shall give to persons prevented from exhibiting the film an opportunity of showing cause against such order.

(3) An order made under this section shall remain in force for a period of two months from the date thereof, but the State Government may, in the case of an order made by itself, and the Commissioner may, in the case of an order made by a District Magistrate and confirmed by him, if it or he is of opinion that the order should continue in force, direct that the period of suspension or prohibition shall be extended by such further period or periods as it or he thinks fit.

Penalties for contravention of the Act

7. If the owner or person in charge of a cinematograph uses the same or allows it to be used for giving an exhibition, or if the owner or occupier

of any place permits that place to be used, in contravention of the provisions of this Act or of the rules made thereunder, or of the conditions and restrictions upon or subject to which any licence has been granted under this Act, he shall be punishable with fine which may extend to one thousand rupees and, in the case of a continuing offence, with a further fine which may extend to one hundred rupees for each day during which the offence continues.

Power to revoke licence

8. Where the holder of a licence under this Act has been convicted of an offence under section 7 of the Cinematograph Act, 1952, or section 7 of this Act (XXXVII of 1952) the licence may be revoked by the licensing authority.

Power to make rules

9. (1) The State Government may, by notification in the *Official Gazette*, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, rules made under this Act, may provide for—

- (a) the procedure in accordance with which a licence may be obtained and the terms, conditions and restrictions, if any, subject to which a licence may be granted under this Act,
- (b) the regulation of cinematograph exhibitions for securing public safety;
- (c) the time within which and the conditions subject to which, an appeal under clause (a) of sub-section (4) of section 5 or an application to the State Government for revision under sub-clause (i) of clause (b) of that sub-section may be made;
- (d) the procedure for appeals and revisions under sub-section (4) of section 5;
- (e) the payment of fees for a licence under this Act or for a renewal of such licence or for an appeal under clause (a) of sub-section (4) of section 5 or for an application for revision under sub-clause (i) of clause (b) of that sub-section.

Power to exempt

10. The State Government may, by order in writing, exempt, subject to such conditions and restrictions as it may impose, any cinematograph exhibition or class of cinematograph exhibitions from any of the provisions of this Act or of any rules made thereunder.

Protection of State Government and of officers of Government for acts done in good faith

11. No suit or proceeding shall lie against the State Government and

no suit, prosecution or proceeding shall lie against any officer of Government for anything in good faith done, or intended to be done, under this Act or any rules made thereunder.

Validation of fees already realised

12. Any fees realised or purported to have been realised in respect of licences or renewals thereof granted under the Cinematograph Act, 1918, shall be deemed to have always been validly realised (II of 1981).

Repeal

13. So much of the Cinematograph Act, 1918, as applies to West Bengal, is hereby repealed.

Transitional provisions

¹14. Notwithstanding anything contained in any other law or in this Act or in the rules made under this Act or in the licence,—

- (a) a licence which was granted, or purports to have been granted, under the Cinematograph Act, 1918, or
- (b) a licence which was granted under that Act and purports to have been renewed under this Act but in the form provided under that Act, or
- (c) a licence which purports to have been granted under this Act, but in the form provided under that Act,

shall be deemed, for all purposes, to have been granted under this Act and the conditions and restrictions prescribed by the rules under this Act shall, until a new licence is granted under this Act and the rules made thereunder, be deemed to have been incorporated in such licence:

Provided that the licensing authority may grant time, or extend the time so granted, for compliance with any such condition or restriction.

Transitional provisions for licences under Bihar Act

²15. Notwithstanding anything contained in any other law or in this Act or in the rules made under this Act or in the licence, a licence granted or renewed under the Bihar Cinemas (Regulation) Act, 1954 shall be deemed for all purposes to have been granted or renewed under this Act and the conditions and restrictions prescribed by the rules under this Act shall, until a new licence is granted under this Act, be deemed to have been incorporated in such license:

Provided that the licensing authority may grant time, or extend the time so granted, for compliance with any such condition or restriction.

¹ Section 14 was inserted with retrospective effect by s. 2 of the West Bengal Cinemas (Regulation) (Amendment) Act, 1957 (West Ben. Act XVII of 1957).

² Section 15 which was added by the proviso to s. 3(1) of the West Bengal Transferred Territories (Assimilation of Laws) Act, 1958 (West Ben. Act XIX of 1958), extends to the transferred territories only.

GOVERNMENT OF WEST BENGAL

LEGISLATIVE DEPARTMENT

NOTIFICATION

No. 2636-L.

9th November, 1976

The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:

WEST BENGAL ACT XLVI OF 1976

**THE WEST BENGAL CINEMAS (REGULATION) (AMENDMENT)
ACT, 1976**

(Passed by the West Bengal Legislature)

(Assent of the Governor was first published in the Calcutta Gazette,
Extra ordinary, of the 9th November, 1976.)

An Act to amend the West Bengal Cinemas (Regulation) Act, 1954.

Whereas it is expedient to amend the West Bengal Cinemas (Regulation) Act, 1954 (West Bengal Act XXXIX of 1954) for the purposes and in the manner Act hereinafter appearing;

It is hereby enacted in the Twenty-seventh Year of the Republic of India, by the Legislature of West Bengal, as follows:

Short title

1. This Act may be called the West Bengal Cinemas (Regulation) (Amendment) Act, 1976.

Amendment of section 5 of West Bengal Act XXXIX of 1954

2. In sub-section (4) of section 5 of the West Bengal Cinemas (Regulation) Act, 1954 (hereinafter referred to as the said Act):

- (a) sub-clause (i) of clause (b) shall be omitted.
- (b) in clause (c) for the words "the applicant or the licensee, as the case may be," the words "the licensee" shall be substituted.

Amendment of section 9

3. In sub-section (2) of section 9 of the said Act, in clause (e), the words, brackets, figures and letter "or for an application for revision under sub-clause (i) of clause (b) of that sub-section" shall be omitted.

Repeal and savings

4. (1) The West Bengal Cinemas (Regulation) (Amendment) Ordinance, 1976 (West Bengal Order XVIII of 1976) is hereby repealed.

(2) Anything done or any action taken under the said Act, as amended by the West Bengal Cinemas (Regulation) (Amendment) Ordinance, 1976, shall be deemed to have been validly done or taken under the said Act as amended by this Act as if this Act had commenced on the 26th day of August, 1976.

By order of the Governor,

K. K. MOITRA

Secty. to the Govt. of West Bengal

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT
Political

NOTIFICATION

No. 6129-P

10th August 1956

In exercise of the powers conferred by section 9 of the West Bengal Cinemas (Regulation) Act, 1954 (West Bengal Act XXXIX of 1954), the Governor is pleased to make the following rules for the regulation of public exhibitions by means of cinematograph, namely:

THE WEST BENGAL CINEMAS (REGULATION OF PUBLIC EXHIBITIONS) RULES, 1956

Preliminary

Short title and commencement

1. (1) These rules may be called the West Bengal Cinemas (Regulation of Public Exhibitions) Rules, 1956.

(2) They shall apply to public exhibitions by means of cinematograph ~~or~~ displaying electronic video transmitted images of drama, performances or conference in a Cinema

(3) They shall come into force at once. ~~house or in different cinema houses of a multiple theatre complex.~~

Definitions

2. In these rules, unless the context otherwise requires,—

- (i) the "Act" means the West Bengal Cinemas (Regulation) Act, 1954; ~~or commercial purpose means purpose of earning financial return.~~
- (ii) "licence" means a licence granted under the provisions of the Act;
- (iii) "licensing authority" means the authority referred to in section 4 of the Act;
- (iv) "person" means any adult male or female individual and includes any company or association or body of individuals, whether incorporated or not;
- (v) words not otherwise defined have the same meaning as in the Act.

Kinds of licences

3. There shall be three kinds of licences, namely:

- (i) licences for permanent cinemas;
- (ii) licences for temporary indoor cinemas; and
- (iii) licences for temporary open air cinemas.

PART A—Permanent Cinemas

Procedure for the grant of permanent cinema licence

4. (1) Any person desirous of building a permanent cinema house shall, before commencing construction thereof, make an application in writing giving all necessary particulars to the District Magistrate for approval of the proposed site and plan of the building.

(2) [On receipt of the application, the licensing authority shall consider if the site is suitable for a permanent cinema house. If he is of the opinion that the site is suitable for a permanent cinema house, he shall publish in his office a notice calling for objections, if any, to the proposed permanent cinema house, from the local people within thirty days from the date of the notice and shall give due publicity thereof by beat of drum or otherwise in the locality. The licensing authority shall also consult the District Boards or Municipal Commissioners concerned.]

By receipt of an application under subrule (1), the licensing authority shall either hold a local enquiry himself or cause it to be held by some other officer deputed by him.

Holding of enquiry and hearing of objections

(3) [Objections, if any, to the proposed permanent cinema house, shall be filed within the said period of thirty days. After the expiry of the said period of thirty days, the licensing authority shall, if any objection has been received within the specified period, appoint a date for the hearing of the objections locally, and shall either hold an enquiry himself or cause it to be held by some other officer deputed by him in this behalf. At the same time the licensing authority shall see that the following requirements are satisfied, namely:] Deleted

Restrictions in regard to the location of cinemas

(a) that no permanent cinema house is allowed to be constructed—
[(¹)¹ within one hundred yards]² from any hospital, [³]³ place of worship or junction of important roads and that in an area outside the local limits of a municipality, such a cinema house, if allowed to be built, is located near the shopping centre and not in a residential locality;

*[(b) that no additional permanent cinema house is allowed to be constructed—

(i) within municipal areas, towns or cantonments with a population of more than a lakh, within one hundred yards,
or

¹ Omitted vide notification No. 3509-P/23C-62/67, dated 27th May, 1969.

² Inserted vide notification No. 7401-P, dated 21st September 1966.

³ Omitted vide notification No. 7401-P, dated 21st September 1966.

* Substituted vide notification No. 3509-P, dated 27th May, 1969.

(3) If on an enquiry under sub-rule (2), the licensing authority is satisfied that the site is suitable for a permanent cinema house, it may permit the construction of a permanent cinema house within a period of twelve months from the date of such permission, or if it is not satisfied, having regard to all relevant circumstances, provided that not more than a period of (28-12*)

- (ii) in other municipal areas, towns or cantonment, within two hundred yards, or
- (iii) in other localities, within half a mile, from an existing permanent cinema house;]

Space for parking of cars, etc.

- (e) that no permanent cinema house is allowed to be constructed unless it has adequate space in its compound or in the vicinity for cars to be parked, queues of spectators to be formed and the public to pass without obstructing any public road or traffic.

Time limit for construction of cinemas

(4) After objections, if any, filed under sub-rule (3) have been heard and disposed of, the licensing authority may permit the construction of the permanent cinema house applied for. If the building is not completed, to the satisfaction of the licensing authority, within ¹[twelve months] of the date of permission, the permission shall lapse.

[4A] Any order of a licensing authority permitting or refusing to permit the construction of a permanent cinema house shall be appealable.]¹ [5]

Extension of time limit in certain cases

[5] The licensing authority may, however, on the application of the person to whom the permission to construct the permanent cinema house was given, grant reasonable extensions of the period referred to in sub-rule (4) in cases where he is satisfied that construction cannot or could not be completed for circumstances beyond the control of the person to whom the permission was granted. **[One]**

Grant of licence

(6) On completion of construction of a permanent cinema house to his satisfaction, the licensing authority may grant a licence for permanent cinema after he has ensured that the applicant has complied with these rules and has taken all precautions provided in the Schedule of conditions annexed to Form I appended to these rules so as to provide for the safety of persons attending exhibitions in the cinema house:

*Provided that nothing in sub-rules (1) to (5) shall apply in the case of a permanent cinema house which has already been constructed wholly or partly before the commencement of these rules, and in such case, the licensing authority may on application grant a licence for a permanent cinema even if the said sub-rules have not been complied with.

¹ Substituted vide notification No. 2512-P, dated 11th April, 1969.

² Inserted vide notification No. 3896-P, dated 2nd July 1965.

³ Added vide notification No. 4765-P, dated 26th June 1957.

*. Rs. 10,000/- for first three years & for every subsequent three years.
Rs. 5,000/- for first three years & for every subsequent three years.

Power of licensing authority to refuse licence

5. Nothing in these rules shall affect the discretion of the licensing authority to refuse a license to any applicant if, for reasons, to be recorded in writing, the licensing authority considers it necessary so to do in the public interest.

Rate of licence fee

6. (1) A fee shall be levied for the grant of every licence for permanent cinema under the Act at the following rates, namely:

- (a) where the cinema house is situated within a municipal area or town or cantonment with a population of more than one lakh—Rs. 160 for the first year and for each subsequent year ^{1/4}, if the licence is renewed on application, the year being calculated from the date of the licence;
- (b) where the cinema house is situated in any other locality—
Rs. 80 for the first year and for each subsequent year if the licence is renewed on application, the year being calculated from the date of the licence.
- (c) Rs. 10,000 for each permanent cinema house situated in a municipality, town or cantonment having a population of more than one lakh.

Period of validity of licence

(2) The licence granted shall be valid for one year unless revoked earlier by the licensing authority. It may be renewed from year to year on receipt of an application in writing from the licensee for such renewal accompanied by a fee as provided in sub-rule (1) for the licence, provided that all the rules and conditions on which the licence has been granted are duly observed by the licensee.

Penalty for not renewing the licence in time

(3) Any licensee who fails to apply for renewal of his licence with the requisite fee [within 15 days] of the expiry of the term of his licence, shall at the time of its renewal be required to pay a fine of Rs. 80 if the cinema house is within a municipal area or town or cantonment with a population of more than one lakh and Rs. 40 if the cinema house is situated in any other locality.

Form of licence

7. A licence for a permanent cinema granted under the Act shall be as nearly as possible in Form I appended to these rules and shall be issued subject to the conditions detailed in the Schedule thereto. The conditions in the Schedule shall be deemed to be incorporated in the licence.

[*7A. Subject to the provisions of these rules, the maximum number of permanent cinema licences granted by a licensing authority shall not

*Inserted vide notification No. 7400-P, dated 21st September 1960.

④ After receiving an application under sub-rule (1), the licensing authority may, after making necessary enquiries, grant a licence for a temporary indoor cinema:
Provided that (see pp. 129-30).

exceed the number arrived at by dividing the figure, showing the population within the jurisdiction of such licensing authority as determined at the last census, by the figure 25,000:

Provided that if the number thus arrived at is a whole number and a fraction, such fraction shall be counted as one. Dwelling.

PART B—Temporary indoor cinemas

Procedure for the grant of temporary indoor cinema licence

8. (1) Any person desirous of obtaining a licence for a temporary indoor cinema shall apply in writing, giving the necessary particulars, to the District Magistrate of the district within which it is proposed to hold the shows.

Conditions attached to the licence

(2) [On receipt of such an application the licensing authority, after making necessary enquiries, may, at his discretion, grant a licence for a temporary indoor cinema subject to the condition that—

- (a) no such licence shall be issued in respect of any structure which is situated [(¹) within one hundred yards,] ² of any hospital, [³] place of worship or junction of important roads, and,
- *[(b) that no cinema show shall be held—
 - (i) within municipal areas, towns or cantonments with a population of more than a lakh, within one hundred yards, or
 - (ii) in other municipal areas, towns or cantonments, within two hundred yards, or
 - (iii) in other localities, within half a mile, from an existing cinema house.]

** Provided that the conditions specified in clauses (a) and (b) of this sub-rule shall not apply to the grant of a licence for a temporary indoor cinema to any person for holding cinema shows at a place in respect of which a licence for a permanent cinema has already been granted to any other person.] ^④

Rate of licence fee

9. (1) The fee to be levied for a licence for a temporary indoor cinema shall be—

- (a) in municipal areas, towns or cantonments with a population of more than one lakh—Rs. (12) per month or part thereof; and ^{75/-}
- (b) in other localities—Rs. (6) per month or part thereof.

¹ Omitted vide notification No. 3509 P, dated 27th May, 1969.

² Inserted vide notification No. 7400 P, dated 21st September 1960.

³ Omitted vide notification No. 7607 P, dated 10th October 1960.

⁴ Substituted vide notification No. 3509 P, dated 27th May, 1969.

^{**} Inserted vide notification No. 7600 P, dated 14th December 1965.

Period of validity of licence

~~Sub-para~~ (2) The licence so granted shall, unless revoked earlier by the licensing authority, remain valid for such period as may be specified in the licence subject to the condition that no such licence shall remain valid for more than nine months in a continuous period of twelve months.] ^{120/129} C.

Fresh applications

(3) A person desirous of holding shows after the expiry of [twelve ~~two years~~ months] from the date of commencement of his licence for temporary indoor cinema shall make a fresh application for a licence. Such an application shall be considered as a new application and shall be dealt with accordingly.

Form of licence

10. A licence for a temporary indoor cinema shall be as nearly as possible in Form II appended to these rules, and shall be issued subject to the conditions detailed in the Schedule annexed thereto. The conditions in the Schedule shall be deemed to be incorporated in the licence.

10A. Form of Licence for Video Shows. E of P.P. 190.

Previous intimation in case of change of venue of exhibition

11. The holder of a licence for a temporary indoor cinema may shift the venue of the exhibition from place to place, after giving due intimation of his programme and itinerary in advance to the licensing authority; provided that all the rules and safety requirements for holding cinema shows shall be duly observed.

PART C—Temporary open air cinemas

Procedure for the grant of temporary open air cinema licence. Submission of applications

12. (1) A person desirous of holding a licence for a temporary open air cinema shall apply with necessary particulars to the District Magistrate of the district within which it is proposed to hold the open air shows.

Conditions on which licence is to be granted

(2) On receipt of an application under sub-rule (1) the licensing authority may, at his discretion, grant a licence for a temporary open air cinema valid for a period up to twelve months at a time for holding open air cinema shows, subject, among others, to the condition that where the shows are held by the managements of industrial concerns for the benefit of labour in industrial areas or by academic or cultural institutions, the rates of admission shall be nominal and that such shows shall not be utilised by the licensee for making profit.

Rate of licence fee

13. The fee for the grant of a licence for a temporary open air cinema shall be the same as for licences for temporary indoor cinemas provided in sub-rule (1) of rule 9.

Form of licence

14. A licence for a temporary open air cinema shall be issued as nearly as possible in Form III appended to these rules and subject to the conditions detailed in the Schedule annexed thereto. The conditions in the Schedule shall be deemed to be incorporated in the licence.

14A.  F of Page 131.

Previous intimation in case of change in venue of the exhibition

15. The holder of a licence for a temporary open air cinema may shift the venue of the exhibition from place to place, after giving due intimation of his programme and itinerary in advance to the licensing authority; provided that all the rules and safety requirements for holding cinema shows shall be duly observed.

PART D—General

Power to impose additional conditions

16. The licensing authority may, with the approval of the State Government, insert such additional terms and conditions and rescind, alter or amend the existing terms and conditions in respect of licences generally or for particular classes of licenses in such manner as he may think proper.

Issue of duplicate licences

17. When a licence granted or renewed under these rules is either lost or accidentally destroyed, the licensing authority may, on receipt of a written application, grant a duplicate of the original licence on payment of a fee of Rs. [5.] ~~60/-~~

Crediting of fees realised

18. All fees and fines realised under these rules shall be credited to the Consolidated Fund of the State.

Transfer of Licence

*19. (1) Subject to the provisions of sub-rule (2) a licence granted under these rules shall not be transferable and shall be for the benefit only of the licensee.

(2) Where during the period of validity of a licence—

(a) the proprietorship of the business to which the licence relates passes from the licensee to any other person by reason of the

*Substituted vide notification No. 1361-P, dated the 17th May 1962.

- death of the licensee or of a transfer effected by the licensee with the previous approval in writing of the licensing authority, or
- (b) a Receiver appointed by a competent court takes possession of such business for management,

the licensing authority may, on receipt of an application in writing in this behalf from the successor-in-interest of the licensee or the Receiver within one month from the date of the passing of proprietorship or taking of possession of the business, as the case may be, or within such further time as the licensing authority may, in the public interest, allow for special reasons to be recorded in writing, substitute the name of such successor or Receiver in the licence as the Licensee for the remainder of the period of its validity and thereupon the licence shall be available for the benefit of such successor or Receiver.

(3) An application for the renewal of such licence shall be dealt with in accordance with these rules.

Suspension or revocation of licence by licensing authority

20. Any licence granted under these rules may be suspended or revoked by the licensing authority or the State Government for failure of the licensee to comply with any direction or condition imposed by or under these rules.

Responsibility of the licensee

21. The licensee shall be deemed to be responsible for all the acts of his manager, servants or agents arising out of or in connection with the occupation or business to which the licence relates. The provisions of this rule shall be in addition to and not in derogation of the general law relating to liability of a principal for the acts or omissions of his servant or agent.

Free access of public servants on duty

22. Free access to any place in respect of which a licence is granted under these rules for giving public exhibition of films shall be given at all hours to the officers mentioned below in the execution of their duties, namely:—

- (a) regional officer under the Central Board of Film Censors or an officer authorised by him in writing;
- (b) the Director of Fire Services, West Bengal, or any other officer of the Directorate of Fire Services, West Bengal, authorised in writing by him;
- (c) the Electrical Inspector, West Bengal;
- (d) the Director of Technical Education, or any other officer of the Government of West Bengal, authorised in writing by him.

- (d) the Executive Engineers of the Works and Buildings Department of the Government of West Bengal where such officers are deputed for inspection of cinema houses;
- (e) any other officer authorised by the licensing authority or the State Government.

Uncertified film not to be exhibited

23. No film shall be exhibited or allowed to be exhibited unless the same has been certified by the Central Board of Film Censors as suitable for public exhibition or unless the same has been exempted from the provisions of section 9 of the Cinematograph Act, 1952 (XXXVII of 1952).

23A. Rejection etc. of film for commercial purpose (2) Part G of pg. 131

Film for exhibition to adults to be shown to adults only

24. No film which has been certified by the Central Board of Film Censors as suitable for public exhibition restricted to adults only shall be exhibited or permitted to be exhibited to a person who is not an adult as defined in section 2(a) of the Cinematograph Act, 1952 (XXXVII of 1952).

Exemption

25. No part of the foregoing rules concerning licences shall apply to any cinematograph exhibition authorised by the Government or to any class of cinematograph exhibitions specially exempted by the Government under section 10 of the Act.

Power to appoint staff

26. The State Government shall have the power to appoint such staff as may be necessary and shall have the power to provide for their duties and functions for the purpose of carrying out the provisions of the Act and of the rules made thereunder.

Appeals

27. No appeal under sub-section (4) of section 5 of the Act or against an order of suspension or revocation passed under rule 20 shall be admitted by the appellate authority unless the appeal is filed within thirty days from the date on which the licensing authority passed the order:

Provided that no appeal shall be entertained unless a fee equal to one half of the fee payable for the licence, as provided in rule 6(1) or rule 9(1) or rule 13, as the case may be, has been deposited by the aggrieved person in the Reserve Bank of India or in a Government Treasury before the presentation of the memorandum of appeal.

Revision by Government of appellate orders

28. [Any person who is aggrieved by]¹ the order of the appellate

¹ Substituted for the words, figure and brackets "(1) An appellant who is dissatisfied with" vide notification No. 8158 P, dated 2nd November 1957.

authority under clause (a) of sub-section (4) of section 5 of the Act may make an application under sub-clause (i) of clause (b) of that sub-section to the State Government for revision of the order passed by the appellate authority. Such an application shall reach the State Government within thirty days of the date of the order passed by the appellate authority:

Provided that no such application for revision shall be entertained unless a fee equal to one half of the fee payable for the licence provided in rule 6(1) or rule 9(1) or rule 13, as the case may be, has been deposited by the aggrieved person in the Reserve Bank of India or in a Government Treasury.

Fee leviable

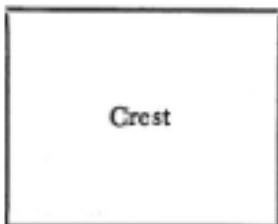
29. A fee equal to the fee payable for the licence, as provided in rule 6(1) or rule 9(1) or rule 13, as the case may be, shall, in cases where, under rule 27 or rule 28, the appellate authority or the State Government passes an order granting a licence, be realised from the person in whose favour the order is passed.

FORM I

Form of a Permanent Licence

(Rule 7)

**THE WEST BENGAL CINEMAS (REGULATION) ACT, 1954
(WEST BENGAL ACT XXXIX OF 1954)**



Government of West Bengal

No.

(a) situated at (b) within the district of/town and suburbs of Calcutta.....is licensed under sub-section (1) of section 3 of the West Bengal Cinemas (Regulation) Act, 1954 (West Bengal Act XXXIX of 1954), as a place where exhibitions by means of a cinematograph may be given for.....persons.

The licence has been granted to (c) [and shall, subject to the provisions of sub-rule (2) of rule 6 of the West Bengal Cinemas (Regulation of Public Exhibitions) Rules, 1956, remain in force] ¹only so long as the said (c) owns, leases or manages the said (a)

This licence is granted subject to the conditions set forth in the Schedule annexed to this licence.

The.....19....

.....
District Magistrate of.....

Commissioner of Police, Calcutta



-
- (a) Name of cinema house
 - (b) Address
 - (c) Name of applicant

¹ Substituted for the words "and shall remain in force" vide notification No. 11552P, dated the 19th December 1956.

THE SCHEDULE

Conditions to be attached to a permanent licence issued under the provisions of the West Bengal Cinemas (Regulation) Act, 1954

- 1.** The licensee shall not exhibit, or permit to be exhibited, in the said (a) any film other than a film which has been certified as suitable for public exhibition by an authority constituted under section 3 of the Cinematograph Act, 1952 (Act XXXVII of 1952), and which, when exhibited, displays the prescribed mark of that authority, and has not been altered or tampered with in any way since such mark was affixed thereto.
- 2.** The licensee shall not exhibit or permit to be exhibited, in the said (a) any film which has been certified by the authority constituted under section 3 of the Cinematograph Act, 1952 (Act XXXVII of 1952), as suitable for public exhibition restricted to adults only, to any person who is not an adult, as defined in section 2(a) of the Cinematograph Act, 1952.

Note: This condition shall not be construed as prohibiting the exhibition of such film to children below the age of three years.

- 3.** (1) There shall be prominently exhibited at each public entrance whenever the premises are open to the public a notice indicating in tabular form and in clear bold letters and figures—

- (a) the title of each film to be shown on that day, other than trailers and advertisement films;
- (b) the approximate times of commencement of each such film;
- (c) whether each such film has received an "A" or "U" certificate from the Central Board of Film Censors; and
- (d) whether persons below the age of 18 years other than children below the age of 3 years will be admitted or not.

- 3.** (2) The nature of any certificate received in respect of a film from the Central Board of Film Censors shall be clearly indicated by the letter "U" or "A" in any advertisement of the film displayed at the premises.

- 4.** The licensee shall not display, or cause to be displayed, any photograph, picture or poster which depicts or represents or purports to represent a scene or shot which has been excised from any film under the orders of the Central Board of Film Censors or the Central Government.

- 5.** [Not more than three shows shall be held, at the place licensed, between 2 p.m. and midnight on any week day.] *This shall be no liability on the part of the licensee if he holds any show after midnight.*
(a) Name of cinema house, *allied after midnight.*

Outside these hours, i.e., before 2 p.m. or after midnight, no show shall be allowed at the licensed place on any week day except with the previous permission of the licensing authority obtained in writing at least seven days in advance.

Note: There will be no restriction on the number of shows on Sundays and public holidays, provided that no show shall be allowed after midnight.

6. Display of posters—No obscene, immodest or objectionable poster, placard, hoarding or pictorial publicity material shall be displayed at the show-windows or lobbies of cinema houses or at any other place within the licensed premises.

7. No loud-speaker or amplifier relaying music or commentary for the purpose of attracting customers shall be allowed to be fixed outside the licensed premises.

***8.** (1) Subject to the provisions of sub-paragraph (2) the licence shall not be transferable and shall be for the benefit only of the licensee.

(2) Where during the period of validity of the licence—

- (a) the proprietorship of the business to which the licence relates passes from the licensee to any other person by reason of the death of the licensee or of a transfer effected by the licensee with the previous approval in writing of the licensing authority, or
- (b) a Receiver appointed by a competent court takes possession of such business for management,

the licensing authority may, on receipt of an application in writing in this behalf from the successor-in-interest of the licensee or the Receiver within one month from the date of the passing of proprietorship or taking of possession of the business, as the case may be, or within such further time as the licensing authority may, in the public interest, allow for special reasons to be recorded in writing, substitute the name of such successor or Receiver in the licence as the licensee for the remainder of the period of its validity and thereupon the licence shall be available for the benefit of such successor or Receiver.

(3) An application for the renewal of such licence shall be dealt with in accordance with the rules.

9. The licensee shall observe the rules notified by the Government from time to time in respect of cinematograph shows.

10. The licensee shall observe the classification of the seats and the prices therefor approved by the licensing authority and shall not amend

*Substituted vide notification No. 1338P, dated the 21st May 1962.

* Not to make subtended angle less than horizontal from the eye-level of the person sitting in the first row to the top of the picture height which will be greater than 45°. Also the angles subtended from the extreme edge of the picture to the eyes of the persons sitting at the opposite end of the row should not be less than 25°.
For purpose of Large Format Cinema like IMAX (C), T - WIP N.Y.C. (217cm, 107cm height) the licensing authority may alter the requirement and reissue notification or cancel or alter the same in any way without the prior approval of the licensing authority.

11. All buildings or other regulations for observance at places of public amusement imposed by the municipal by-laws or by any other law or by rules under any other law, for the time being in force, shall be strictly adhered to.

****11A.** The licensee shall maintain the cinema house in a good state of repair with due regard to the safety of the persons attending the shows therein.

12. No portion of the place licensed shall be occupied or used as a hotel, boarding or lodging house, factory, workshop or manufactory or for storage purposes, except as the licensing authority may []¹ allow, nor shall such place be used for residential purposes by day or night.

13. The relative positions of the picture screen and seats shall be such as may be specified in each case by the licensing authority at the time of granting the licence so that undue eye-strain may not be caused to persons attending the cinematograph exhibition.

In specifying the relative positions referred to in this condition the licensing authority shall see—

- [1] (1) that the angle of elevation subtended at the eye of any person seated in the front row by the length of the vertical line dropped from the centre of the top edge of the picture to the horizontal plane passing through the observer's eye shall not exceed 35 degrees, the height of the eye above the floor level being assumed to be 3 feet 6 inches, and
- (2) that the angle between the vertical plane containing the upper edge of the picture and the vertical plane containing the observer's eye and the remote end of the upper edge of the picture shall not be less than 25 degrees;]²

Provided that, in the case of cinemascope, 3D, Vistavision, etc., the relative positions of the screen and the first row of seats shall be such as may be specified in each case by the licensing authority.

14. Seats—In any portion of the premises which is regularly used for a closely seated audience, all seats shall be securely fixed to the floor. There shall in all cases be an unobstructed seatway or space between any two consecutive rows of seats which is at least 10 inches in depth in the case of fixed seats and 12 inches in depth (measured with the seat raised)

¹ Omitted vide notification No. 3064P, dated the 28th April 1959.

² Inserted vide notification No. 5591P, dated 18th October 1966.

in the case of tip-up seats, measured between perpendicular, between the back of one seat and the foremost portion of the seat, arm or frame behind. In new buildings to be constructed, the seatway shall in no case be less than 12 inches.

14A. This shall be more than 15 feet away from the central seatway/gangway, and the gangway should be at least 0.907 wide. It at least 3'8" opening between the two side walls of the auditorium is required.

15. Overcrowding—The number of persons admitted at any time into any part of the place licensed shall not exceed such number as may be specified in the licence as the number of persons who may be accommodated in such part. No person shall be permitted to remain in any of the intersecting gangways.

16. Counters for sale of cinema tickets—Such number of counters shall be provided in cinema houses for the sale of tickets to the public as the licensing authority may determine. All tickets for cinema shows shall be sold from these counters and from nowhere else.

17. Fire precautions—In every place licensed shall be kept such number of chemical extinguishers, fire-buckets, hand-pumps or other small fire appliances as the licensing authority shall direct. The licensee shall comply with all directions issued by the licensing authority for the purpose of safe-guarding the public in case of fire.

18. Exit doors—There shall be exit doors, on the three sides of the auditorium, with at least one exit door for each class or one for 6 rows of seats, whichever is less. Open space on the 3 sides of the auditorium should be provided which should be not less than one-fourth of the width of the auditorium.

19. Enclosure for apparatus—The cinematograph machine shall be placed in a permanent enclosure. Such enclosure shall be at least 8 feet in height. If one machine is to be operated the floor space shall not be less than 48 square feet. If more than one machine is to be operated therein an additional 24 square feet shall be provided for each additional machine. The enclosure containing the cinematograph machine in these rules referred to as "the enclosure" shall be substantially constructed of fire resisting materials.

20. Entrance to the enclosure and means of ventilation—The entrance to the enclosure shall be through a closely fitting self-closing door of fire-resisting material, suitably placed and opening outwards, and all openings, bushes and points shall be so constructed and maintained as to prevent, so far as possible, the escape of any smoke into the auditorium. This door shall be kept closed at all times when not used for ingress or egress. Channels of ventilation shall not be allowed to communicate direct

with the auditorium. The enclosure in which the machine is being operated shall be provided with vent flue in its roof or upper part of its side wall leading to the outdoor air, there being a separate vent flue for each cinematograph machine. The vent flue shall have a minimum sectional area of 50 square inches and shall be fire resisting. The vent flue shall fall below 45° in each rise unless it has forced extraction. The vent flue shall be cleaned regularly to ensure that there is no obstruction by the resultant white powder which forms:

Provided that when the enclosure is so built that it may be constructed to open directly on the outside of a building through a window such window shall be permitted for the comfort of the operators but such enclosure shall not be exempted from the requirement of the installation of vent flues (as prescribed above).

21. Position of enclosure—The enclosure shall, unless this requirement is expressly waived in the licence, be so placed as to be outside the main building forming the auditorium and where such auditorium consists of a structure of a temporary or non-permanent character the enclosure shall be at a distance of not less than 3 feet from such structure. A space of not less than 3 feet in width at the sides and in the front of the enclosure and a space of 6 feet at the back in which the door is situated shall be kept clear all round the enclosure.

22. Openings in enclosure—In the front face of the enclosure there shall be an opening or porthole for each cinematograph machine in addition to one opening or porthole for observation. The size of the opening or porthole may vary with the type of cinematograph machine proposed to be used and shall in each case be such as may be determined by the licensing authority. Each opening shall be fitted with a screen of fire-resisting material capable of being operated both from inside and outside the enclosure and such screens shall be so suspended and arranged that they will automatically close the openings upon the operating of some suitable fusible or mechanical releasing device.

23. The necessary pipes and cables shall enter through efficiently bushed openings.

24. Temporary enclosure—If a permanent enclosure is not provided, the cinematograph machine shall be contained in an enclosure formed of a smoke-proof box constructed of sheet iron on substantial framework and fastened together securely. The box shall be of sufficient dimensions to allow the operators to work freely and the floor shall, if boarded, be covered with asbestos or other fire-resisting material of sufficient thickness approved by the licensing authority.

25. Combustible materials—No unnecessary combustible material shall be allowed within the enclosure and all necessary combustible material, films, etc., except a film which is being passed through the lantern, shall be kept in metal boxes suitable for the purpose which shall be placed in an approved fire-proof box. The latter shall be kept closed at all times except when it is necessary to obtain or replace a film. Only those films which are being used at an exhibition shall be kept in the enclosure but in no case shall an amount in excess of 200 lbs. be kept at one time in such enclosure, any excess being stored, until required, in the place licensed under condition 44.

26. There shall be no coils of slack electric cable within the enclosure. The "leads" to the cinematograph lamps shall, unless conveyed within a metal pipe or other suitable casing, be kept well apart both within and without the enclosure and so run that the course of each may be readily traced.

27. No electric current at a higher pressure than 230 volts shall be used within the enclosure when a cinematograph apparatus is working.

28. Electric light—Within the enclosure the insulating material of all electric cables, including "leads" to lamps in the enclosures, shall be covered with fire-resisting material.

29. Smoking, etc.—No smoking shall at any time be permitted within the enclosure, and no match or candle or other naked light shall be allowed in the enclosure.

30. Fire precaution in enclosure—Two liquid chemical extinguishers, two buckets of sand, two buckets of water and a blanket shall be kept inside the enclosure. A large sponge shall be kept in one of the buckets of water. One liquid chemical extinguisher shall also be kept immediately outside the enclosure.

31. General precautions in enclosure—The management and the cinematograph operators shall take all due precautions for the prevention of accidents and shall abstain from any act whatever which tends to cause fire and is not reasonably necessary for the purpose of the exhibition; no unauthorised person shall be allowed in the enclosure.

32. Machine—The cinematograph machine shall be fixed to the floor and shall be properly bonded and earthed. There shall be shock-proof rubber matting round the projector for the protection of the operators against electric shocks.

33. The cinematograph machine shall be provided with a metal shutter which can be readily inserted between the source of light and the film gate.

34. This shutter shall be immediately dropped in the event of any accident to the cinematograph machine or stoppage of the film and shall only be raised when the film is in motion for the purpose of projection.

35. Film gate of the machine—Except where the cinematograph machine is equipped with an automatic film gate, the film gate shall be of massive construction and provided with ample heat-radiating surface and the passage for the film shall be sufficiently narrow to prevent flame travelling upwards or downwards from the light opening.

36. Metal boxes—Except where the cinematograph machine is fitted with automatic spools for winding the films, each cinematograph machine shall be fitted with two film metal boxes which shall be of substantial construction and not more than 14 inches in diameter measured internally. The film shall be made to travel from one box to the other. The boxes shall be so constructed as to close in a manner which will prevent the ingress of fire.

37. The cable for the cinematograph machine shall be taken as a separate circuit from the source of supply and from the supply side of the main fuse to the general lighting circuit on such premises. Efficient switches and fuses shall be inserted at the point where the supply is taken, and, in addition, an efficient double pole shall be fitted in the cinematograph lamp circuit inside the enclosure.

38. Spools—Spools shall be chain or gear driven and films shall be so wound upon spools that wound film shall not at any time reach or project beyond the edges of the flanges of the spool.

39. Use of acetylene gas prohibited—Acetylene gas shall not be used in cinematograph machines.

40. Lighting—No illuminant other than electric lights shall be used in a cinematograph lantern. The choking coils, switches and fuses shall be installed in accordance with the wiring rules for the time being issued by the Calcutta Fire Assurance Association for electric installations.

41. Lighting of auditorium—The general lighting of the auditorium and exits shall not be controlled from within the enclosure.

42. Resistances—Resistance frames shall be made entirely of fire-resistant material and shall be so constructed and maintained that no coil or other part shall at any time become unduly heated. All resistances with the exception of resistance for film projection purposes, shall be placed outside the enclosure and also outside the auditorium.

43. No ether or other volatile and inflammable liquids shall be employed under any circumstances for producing light.

44. Film storage—Except as provided in condition 25 no films shall be kept in any licensed place without a written permit from the licensing authority specifying in each case the quantity of films which may be kept, the manner in which they are to be stored, the part or parts of the place licensed where such storage is permitted and such other particulars as may seem necessary.

45. Operators—[For the purpose of operating the cinematograph machine there shall be three operators, duly certified and holding certificates valid for the time being, in the operating room at any time]² and no other persons shall be within ten feet of the machine during the exhibition. The whole duty of one of the operators shall consist in taking charge of the films after they have passed through the machine and that of another, of the machine and of the operating box, while the duty of the third shall be to assist in the operations generally. In appropriate exceptional cases, the licensing authority may permit the licensee to have only two operators, but not less than two, in the operating room for the purpose of operating the cinematograph machines at any time. [The person in charge of the cinematograph machine shall be a qualified operator who possesses a certificate showing that he is qualified to operate a cinematograph machine, granted by any of the licensing authorities under the West Bengal Cinemas (Regulation) Act, 1954]³.

[The certificate referred to above shall be issued by any of the licensing authorities under the West Bengal Cinemas (Regulation) Act, 1954, on payment of a fee of Rs. 2 and shall be valid for one year for the purpose of operating the cinematograph machine to give cinematograph exhibitions throughout West Bengal unless sooner revoked by any such authority.]⁴ It shall be renewed regularly at the end of that period on payment of a fee of Rs. 2 only. Any operator who fails to do so within fifteen days after the term of his certificate has expired shall be required to pay a fine of Re. 1 only, at the time of its renewal.

² Substituted vide notification No. 1151P, dated the 17th February 1959.

³ Substituted vide notification No. 6319P, dated the 2nd September 1967.

⁴ Substituted vide notification No. 6319P, dated the 2nd September 1967.

A fee of Re. 1 shall be charged for a duplicate or a subsequent copy of the certificate.

The certificate shall be open to inspection by an officer authorised in this behalf by the licensing authority in writing while the operator is within the operating room. The licensee of the cinema house shall be responsible to see that no operators who have no valid certificate get admission into the operating room.

An operator shall not be granted an operator's certificate unless he has passed a qualifying test to be held by the Central Board for the purpose of testing his knowledge of—

- (i) operation of standard cinema projection machines;
- (ii) municipal bye-laws and rules relating to cinematograph exhibition;
- (iii) methods of taking precautions against fire and methods of dealing with fire;
- (iv) elements of electric power, AC and DC power lines, switchboards, voltage and amperage regulation and reading, working knowledge of petrol, kerosene and diesel generators and transformers and converters;
- (v) care of films, repairs, re-winding, cleaning, packing etc.

[Qualifying tests shall be held by the Central Board ordinarily in May and November every year at four regional centres in the State, but any such tests may for sufficient reasons be deferred or cancelled with the approval of the State Government.]¹ An application for an operator's certificate may be made before the 31st March or the 30th September each year, as the case may be, to [any of the licensing authorities under the West Bengal Cinemas (Regulation) Act, 1954]² who shall inform the applicant in writing about the regional centre at which and the dates on which the test shall be held. At these centres the test shall be held by the Central Board with the assistance of a Regional Committee and shall consist of (i) a written test, (ii) a viva-voce test, and (iii) a practical test. After the test at each centre is over, the Central Board shall prepare a list of such applicants as have qualified at the test and shall forward the list to the licensing authorities concerned. Qualified operators shall thereafter be called upon by the licensing authorities concerned to produce a certificate, from the District Medical Officer in the district or from a Presidency Surgeon in Calcutta, as the case may be, of physical fitness and of having no defect in eyesight or hearing for which no fee shall be charged. No applicant shall be granted an operator's certificate by the licensing authority unless he has produced the aforesaid medical certificate and unless he has qualified at the aforesaid qualifying test.

¹ Substituted vide notification No. 2103-P, dated the 26th April 1963.

² Substituted vide notification No. 6319-P, dated the 2nd September 1967.

The Central Board and the Regional Committees shall consist of such persons as may be appointed in that behalf by the State Government.

[It shall not ordinarily be necessary for an operator to pass again the qualifying test, or to produce again a medical certificate, as referred to above, at the time of renewal of his certificate. But the licensing authority may, if in its opinion the circumstances justify in any particular case, have the operator tested in any particular subject of that test or require him to produce such medical certificate. No fee for medical examination shall, however, be charged.]¹

46. Secondary lighting—Secondary lighting shall be provided either by installation of the battery-operated system or by castor oil lamps so as to provide a secondary means of illuminating the exit indicators and the auditorium.

47. Every holder of a licence shall have all electrical installations in the cinema house regularly attended to by a qualified electrician holding a certificate of competency issued by the State Government under rule 48(1) of the Indian Electricity Rules, 1937.

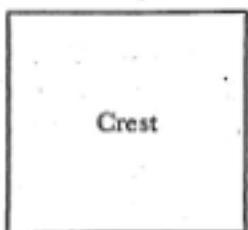
¹ Substituted vide notification No. 6656-P, dated the 26th September 1959.

FORM II

Form of temporary licence

(Rule 10)

**THE WEST BENGAL CINEMAS (REGULATION) ACT, 1954
(WEST BENGAL ACT XXXIX OF 1954)**



GOVERNMENT OF WEST BENGAL

No.

Shri/Shrimati (a)
of (b) within the district of/town
and suburbs of Calcutta is licensed
under sub-section (1) of section 3 of the West Bengal Cinemas (Regulation)
Act, 1954 (West Bengal Act XXXIX of 1954) to give temporary exhibitions
by means of a cinematograph for persons.

This licence shall remain in force only for

This licence is granted subject to the conditions set forth in the Schedule
annexed to this licence.

.....
*District Magistrate of
Commissioner of Police, Calcutta*

The 19 ...



(a) Name of applicant
(b) Address

THE SCHEDULE

Conditions to be attached to a temporary licence issued under the provisions of the West Bengal Cinemas (Regulation) Act, 1954

1. The licensee shall not exhibit, or permit to be exhibited any film other than a film which has been certified as suitable for public exhibition by an authority constituted under section 3 of the Cinematograph Act, 1952 (Act XXXVII of 1952), and which, when exhibited displays the prescribed mark of that authority, and has not been altered or tampered with in any way since such mark was affixed thereto.

2. The licensee shall not exhibit or permit to be exhibited, any film which has been certified by the authority constituted under section 3 of the Cinematograph Act, 1952 (Act XXXVII of 1952), as suitable for public exhibition restricted to adults only, to any person who is not an adult, as defined in section 2(a) of the Cinematograph Act, 1952.

Note: This condition shall not be construed as prohibiting the exhibition of such film to children below the age of three years.

3. (1) There shall be prominently exhibited at each public entrance whenever the premises are open to the public a notice indicating in tabular form and in clear bold letters and figures—

- (a) the title of each film to be shown on that day, other than trailers and advertisement films;
- (b) the approximate times of commencement of each such film;
- (c) whether each such film has received an "A" or "U" certificate from the Central Board of Film Censors; and
- (d) whether persons below the age of 18 years other than children below the age of 3 years will be admitted or not.

(2) The nature of any certificate received in respect of a film from the Central Board of Film Censors shall be clearly indicated by the letter "U" or "A" in any advertisement of the film displayed at the premises.

4. The licensee shall not display, or cause to be displayed any photograph, picture or poster which depicts or represents or purports to represent a scene or shot which has been excised from any film under the orders of the Central Board of Film Censors or the Central Government.

5. Not more than three shows shall be held, at the place licensed, between 2 p.m. and midnight on any week day.

Outside these hours, i.e., before 2 p.m. or after midnight, no show shall be allowed at the licensed place on any week day except with the

previous permission of the licensing authority obtained in writing at least seven days in advance.

Note: There will be no restriction on the number of shows on Sundays and public holidays, provided that no show shall be allowed after midnight.

6. Display of posters—No obscene, immodest or objectionable poster, placard, hoarding or pictorial publicity material shall be displayed at the show-windows and lobbies of cinema houses or at any other place within the licensed premises.

7. No loud-speaker or amplifier relaying music or commentary for the purpose of attracting customers shall be allowed to be fixed outside the licensed premises.

***8.** (1) Subject to the provisions of sub-paragraph (2) the licence shall not be transferable and shall be for the benefit only of the licensee.

(2) Where during the period of validity of the licence—

- (a) the proprietorship of the business to which the licence relates passes from the licensee to any other person by reason of the death of the licensee or of a transfer effected by the licensee with the previous approval in writing of the licensing authority, or
- (b) a Receiver appointed by a competent Court takes possession of such business for management,

the licensing authority may, on receipt of an application in writing in this behalf from the successor-in-interest of the licensee or the Receiver within one month from the date of the passing of proprietorship or taking of possession of the business, as the case may be, or within such further time as the licensing authority may, in the public interest, allow for special reasons to be recorded in writing, substitute the name of such successor or Receiver in the licence as the licensee for the remainder of the period of its validity and thereupon the licence shall be available for the benefit of such successor or Receiver.

(3) An application for the renewal of such licence shall be dealt with in accordance with the rules.

9. The licensee shall observe the rules notified by the Government from time to time in respect of cinematograph shows.

10. The licensee shall observe the classification of the seats and the prices therefor approved by the licensing authority and shall not amend or alter the same in any way without the prior approval of the licensing authority.

*Substituted vide notification No. 1338P, dated the 21st May 1962.

¹10A. The licensee shall maintain the cinema house in a good state of repair with due regard to the safety of the persons attending the shows therein.

²11. Operators—[For the purpose of operating the cinematograph machine there shall be three operators, duly certified and holding certificates valid for the time being, in the operating room at any time]³ and no other persons shall be within ten feet of the machine during the exhibition. The whole duty of one of the operators shall consist in taking charge of the films after they have passed through the machine and that of another, of the machine and of the operating box, while the duty of the third shall be to assist in the operations generally. In appropriate exceptional cases, the licensing authority may permit the licensee to have only two operators, but not less than two, in the operating room for the purpose of operating the cinematograph machines at any time. [The person in charge of the cinematograph machine shall be a qualified operator who possesses a certificate showing that he is qualified to operate a cinematograph machine, granted by any of the licensing authorities under the West Bengal Cinemas (Regulation) Act, 1954.]⁴

[The certificate referred to above shall be issued by any of the licensing authorities under the West Bengal Cinemas (Regulation) Act, 1954, on payment of a fee of Rs. 2 and shall be valid for one year for the purpose of operating the cinematograph machine to give cinematograph exhibitions throughout West Bengal unless sooner revoked by any such authority.]⁵ It shall be renewed regularly at the end of that period on payment of a fee of Rs. 2 only. Any operator who fails to do so within fifteen days after the term of his certificate has expired shall be required to pay a fine of Re. 1 only, at time of its renewal.

A fee of Re. 1 shall be charged for a duplicate or a subsequent copy of the certificate.

The certificate shall be open to inspection by an officer authorised in this behalf by the licensing authority in writing while the operator is within the operating room. The licensee of the cinema house shall be responsible to see that no operators who have no valid certificate get admission into the operating room.

An operator shall not be granted an operator's certificate unless he has passed a qualifying test to be held by the Central Board for the purpose of testing his knowledge of—

(i) operation of standard cinema projection machines;

¹ Inserted vide notification No. 5591-P, dated the 18th October 1966.

² Substituted vide notification No. 1151-P, dated the 17th February 1959.

³ Substituted vide notification No. 6319-P, dated the 2nd September 1967.

⁴ Substituted vide notification No. 6319-P, dated the 2nd September 1967.

⁵ Substituted vide notification No. 6319-P, dated 2nd September 1967.

- (ii) Municipal bye-laws and rules relating to cinematograph exhibition;
- (iii) methods of taking precautions against fire and methods of dealing with fire;
- (iv) elements of electric power, AC and DC power lines, switchboards, voltage and amperage regulation and reading, working knowledge of petrol, kerosene and diesel generators and transformers and converters;
- (v) care of films, repairs, re-winding, cleaning, packing, etc.

[Qualifying tests shall be held by the Central Board ordinarily in May and November every year at four regional centres in the State, but any such tests may for sufficient reasons be deferred or cancelled with the approval of the State Government.]¹ An application for an operator's certificate may be made before the 31st March or the 30th September each year, as the case may be, to [any of the licensing authorities under the West Bengal Cinemas (Regulation) Act, 1954]² who shall inform the applicant in writing about the regional centre at which and the dates on which the test shall be held. At these centres the test shall be held by the Central Board with the assistance of a Regional Committee and shall consist of (i) a written test, (ii) a viva-voce test, and (iii) a practical test. After the test at each centre is over, the Central Board shall prepare a list of such applicants as have qualified at the test, and shall forward the list to the licensing authorities concerned. Qualified operators shall thereafter be called upon by the licensing authorities concerned to produce a certificate, from the District Medical Officer in the district or from a Presidency Surgeon in Calcutta, as the case may be, of physical fitness and of having no defect in eyesight or hearing for which no fee shall be charged. No applicant shall be granted an operator's certificate by the licensing authority unless he has produced the aforesaid medical certificate and unless he has qualified at the aforesaid qualifying test.

The Central Board and the Regional Committees shall consist of such persons as may be appointed in that behalf by the State Government.

[It shall not ordinarily be necessary for an operator to pass again the qualifying test, or to produce again a medical certificate, as referred to above, at the time of renewal of his certificate. But the licensing authority may, if in its opinion the circumstances justify in any particular case, have the operator tested in any particular subject of that test or require him to produce such medical certificate. No fee for medical examination shall, however, be charged.]³

12. No drapery and no unprotected combustible material other than

¹ Substituted vide notification No. 2103P, dated the 26th April 1963.

² Substituted vide notification No. 6319P, dated the 2nd September 1967.

³ Substituted vide notification No. 6656P, dated the 26th September 1959.

such material as may compose the floor shall be within 10 feet of the cinematograph.

13. A bucket of sand and two buckets of water shall be placed close to the cinematograph. A large sponge shall be kept in one of the buckets of water.

14. Not more than 200 lbs. of film shall be kept in any place where such exhibition is being made, and all such films shall be kept in securely closed fire-resisting receptacles.

15. No exhibition shall be held in a tent or any shelter or structure composed of, or covered with combustible materials, or of a movable character, unless the cinematograph is operated from outside, and at a distance of at least 6 feet from such tent, shelter or structure.

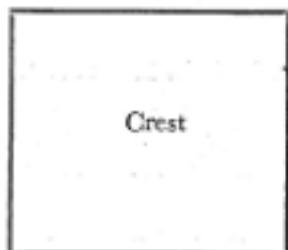
16. The licensee may shift the venue of the exhibition from place to place after giving due intimation of his programme and itinerary in advance to the licensing authority provided that all the rules and safety requirements are duly observed.

FORM III

Form of licence for a temporary open-air cinema

(Rule 14)

**THE WEST BENGAL CINEMAS (REGULATION) ACT, 1954
(WEST BENGAL ACT XXXIX OF 1954)**



GOVERNMENT OF WEST BENGAL

No.

Shri/Shrimati (a).....
of (b).....within the district of/town
and suburbs of Calcutta.....is licensed
under sub-section (1) of section 3 of the West Bengal Cinemas (Regulation)
Act, 1954 (West Bengal Act XXXIX of 1954) to hold temporary exhibitions
in the open-air by means of a cinematograph for.....persons.

This licence shall remain in force only for.....

.....
This licence is granted subject to the conditions set forth in the Schedule
annexed to this licence.

.....
District Magistrate of.....
Commissioner of Police, Calcutta

.....
The.....19



-
- (a) Name of applicant
(b) Address

THE SCHEDULE

Conditions to be attached to a licence for a temporary open-air cinema issued under the provisions of the West Bengal Cinemas (Regulation) Act, 1954

1. The licensee shall not exhibit or permit to be exhibited, any film other than a film which has been certified as suitable for public exhibition by an authority constituted under section 3 of the Cinematograph Act, 1952 (Act XXXVII of 1952), and which, when exhibited, displays the prescribed mark of that authority and has not been altered or tampered with in any way since such mark was affixed thereto.

2. The licensees shall not exhibit or permit to be exhibited any film which has been certified by the authority constituted under section 3 of the Cinematograph Act, 1952 (Act XXXVII of 1952), as suitable for public exhibition restricted to adults only, to any person who is not an adult, as defined in section 2(a) of the Cinematograph Act, 1952.

Note: This condition shall not be construed as prohibiting the exhibition of such film to children below the age of three years.

3. (1) There shall be prominently exhibited at each public entrance whenever the premises are open to the public a notice indicating in tabular form and in clear bold letters and figures—

- (a) the title of each film to be shown on that day other than trailers and advertisement films;
- (b) the approximate times of commencement of each such film;
- (c) whether each such film has received an "A" or "U" certificate from the Central Board of Film Censors; and
- (d) whether persons below the age of 18 years other than children below the age of 3 years will be admitted or not.

(2) The nature of any certificate received in respect of a film from the Central Board of Film Censors shall be clearly indicated by the letter "U" or "A" in any advertisement of the film displayed at the premises.

4. The licensee shall not display, or cause to be displayed any photograph, picture or poster which depicts or represents or purports to represent a scene or shot which has been excised from any film under the orders of the Central Board of Film Censors or the Central Government.

5. Not more than three shows shall be held, at the place licensed, between 2 p.m. and midnight on any week day.

Outside these hours, i.e., before 2 p.m. or after midnight, no show

shall be allowed at the licensed place on any week day except with the previous permission of the licensing authority obtained in writing at least seven days in advance.

Note: There will be no restriction on the number of shows on Sundays and public holidays, provided that no show shall be allowed after midnight.

6. Display of posters—No obscene, immodest or objectionable poster, placard, hoarding or pictorial publicity material shall be displayed at any place in the vicinity of the show.

7. No loud-speaker or amplifier relaying music or commentary for the purpose of attracting customers shall be allowed to be used.

8. (1) Subject to the provisions of sub-paragraph (2) the licence shall not be transferable and shall be for the benefit only of the licensee.

(2) Where during the period of validity of the licence—

- (a) the proprietorship of the business to which the licence relates passes from the licensee to any other person by reason of the death of the licensee or of a transfer effected by the licensee with the previous approval in writing of the licensing authority, or
- (b) a Receiver appointed by a competent Court takes possession of such business for management,

the licensing authority may, on receipt of an application in writing in this behalf from the successor-in-interest of the licensee or the Receiver within one month from the date of the passing of proprietorship or taking of possession of the business, as the case may be, or within such further time as the licensing authority may, in the public interest, allow for special reasons to be recorded in writing, substitute the name of such successor or Receiver in the licence as the licensee for the remainder of the period of its validity and thereupon the licence shall be available for the benefit of such successor or Receiver.

(3) An application for the renewal of such licence shall be dealt with in accordance with the rules.

9. The licensee shall observe the rules notified by the Government from time to time in respect of cinematograph shows.

10. The licensee shall observe the classification of the seats and the price therefor approved by the licensing authority and shall not amend or alter the same in any way without the prior approval of the licensing authority.

*Substituted vide notification No. 1338P, dated the 21st May 1962.

11. ¹Operators—[For the purpose of operating the cinematograph machine there shall be three operators, duly certified and holding certificates valid for the time being, in the operating room at any time]² and no other persons shall be within ten feet of the machine during the exhibition. The whole duty of one of the operators shall consist in taking charge of the films after they have passed through the machine and that of another, of the machine and of the operating box, while the duty of the third shall be to assist in the operations generally. In appropriate exceptional cases, the licensing authority may permit the licensee to have only two operators but not less than two, in the operating room for the purpose of operating the cinematograph machines at any time. [The person in charge of the cinematograph machine shall be a qualified operator who possesses a certificate showing that he is qualified to operate a cinematograph machine, granted by any of the licensing authorities under the West Bengal Cinemas (Regulation) Act, 1954.]³

[The certificate referred to above shall be issued by any of the licensing authorities under the West Bengal Cinemas (Regulation) Act, 1954, on payment of a fee of Rs. 2 and shall be valid for one year for the purpose of operating the cinematograph machine to give cinematograph exhibitions throughout West Bengal unless sooner revoked by any such authority.]⁴ It shall be renewed regularly at the end of that period on payment of a fee of Rs. 2 only. Any operator who fails to do so within fifteen days after the term of his certificate has expired shall be required to pay a fine of Re. 1 only, at the time of its renewal.

A fee of Re. 1 shall be charged for a duplicate or a subsequent copy of the certificate.

The certificate shall be open to inspection by an officer authorised in this behalf by the licensing authority in writing while the operator is within the operating room. The licensee of the cinema house shall be responsible to see that no operators who have no valid certificate get admission into the operating room.

An operator shall not be granted an operator's certificate unless he has passed a qualifying test to be held by the Central Board for the purpose of testing his knowledge of—

- (i) operation of standard cinema projection machine;
- (ii) Municipal bye-laws and rules relating to cinematograph exhibition;
- (iii) methods of taking precautions against fire and methods of dealing with fire;

¹ Substituted vide notification No. 1151P, dated the 17th February 1959.

² Substituted vide notification No. 6319P, dated the 2nd September 1967.

³ Substituted vide notification No. 6319P, dated the 2nd September 1967.

⁴ Substituted vide notification No. 6319P, dated the 2nd September 1967.

- (iv) elements of electric power, AC and DC power lines, switchboards, voltage and amperage regulation and reading, working knowledge of petrol, kerosene and diesel generators and transformers and converters;
- (v) care of films, repairs, re-winding, cleaning, packing, etc.

[Qualifying tests shall be held by the Central Board ordinarily in May and November every year at four regional centres in the State, but any such tests may for sufficient reasons be deferred or cancelled with the approval of the State Government.]¹ An application for an operator's certificate may be made before the 31st March or the 30th September each year, as the case may be, to [any of the licensing authorities under the West Bengal Cinemas (Regulation) Act, 1954]² who shall inform the applicant in writing about the regional centre at which and the dates on which the test shall be held. At these centres the test shall be held by the Central Board with the assistance of a Regional Committee and shall consist of (i) a written test, (ii) a viva-voce test, and (iii) a practical test. After the test at each centre is over, the Central Board shall prepare a list of such applicants as have qualified at the test and shall forward the list to the licensing authorities concerned. Qualified operators shall thereafter be called upon by the licensing authorities concerned to produce a certificate, from the District Medical Officer in the district or from a Presidency Surgeon in Calcutta, as the case may be, of physical fitness and of having no defect in eyesight or hearing for which no fee shall be charged. No applicant shall be granted an operator's certificate by the licensing authority unless he has produced the aforesaid medical certificate and unless he has qualified at the aforesaid qualifying test.

The Central Board and the Regional Committees shall consist of such persons as may be appointed in that behalf by the State Government.

[It shall not ordinarily be necessary for an operator to pass again the qualifying test, or to produce again a medical certificate, as referred to above, at the time of renewal of his certificate. But the licensing authority may, if in its opinion the circumstances justify in any particular case, have the operator tested in any particular subject of that test or require him to produce such medical certificate. No fee for medical examination shall, however, be charged.]³

12. No drapery and no unprotected combustible material other than such material as may compose the floor shall be within 10 feet of the cinematograph. A rope or tin barrier of at least 15 inches by 20 inches shall be erected around the projector and accessories.

¹ Substituted vide notification No. 2103-P, dated the 26th April 1963.

² Substituted vide notification No. 6319-P, dated the 2nd September 1967.

³ Substituted vide notification No. 6636-P, dated the 26th September 1959.

13. A bucket of sand and two buckets of water shall be placed close to the cinematograph. A large sponge shall be kept in one of the buckets of water.

14. Not more than 200 lbs. of film shall be kept in any place where such exhibition is being made, and all such films shall be kept in securely closed fire-resisting receptacles.

15. The licensee may shift the venue of the exhibition from place to place after giving due intimation of his programme and itinerary in advance to the licensing authority provided that all the rules and safety requirements are duly observed.

By Order of the Governor,

M. M. BASU
Secretary to the Government of West Bengal

APPENDIX I

GVERNMENT OF WEST BENGAL Home Department Political

ORDER

No. 6130P—10th August 1965*.—In exercise of the power conferred by sub-section (2) of section 3 of the West Bengal Cinemas (Regulation) Act, 1954 (West Bengal Act XXXIX of 1954), the Governor, having considered it necessary so to do, is pleased to make this order for regulating exhibitions in West Bengal by means of cinematograph, other than public exhibitions, and to prescribe the following rules and conditions for the purpose, namely:

THE WEST BENGAL CINEMATOGRAPH (REGULATION OF SPECIAL EXHIBITION) ORDER, 1956**

Rules and Conditions

Definitions

1. In these rules and conditions, "special cinematograph exhibition" means an indoor or open-air cinematograph exhibition for which no admission fee of any kind is charged.

Applications for Licence

2. Any person desirous of holding a special cinematograph exhibition expected to be attended by more than twenty-five persons at a time shall submit a written application to the Commissioner of Police in Calcutta or the District Magistrate elsewhere at least seven days in advance for the grant of a licence. The application shall contain the following particulars:

- (a) Name and address of the applicant.
- (b) Name (if any) of the film or general description thereof.
- (c) The hour fixed for each show and its duration.
- (d) The venue of the exhibition.

*As amended by Home (Political) Department notification No. dated the 19th July 1958.

**Superseded by Information and Cultural Affairs Department notification No. 6019 ICA dated the 2nd April 1987.

- (e) Whether the venue provides for the safety precautions prescribed under condition 5 of the Schedule attached to the form of licence for special cinematograph exhibition.
- (f) The period for which the licence is required.
- (g) The purpose of the exhibition.
- (h) The maximum number of invitees proposed to be admitted to each show.
- (i) Declaration that the film is certified for unrestricted exhibition or for adults only or exempted from censorship by the Central Government.
- (j) The name of the producer of the film.
- (k) The country in which the film has been produced.

Grant of licence

3. (1) On receipt of an application for a special cinematograph exhibition, the Commissioner of Police or the District Magistrate, as the case may be, may, at his discretion, grant to the applicant a licence for such special cinematograph exhibition as nearly as possible in the form appended to these rules and subject to the conditions set forth in the Schedule attached thereto for such period as may be considered by him to be necessary for holding the exhibition.

(2) No fee shall be charged for granting such licence.

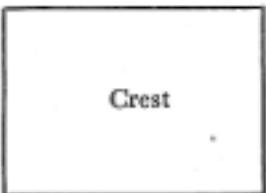
No licence required for special cinematograph exhibition where the number of people attending does not exceed twenty-five

4. No licence shall be required for holding any special cinematograph exhibition where the number of people attending the exhibition at any one time does not exceed twenty-five.

FORM OF LICENCE FOR SPECIAL EXHIBITION

(See Rule 3)

THE WEST BENGAL CINEMAS (REGULATION) ACT, 1954



Crest

GOVERNMENT OF WEST BENGAL

No.

In exercise of the power conferred upon the Commissioner of Police, Calcutta/District Magistrate,..... by paragraph 3(1) of the rules and conditions issued with the West Bengal Cinematograph (Regulation of Special Exhibition) Order, 1956, under sub-section (2) of section 3 of the West Bengal Cinemas (Regulation) Act, 1954 (West Bengal Act XXXIX of 1954), licence is hereby granted to (a) at (b) within the town and suburbs of Calcutta/district of..... authorising (a) to hold a special cinematograph exhibition subject to the conditions set forth in the attached Schedule.

.....
*District Magistrate of.....
Commissioner of Police, Calcutta*

Ths...../19



-
- (a) Name of applicant
(b) Address

THE SCHEDULE

Conditions to be attached to a licence for special exhibitions

1. This licence shall remain in force only for.....
2. No admission fee of any kind shall be charged.
3. No film which has not been certified by the Central Board of Film Censors as suitable for public exhibition or has not been exempted from the provisions of section 9 of the Cinematograph Act, 1952 (XXXVII of 1952), shall be exhibited or permitted to be exhibited.
4. No film which has been certified by the Central Board of Film Censors as suitable for public exhibition restricted to adults only, shall be exhibited or permitted to be exhibited to a person who is not an adult as defined in clause (a) of section 2 of the Cinematograph Act, 1952 (XXXVII of 1952).
5. The following safety precautions shall be observed []¹:
 - (a) Only non-inflammable films shall be exhibited or permitted to be exhibited.
 - (b) No drapery and no combustible material, other than such material as may compose the floor, shall be within six feet of the cinematograph.
 - (c) A bucket of sand and two buckets of water shall be placed close to the cinematograph and a large sponge shall be kept in one of the buckets of water.
 - (d) Not more than 200 lbs. of film shall be kept in any place where such exhibition is being made, and all such films shall be kept in securely closed fire-resistant receptacles.
 - (e) No exhibition shall be held in a tent or any shelter or structure composed of, or covered with, combustible material or of a movable character, unless the cinematograph is operated from outside and at a distance of at least 6 feet from such structure.
6. The licensee may shift the venue of the exhibition from place to place after giving due intimation of his programme and itinerary in advance to the licensing authority provided that all the rules and safety requirements are duly observed.

By Order of the Governor,

M. M. BASU
Secretary to the Government of West Bengal

¹Omitted vide notification No. 4182P, dated 23rd June 1967.

APPENDIX II

GOVERNMENT OF WEST BENGAL Home Department Political

ORDER

No. 5920P—19th July 1958.—In exercise of the power conferred by sub-section (2) of section 3 of the West Bengal Cinemas (Regulation) Act, 1954 (West Bengal Act XXXIX of 1954), read with section 9 of the said Act, the Governor having considered it necessary so to do, is pleased to make this order for regulating private exhibitions in West Bengal by means of cinematograph namely:

Order

1. (1) This Order may be called the West Bengal Cinematograph (Regulation of Private Exhibition) Order, 1958.

(2) It shall come into force at once.

2. In this Order unless the context otherwise requires,—

- (a) "the Act" means the West Bengal Cinemas (Regulation) Act, 1954;
- (b) "private cinematograph exhibition" means an indoor or open air exhibition by means of cinematograph, admission to which is restricted by issue of invitations, tokens or cards, or is restricted to members of a particular club, institution or organisation;
- (c) "section" means a section of the Act.

3. Private cinematograph exhibition shall be regulated in accordance with the following rules and conditions, namely:

Rules and Conditions

1. Application for licence—Any person desirous of holding a private cinematograph exhibition expected to be attended by more than twenty-five persons at a time shall submit a written application to the District Magistrate at least seven days in advance for the grant of a licence. The application shall contain the following particulars:

- (i) name and address of the applicant;
- (ii) name, if any, of the film or general description thereof;
- (iii) the hour fixed for each show and its duration;
- (iv) the venue of the exhibition;

- (v) whether the venue provides for the safety precautions referred to in condition 4 of the Schedule attached to the form of licence for private cinematograph exhibition;
- (vi) the period for which the licence is required;
- (vii) the purpose of the exhibition;
- (viii) the maximum number of invitees proposed to be admitted in each show;
- (ix) declaration that the film is certified for unrestricted exhibition or for adults only or exempted from censorship by the Central Government;
- (x) name of the producer of the film;
- (xi) the country in which the film has been produced.

2. Grant of licence—(1) On receipt of an application for a private cinematograph exhibition the District Magistrate may at his discretion grant to the applicant a licence for such private cinematograph exhibition as early as possible in the form appended to these rules and subject to the conditions set forth in the Schedule attached thereto for such period as may be considered by him to be necessary for holding the exhibition.

(2) No fee shall be charged for granting such licence.

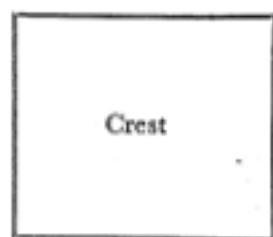
(3) When a licence granted under sub-rule (1) is either lost or accidentally destroyed, a duplicate of the original licence may be granted on receipt of a written application free of any charge.

3. No licence required for private cinematograph exhibition where the number of people attending does not exceed twenty-five—No licence shall be required for holding any private cinematograph exhibition where the number of people attending the exhibition at any one time does not exceed twenty-five.

FORM OF LICENCE FOR PRIVATE EXHIBITION

[See clause 2(1) of the rules and conditions]

WEST BENGAL CINEMAS (REGULATION) ACT, 1954



GOVERNMENT OF WEST BENGAL

No.

In exercise of the power conferred upon me by clause 2(1) of the rules and conditions under paragraph 3 of the West Bengal Cinematograph (Regulation of Private Exhibitions) Order, 1958, issued under sub-section (2) of section 3 of the West Bengal Cinemas (Regulation) Act, 1954 (West Bengal Act XXXIX of 1954) read with section 9 of the said Act, license is hereby granted to (a).....
at (b).....within the town and suburbs of Calcutta/District of.....authorising (a).....
to hold a private cinematograph exhibition subject to the conditions set forth in the attached Schedule.....

Signature

Commissioner of Police, Calcutta or

Dated the..... District Magistrate of.....

-
- (a) Name of the applicant
(b) Address

THE SCHEDULE

CONDITIONS TO BE ATTACHED TO A LICENCE FOR PRIVATE CINEMATOGRAPH EXHIBITION

1. This licence shall remain in force only for.....
2. No film which has not been certified by the Central Board of Film Censors as suitable for public exhibition or has not been exempted from the provisions of section 9 of the Cinematograph Act, 1952 (XXXVII of 1952), shall be exhibited or permitted to be exhibited.
3. No films, which has not been certified by the Central Board of Film Censors as suitable for public exhibition restricted to adults only, shall be exhibited or permitted to be exhibited to a person who is not an adult as defined in clause (a) of section 2 of the Cinematograph Act, 1952 (XXXVII of 1952).
4. The following safety precautions shall be observed []¹
 - (a) only non-inflammable films shall be exhibited or permitted to be exhibited;
 - (b) no drapery and no combustible material, other than such material as may compose the floor, shall be within six feet of the cinematograph;
 - (c) a bucket of sand and two buckets of water shall be placed close to the cinematograph and a large sponge shall be kept in one of the buckets of water;
 - (d) not more than two hundred pounds of film shall be kept in any place where such exhibition is being made, and all such films shall be kept in securely closed fire-resisting receptacles;
 - (e) no exhibition shall be held in a tent or in any shelter or structure composed of, or covered with, combustible material or of a movable character unless the cinematograph is operated from outside and at a distance of at least six feet from such shelter or structure.
5. A licensee may shift the venue of the exhibition from place to place after giving due intimation of his programme and itinerary in advance to the licensing authority provided that all the rules and safety precautions are duly observed.

By Order of the Governor,

M. M. BASU

Secretary to the Government of West Bengal

¹Omitted vide notification No. 4182P, dated the 23rd June 1967.

APPENDIX III
GOVERNMENT OF WEST BENGAL

Home Department

Political

NOTIFICATION

No. 7277P—20th September 1957.*—In exercise of the power conferred by sub-section (3) of section 5 of the West Bengal Cinemas (Regulation) Act, 1954 (West Bengal Act XXXIX of 1954) and in supersession of all previous orders on the subject the Governor is pleased hereby to issue to licensees generally under the said Act the following directions, namely:—

Directions

A licensee shall so regulate the public exhibition of films by means of a cinematograph that, at every such exhibition, there shall be exhibited notified films of such length as bears to the length of other films exhibited approximately the ratio of one to five:

Provided that nothing contained in these directions shall be construed as requiring a licensee—

- (a) to exhibit at any such public exhibition more than 2,000 ft. of notified films of 35 mm. size or 800 ft. of notified films of 16 mm. size; or
- (b) to exhibit any notified films for more than two weeks continuously; or
- (c) to re-exhibit any notified film which has been shown for two continuous weeks; or
- (d) to exhibit notified films beyond the limit up to which notified films are available for exhibition for the time being, or to exhibit any notified films when such films are not available for the time being;

Provided further that of the total time taken in the exhibition of notified films at every such exhibition, not less than half shall be allotted to the exhibition of films approved by the Central Government after considering the recommendations of the Film Advisory Board, Bombay, if films of the latter description are available.

*As amended by notification No. 8978P, dated 2nd December 1957, notification No. 9554P, dated 19th December 1957, notification No. 8897P, dated 17th October 1958 and notification No. 3249P, dated 7th May 1959.

Explanation—In these directions “notified film” means a film which is produced in India and which is—

- (i) a scientific film, or
- (ii) a film intended for educational purposes, or
- (iii) a film dealing with news and current events, or
- (iv) a documentary film,

certified or exempted from certification, as the case may be, under Part II of the Cinematograph Act, 1952 (XXXVII of 1952), which is notified by the State Government in the “Calcutta Gazette” for exhibition for the purpose of sub-section (3) of section 5 of the West Bengal Cinemas (Regulation) Act, 1954 (West Bengal Act XXXIX of 1954):

Provided that any of the films as referred to above, which is approved by the Central Government after considering the recommendations of the Film Advisory Board, Bombay, shall be deemed to be a notified film for the purpose of this notification.

By Order of the Governor,

M. M. BASU

Secretary to the Government of West Bengal

RESOLUTION

No. 7278P—20th September 1957.*—1. For the purpose of advising the State Government about the suitability of films being notified as a scientific film or a film intended for educational purposes or a film dealing with news and current events, or a documentary film, within the meaning of the Government of West Bengal, Home (Political) Department's notification No. 7277-P, dated 20th September 1957, published in the *Calcutta Gazette*, Part I of the 20th September 1957, the Governor is pleased hereby to constitute a Board to be called the West Bengal Film Advisory Board, hereinafter referred to as the Board.

2. The Board shall consist of nine members to be appointed by the State Government as follows:—

- (1) Secretary, Education Department, Government of West Bengal—Member (Ex-officio) and Chairman.
- (2) Secretary, Information and Public Relations Department, Government of West Bengal—Member (Ex-officio).

*As amended by—

- (i) Resolution No. 695P, dated 10th February, 1966, published in the *Calcutta Gazette, Extraordinary*, Part I, dated 10th February 1966.
- (ii) Resolution No. 2108P, dated 28th March 1968, published in the *Calcutta Gazette Extraordinary*, Part I, dated 28th March 1968.
- (iii) Resolution No. 2728P, dated 19th April 1968, published in the *Calcutta Gazette Extraordinary*, Part I, dated 19th April 1968.

- (3) Deputy Director of Public Relations, Government of West Bengal—Member (Ex-officio) and Secretary.
One representative each from—
(4) The Press, nominated by Government—Member.
(5) The Eastern India Motion Picture Association, Calcutta, nominated by the Association—Member.
(6) The Film Industry, from among the film artists or technicians, nominated by Government—Member.
(7-9) Non-officials from among those interested in the promotion of art including films, nominated by Government—Members.

3. The members of the Board other than the *ex-officio* members shall hold office for a term of two years with effect from the date on which their appointment is notified in the *Calcutta Gazette* and shall be eligible for re-appointment.

4. A casual vacancy caused in the membership of the Board by the resignation, death or removal of a member or otherwise, shall be filled by the appointment of another person who shall hold office for the unexpired portion of the term of the member in whose place he is so appointed.

5. The State Government may, for sufficient cause, remove any member of the Board before the expiry of the term of his office.

6. The members of the Board shall work in an honorary capacity.

7. Unless otherwise directed by the State Government, the Board shall meet in the office of the Deputy Director of Public Relations, Government of West Bengal.

8. No act or proceeding of the Board shall be called in question on the ground merely of the existence of any vacancy in, or defect in the constitution of, the Board.

9. Meetings of the Board shall be presided over by the Chairman and, in his absence, the members present may elect one amongst themselves to preside.

10. At every meeting of the Board, three members shall form a quorum.

11. For the purpose of advising the State Government, the advise of the Board shall be that of the majority of the members attending the meeting and, in the event of a tie, the presiding officer shall have a second or casting vote. If an applicant wants to make any representation in regard to any film submitted by him, the Board shall give him an opportunity to do so, and it shall be open to the Board to revise its advice in the light of any such representation.

12. The Board shall ordinarily meet once every month or oftener when necessary.

13. Any person, firm, organisation of Government, desirous of having any of his or its films notified by the State Government for the purposes of the Government of West Bengal, Home (Political) Department's notification No. 7277P, dated the 20th September 1957, shall send an application

in writing to the Secretary of the Board stating the title of the film and the source from which it can be obtained by the exhibitors and such other particulars as may be required by the Board.

14. Any preview of the films submitted to the Board shall be arranged by the applicant at his or its own cost.

15. The Board shall communicate to the State Government in the Department of Information and Public Relations its advice regarding the titles and subject matters of the films classified by it together with the information regarding the sources from which they can be obtained. If the State Government accept the advice of the Board in favour of a film being notified and also approve the title and classification of the film as made by the Board, it shall be notified in the *Calcutta Gazette* for the purpose of the Home (Political) Department notification No. 7277P, dated the 20th September 1957, together with the addresses of the sources from where they can be obtained.

16. Nothing in the foregoing provisions shall be construed to preclude the competence of the State Government to notify any film otherwise than in accordance with the advice of the Board or otherwise than in accordance with the procedure laid down hereinbefore, in such cases as the State Government may deem fit.

APPENDIX IV

GOVERNMENT OF WEST BENGAL

Home Department

Political

NOTIFICATION

No. 1152P—17th February 1959.—In exercise of the powers conferred by condition 45 of the Schedule to Form I, condition 11 of the Schedule to Form II and condition 11 of the Schedule to Form III of the West Bengal Cinemas (Regulation of Public Exhibitions) Rules, 1956, as subsequently amended, the Governor is pleased for the purpose of each of the said conditions, to constitute the Central Board, the Regional Centres and the Regional Committees as follows, that is to say:

I—The Central Board

The Central Board shall consist of the following persons, namely:—

- (1) The Superintending Engineer, Electrical Circle, Works and Buildings Department, who shall also be the Chairman of the Board;
- (2) The Director of Fire Services, West Bengal;
- (3) The Assistant Electrical Engineer and Maintenance Superintendent, Home (Publicity) Department, who shall also be the Secretary of the Board.

II—Regional Centres

The Regional Centres shall be as follows, namely:—

<i>Name of the regional centre</i>	<i>Area of the centre</i>	<i>Name of the region</i>
1. Calcutta	The Presidency town of Calcutta and the districts of 24-Parganas, Howrah, Hooghly, Nadia and Murshidabad	Calcutta region
2. Burdwan	The districts of Burdwan, Midnapore, Bankura, Birbhum and Purulia	Burdwan region

- | | |
|-----------------|--|
| 3. Englishbazar | The districts of Malda and West Malda region
Dinajpur |
| 4. Jalpaiguri | The districts of Cooch Behar, Jalpaiguri region
Jalpaiguri and Darjeeling |

III—Regional Committees

1. The Regional Committee for the Calcutta region shall consist of the following persons, namely:—

- (1) The Executive Engineer (Electrical), Calcutta Electrical Division, who shall also be the Chairman of the Committee;
- (2) A Senior Engineer of a leading firm dealing in cinematograph equipment, to be nominated by the State Government, from time to time;
- (3) An Officer to be nominated by the Commissioner of Police, Calcutta, from time to time;
- (4) The Assistant Electrical Engineer and Maintenance Superintendent, Home (Publicity) Department, who shall also be the Secretary of the Committee.

2. Each Regional Committee for the three other regions shall consist of the following persons, namely:—

- (1) The Executive Engineer, Electrical Division, in the region, who shall be the Chairman of the Committee;
- (2) The seniormost District Mobile Unit Operator of the Publicity Directorate in the region;
- (3) The Assistant Electrical Engineer and Maintenance Superintendent, Home (Publicity) Department;
- (4) The seniormost District Publicity Officer in the region, who shall also be the Secretary of the Committee.

By Order of the Governor,

M. M. BASU
Secretary to the Government of West Bengal

GOVERNMENT OF WEST BENGAL
DEPARTMENT OF INFORMATION AND PUBLIC RELATIONS

NOTIFICATION

No. 26022-IPR

Dated, Calcutta the 19th August, 1976

In exercise of the power conferred by section 9 of the West Bengal Cinemas (Regulation) Act, 1954 (West Bengal Act XXXIX of 1954), the Governor is pleased hereby to make the following amendments in the West Bengal Cinemas (Regulation of Public Exhibitions) Rules, 1956, as subsequently amended (hereinafter referred to as the said rules), namely:

Amendments

In the said rules:—

- (1) in rule 4,—
 - (a) for sub-rule (2), substitute the following sub-rule, namely:—

“(2) On receipt of an application under sub-rule (1), the licensing authority shall either hold a local enquiry himself or cause it to be held by some other officer deputed by him.”,
 - (b) omit sub-rule (3),
 - (c) for sub-rule (4), substitute the following sub-rule, namely:—

“(4) (a) If on an enquiry under sub-rule (2), the licensing authority is satisfied that the site is suitable for a permanent cinema house, he may permit the construction of a permanent cinema house within a period twelve months from the date of such permission or if he is not so satisfied, he may refuse to grant such permission:

Provided that before granting such permission the licensing authority shall take into account the location of any place of worship, hospital, or educational institution as well as the traffic control arrangements, nearabout the proposed site:

Provided further that the licensing authority may, on the application of the person to whom the permission to construct the permanent cinema house was granted, allow reasonable extension of the said period from time to time if he is satisfied that construction could not be completed due to circumstances beyond the control of such person so, however, that the total period of such extension shall not exceed two years.

(b) If construction of a cinema house cannot be completed within the period referred to in clause (a)

or within the extended period referred to in the second proviso thereto the permission shall automatically lapse.”,

- (d) for sub-rule (4A), substitute the following sub-rule, namely:—
“(4A) Any order of the licensing authority refusing to permit construction of a permanent cinema house shall be appealable.”,
(e) omit sub-rule (5);
(2) omit rule 7A;
(3) for sub-rule (2) of rule 8, substitute the following sub-rule, namely:—

“(2) After receiving an application under sub-rule (1), the licensing authority may, after making necessary enquiries, grant a licence for a temporary indoor cinema:

Provided that before granting such a licence the licensing authority shall take into account the location of any place of worship, hospital or educational institution as well as the traffic control arrangements, nearabout the proposed site.”;

- (4) in rule 9,—

(a) for sub-rule (2), substitute the following sub-rule, namely:—
“(2) The licence so granted shall, unless revoked earlier by the licensing authority, remain valid for such period as may be specified in the licence subject to the condition that no such licence shall remain valid for more than two years for the same site:

Provided that if the licensee applies for permission to build a permanent cinema house he may be allowed further extension of time up to a maximum period of two years.”,

(b) in sub-rule (3), for the words “twelve months”, substitute the words “two years”.

B. R. CHAKRABORTY
Secretary to the Govt. of West Bengal

No. 26022/1(20)-IPR

Copy forwarded, for information and necessary action to:—

- (1) All Commissioners of Divisions.
(2) The Commissioner of Police, Calcutta.
(3) All District Magistrates/Dy. Commissioners.
(4) The Librarian, West Bengal Secretariat Library.

Calcutta,
The 19th August, 1976

D. K. BANERJEE
Deputy Secretary

GOVERNMENT OF WEST BENGAL
DEPARTMENT OF INFORMATION AND CULTURAL
AFFAIRS

NOTIFICATION

No. 6018-ICA—2nd April 1987.—In exercise of the power conferred by section 9 of the West Bengal Cinemas (Regulation) Act, 1954 (West Bengal Act XXXIX of 1954), the Governor is pleased hereby to make the following amendments in the West Bengal Cinemas (Regulation of Public Exhibitions) Rules, 1956, as subsequently amended (hereinafter referred to as the said rules):

Amendments

In the said rules:—

- (1) in rule 2, after clause (i) insert the following clause:—
(ia) "Commercial Purpose" means the purpose of earning financial return;
- (2) in sub-rule (6) of rule 4, after the words "annexed to Form I" insert the words "or Form IA, as the case may be,";
- (3) after rule 7, insert the following rule:—

"Form of licence for video tapes

- D
- 7A. A licence for a permanent cinema granted under the Act for exhibiting films made on video tapes shall be as nearly as possible in Form IA appended to these rules and shall be subject to the conditions detailed in the Schedule annexed thereto. The conditions in the Schedule shall be deemed to be incorporated in the licence";
- (4) after rule 10, insert the following rule:—

"Form of licence for video tapes

- E
- 10A. A licence for a temporary indoor cinema for exhibiting films made on video tapes shall be as nearly as possible in Form IIA appended to these rules and shall be issued subject to the conditions detailed in the Schedule annexed thereto. The conditions in the Schedule shall be deemed to be incorporated in the licence";

- (5) in rule 11, after the words "The holder of a licence for a temporary indoor cinema", insert the words "granted under rule 10 or rule 10A, as the case may be";
(6) after rule 14, insert the following rule:—

"Form of licence for open air-cinema on video tapes

- 14A. A licence for a temporary open-air cinema for exhibiting films made on video tapes shall be issued as nearly as possible in Form IIIA appended to these rules and subject to the conditions detailed in the Schedule annexed thereto. The conditions in the Schedule shall be deemed to be incorporated in the licence";
- (7) in rule 15, after the words "The holder of a licence for temporary open-air cinema", insert the words "granted under rule 14 or rule 14A, as the case may be";
(8) in rule 22, for the words "Central Board of Film Censors", substitute the words "Central Board of Film Certification";
(9) in rule 23, for the words "Central Board of Film Censors", substitute the words "Central Board of Film Certification";
(10) after rule 23, insert the following rule:—

"Retention etc. of film for commercial purpose

- 23A. No film which has not been certified by the Central Board of Film Certification shall be retained, displayed or stored for commercial purpose";
- (11) in rule 24, for the words "Central Board of Film Censors", substitute the words "Central Board of Film Certification";
(12) after Form I, insert the following form:—

"FORM IA

Form of a Permanent Licence for showing video films

(Rule 7A)

THE WEST BENGAL CINEMAS (REGULATION) ACT, 1954
(WEST BENGAL ACT XXXIX OF 1954)

Government of West Bengal

No.

(a) situated at (b)
within the district of/town of Calcutta is licensed under
sub-section (1) of section 3 of the West Bengal Cinemas (Regulation)

Act, 1954 (West Bengal Act XXXIX of 1954), as a place where exhibitions by means of a cinematograph may be given for.....
persons.

The licence has been granted to (c).....and shall, subject to the provisions of sub-rule (2) of rule 6 of the West Bengal Cinemas (Regulation of Public Exhibitions) Rules, 1956, remain in force only so long as the said (c).....owns, leases or manages the said (a).....

This licence is granted subject to the conditions set forth in the Schedule annexed to this licence.

Ths.....19

*Commissioner of Police, Calcutta or
District Magistrate of.....*

-
- (a) Name of cinema house
 - (b) Address
 - (c) Name of applicant

THE SCHEDULE

Conditions to be attached to a permanent licence for holding video shows issued under the provisions of the West Bengal Cinemas (Regulation) Act, 1954

1. The licensee shall not exhibit, or permit to be exhibited, in the said (a).....any film other than a film which has been certified in Form IVA, VA, VIA or VIIA as suitable for public exhibition by an authority constituted under section 3 of the Cinematograph Act, 1952 (XXXVII of 1952), and which, when exhibited, displays the prescribed mark of that authority, and has not been altered or tempered with in any way since such mark was affixed thereto.

2. The licensee shall not exhibit, or permit to be exhibited, in the said (a).....any video film which has been certified by the authority constituted under section 3 of the Cinematograph Act, 1952 (XXXVII of 1952), as suitable for public exhibition restricted to adults only, to any person who is not an adult, as defined in section 2(a) of the Cinematograph Act, 1952.

Note: This condition shall not be construed as prohibiting the exhibition of such film to children below the age of three years.

3. (1) There shall be prominently exhibited at each public entrance whenever the premises are open to the public a notice indicating in tabular form and in clear bold letters and figures—

- (a) the title of each film to be shown on that day, other than trailers and advertisement films;
- (b) the approximate times of commencement of each such films;
- (c) whether each such film has received the "A", "U", "UA" or "S" certificate from the Central Board of Film Certification; and
- (d) whether persons below the age of 18 years other than children below the age of 3 years will be admitted or not.

(2) The nature of any certificate received in respect of a film from the Central Board of Film Certification shall be clearly indicated by the letter "A", "U", "UA" or "S" in any advertisement of the film displayed at the premises.

4. The licensee shall not display, or cause to be displayed, any photograph, picture or poster which depicts or represents or purports to represent a scene or shot which has been excised from any film under the orders of the Central Board of Film Certification or the Central Government.

5. Not more than three shows shall be held, at the place licensed, between 2 p.m. and midnight on any week day.

Outside these hours, i.e., before 2 p.m. or after midnight, no show shall be allowed at the licensed place on any week day except with the previous permission of the licensing authority obtained in writing at least seven days in advance.

Note: There will be no restriction on the number of shows on Sundays and public holidays, provided that no show shall be allowed after midnight.

6. Display of posters—No obscene, immodest or objectionable poster, placard, hoarding or pictorial publicity material shall be displayed at the show windows or lobbies of cinema houses or at any other place within the licensed premises.

7. No loud-speaker or amplifier relaying music or commentary for the purpose of attracting customers shall be allowed to be fixed outside the licensed premises.

8. (1) Subject to the provisions of sub-paragraph (2), the licence shall not be transferable and shall be for the benefit of the licensee.

(2) Where during the period of validity of the licence—

- (a) the proprietorship of the business to which the licence relates passes from the licensee to any other person by reason of the

death of the licensee or of a transfer effected by the licensee with the previous approval in writing of the licensing authority, or

- (b) a Receiver appointed by a competent court takes possession of such business for management,

the licensing authority may, on receipt of an application in writing in this behalf from the successor-in-interest of the licensee or the Receiver within one month from the date of the passing of proprietorship or taking of possession of the business, as the case may be, or within such further time as the licensing authority may, in the public interest allow for special reasons to be recorded in writing, substitute the name of such successor or Receiver in the licence as the licensee for the remainder of the period of its validity and thereupon the licence shall be available for the benefit of such successor or Receiver.

(3) An application for the renewal of such licence shall be dealt with in accordance with the rules.

9. The licensee shall observe the rules notified by the Government from time to time in respect of cinematograph shows.

10. The licensee shall observe the classification of the seats and the prices therefor approved by the licensing authority and shall not amend or alter the same in any way without the prior approval of the licensing authority.

11. The licensee shall not convert the basic character of the cinema house without the prior approval of the licensing authority.

12. All building or other regulations for observance at place of public amusement imposed by the municipal bye-laws or by any other law or by rules under any other law, for the time being in force, shall be strictly adhered to.

13. The licensee shall maintain the cinema house in a good state of repair with due regard to the safety of the persons attending the shows therein.

14. No portion of the place licensed shall be occupied or used as a hotel, boarding or lodging house, factory, workshop or manufactory or for storage purposes, except as the licensing authority may allow, nor shall such place be used for residential purpose by day or night.

15. The relative positions of the picture screen and seats shall be such as may be specified in each case by the licensing authority at the time of

granting the licence so that undue eye-strain may not be caused to persons attending the cinematograph exhibition.

16. Seats—In any portion of the premises which is regularly used for a closely seated audience, all seats shall be securely fixed to the floor. There shall in all cases be an unobstructed seatway or space between any two consecutive rows of seats which is at least 10 inches in depth in the case of fixed seats and 12 inches in depth (measured with the seat raised) in the case of tip-up seats, measured between perpendicular, between the back of one seat and the foremost portion of the seat, arm or frame behind. In new buildings to be constructed, the seatway shall in no case be less than 12 inches.

17. Overcrowding—The number of persons admitted at any time into any part of the place licensed shall not exceed such number as may be specified in the licence as the number of persons who may be accommodated in such part. No person shall be permitted to remain in any of the intersecting gangways.

18. Counter for sale of cinema tickets—Such number of counters shall be provided in cinema houses for the sale of tickets to the public as the licensing authority may determine. All tickets for cinema shows shall be sold from these counters and from nowhere else.

19. Fire precautions—In every place licensed shall be kept such number of chemical extinguishers, fire-buckets, hand-pumps or other small fire appliance as the licensing authority shall direct. The licensee shall comply with all the directions issued by the licensing authority for the purpose of safeguarding the public in case of fire.

20. Exit doors—There shall be exit doors on the three sides of the auditorium with at least one exit door for each class or one for 6 rows of seats, whichever is less. Open space to be provided on the three sides of the auditorium should be not less than one-fourth of the width of the auditorium.

21. For the purpose of operating the cinematograph machine for video shows, there shall be qualified operators in sufficient number.

22. Secondary lighting—Secondary lighting shall be provided either by installation of the battery-operated system or by castor oil lamps so as to provide a secondary means of illuminating the exit indicators and the auditorium.

23. Every holder of a licence shall have all electrical installations in the cinema house regularly attended to by a qualified electrician holding a

certificate of competence issued by the State Government under sub-rule (1) of rule 48 of the Indian Electricity Rules, 1937.

24. The licence shall be produced by the licensee on demand by any police officer not below the rank of a Sub-Inspector or by the Licensing Authority or by the Chief Electrical Inspector or by the Executive Engineer, P.W.D. or any person authorised by them in this behalf.

25. Smoking shall not be permitted within the place of exhibition of video films.”;

(13) after Form II, insert the following form:

FORM IIA

Form of a Temporary Licence for showing video films

(Rule 10A)

**THE WEST BENGAL CINEMA (REGULATION) ACT, 1954
(WEST BENGAL ACT XXXIX OF 1954)**

Government of West Bengal

No.

(a)
situated at (b)
within the district of/town of Calcutta.....is licensed
under sub-section (1) of section 3 of the West Bengal Cinemas (Regulation)
Act, 1954 (West Bengal Act XXXIX of 1954), as a place where exhibitions
by means of a cinematograph may be given for.....persons.

The temporary licence has been granted to (c)
.....for a period of.....

This licence is granted subject to the conditions set forth in the Schedule
annexed to this licence.

.....
The..... 19

.....
*Commissioner of Police, Calcutta or
District Magistrate of.....*

-
- (a) Name of cinema house
 - (b) Address
 - (c) Name of applicant

THE SCHEDULE

Conditions to be attached to a temporary licence for holding video shows issued under the provisions of the West Bengal Cinemas (Regulation) Act, 1954

1. The licensee shall not exhibit, or permit to be exhibited, in the said (a)any film other than a film which has been certified in Form IVA, VA, VIA or VIIA as suitable for public exhibition by an authority constituted under section 3 of the Cinematograph Act, 1952 (37 of 1952) and which, when exhibited, displays the prescribed mark of that authority, and has not been altered or tampered with in any way since such mark was fixed thereto.

2. The licensee shall not exhibit, or permit to be exhibited, in the said (a)any video film which has been certified by the authority constituted under section 3 of the Cinematograph Act, 1952 (XXXVII of 1952), as suitable for public exhibition restricted to adults only, to any person who is not an adult, as defined in section 2(a) of the Cinematograph Act, 1952.

Note: The condition shall not be construed as prohibiting the exhibition of such film to children below the age of three years.

3. (1) There shall be prominently exhibited at each public entrance whenever the premises are open to the public a notice indicating in tabular form and in clear bold letters and figures—

- (a) the title of each film to be shown on that day, other than trailers and advertisement films;
- (b) the approximate times of commencement of each such film;
- (c) whether each such film has received the "A", "U", "UA" or "S" certificate from the Central Board of Film Certification; and
- (d) whether persons below the age of 18 years other than children below the age of 3 years will be admitted or not.

(2) The nature of any certificate received in respect of a film from the Central Board of Film Certification shall be clearly indicated by the letter "A", "U", "UA" or "S" in any advertisement of the film displayed at the premises.

4. The licensee shall not display, or cause to be displayed, any photograph, picture or poster which depicts or represents or purports to represent a scene or shot which has been excised from any film under the orders of the Central Board of Film Certification or the Central Government.

5. Not more than three shows shall be held, at the place licensed, between 2 p.m. and midnight on any week day.

Outside these hours, i.e., before 2 p.m. or after midnight, no show shall be allowed at the licensed place on any week day except with the previous permission of the licensing authority obtained in writing at least seven days in advance.

Note: There will be no restriction on the number of shows on Sundays and public holidays, provided that no show shall be allowed after midnight.

6. Display of posters—No obscene, immodest or objectionable poster, placard, hoarding or pictorial publicity material shall be displayed at the show-windows or lobbies of cinema houses or at any place within the licensed premises.

7. No loud-speaker or amplifier relaying music or commentary for the purpose of attracting customers shall be allowed to be fixed outside the licensed premises.

8. (1) Subject to the provisions of sub-paragraph (2), the licence shall not be transferable and shall be for the benefit of the licensee.

(2) Where during the period of validity of the licence—

- (a) the proprietorship of the business to which the licence relates passes from the licensee to any other person by reason of death of the licensee or of a transfer effected by the licensee with the previous approval in writing of the licensing authority, or
- (b) a Receiver appointed by a competent court takes possession of such business for management,

the licensing authority may, on receipt of an application in writing in this behalf from the successor-in-interest of the licensee or the Receiver within one month from the date of the passing of proprietorship or taking of possession of the business, as the case may be, or within such further time as the licensing authority may, in the public interest allow for special reasons to be recorded in writing, substitute the name of such successor or Receiver in the licence as the licensee for the remainder of the period of its validity and thereupon the licence shall be available for the benefit of such successor or Receiver.

(3) An application for the renewal of such licence shall be dealt with in accordance with the rules.

9. The licensee shall observe the rules notified by the Government from time to time in respect of cinematograph shows.

10. The licensee shall observe the classification of the seats and the

prices therefor approved by the licensing authority and shall not amend or alter the same in any way without the prior approval of the licensing authority.

11. The licensee shall not convert the basic character of the cinema house without the prior approval of the licensing authority.

12. All building or other regulations for observance at places of public amusement imposed by the municipal bye-laws or by any other law or by rules under any other law, for the time being in force, shall be strictly adhered to.

13. The licensee shall maintain the cinema house in a good state of repair with due regard to the safety of the persons attending the shows therein.

14. No portion of the place licensed shall be occupied or used as a hotel, boarding or lodging house, factory, workshop or manufactory or for storage purposes, except as the licensing authority may allow, nor shall such place be used for residential purpose by day or night.

15. The relative positions of the picture screen and seats shall be such as may be specified in each case by the licensing authority at the time of granting the licence so that undue eye-strain may not be caused to persons attending the cinematograph exhibition.

16. Seats—In any portion of the premises which is regularly used for a closely seated audience, all seats shall be securely fixed to the floor. There shall in all cases be an unobstructed seatway or space between any two consecutive rows of seats which is at least 10 inches in depth in the case of fixed seats and 12 inches in depth (measured with the seat raised) in the case of tip-up seats, measured between perpendicular, between the back of one seat and the foremost portion of the seat, arm or frame behind. In new buildings to be constructed, the seatway shall in no case be less than 12 inches.

17. Overcrowding—The number of persons admitted at any time into any part of the place licensed shall not exceed such number as may be specified in the licence as the number of persons who may be accommodated in such part. No person shall be permitted to remain in any of the intersecting gangways.

18. Counter for sale of cinema tickets—Such number of counters shall be provided in cinema houses for the sale of tickets to the public

as the licensing authority may determine. All tickets for cinema shows shall be sold from these counters and from nowhere else.

19. Fire precautions—In every place licensed shall be kept such number of chemical extinguishers, fire-buckets, hand-pumps or other small fire appliances as the licensing authority shall direct. The licensee shall comply with all the directions issued by the licensing authority for the purpose of safeguarding the public in case of fire.

20. Exit doors—There shall be exit doors on the three sides of the auditorium with at least one exit door for each class or one for 6 rows of seats, whichever is less. Open space to be provided on the three sides on the auditorium should be not less than one-fourth of the width of the auditorium.

21. For the purpose of operating the cinematograph machine for video shows, there shall be qualified operators in sufficient number.

22. Secondary lighting—Secondary lighting shall be provided either by installation of the battery-operated system or by castor oil lamps so as to provide a secondary means of illuminating the exit indicators and the auditorium.

23. Every holder of a licence shall have all electrical installations in the cinema house regularly attended to by a qualified electrician holding a certificate of competence issued by the State Government under sub-rule (1) of rule 48 of the Indian Electricity Rules, 1937.

24. The licence shall be produced by the licensee on demand by any police officer not below the rank of a Sub-Inspector or by the Licensing Authority or by the Chief Electrical Inspector or by the Executive Engineer, P.W.D. or any person authorised by them in this behalf.

25. Smoking shall not be permitted within the place of exhibition of video films;

(14) after Form III, insert the following form:

“FORM IIIA

Form of Licence for temporary open-air video shows

(Rule 14A)

THE WEST BENGAL CINEMAS (REGULATION) ACT, 1954
(WEST BENGAL ACT XXXIX OF 1954)

Government of West Bengal

No.

Shri/Shrimati (a).....of (b).....
within the district of/town and suburbs of Calcutta.....is

licensed under sub-section (1) of section 3 of the West Bengal Cinemas (Regulation) Act, 1954 (West Bengal Act XXXIX of 1954) to hold temporary exhibitions in the open air by means of cinematograph for..... persons.

This licence shall remain in force only for.....

This licence is granted subject to the conditions set forth in the Schedule annexed to this licence.

District Magistrate..... or Commissioner of Police, Calcutta

The..... 19.....

- (a) Name of applicant
- (b) Address

THE SCHEDULE

Conditions to be attached to a licence for temporary open-air video shows issued under the provisions of the West Bengal Cinemas (Regulation) Act, 1954

1. The licence shall not exhibit, or permit to be exhibited, any film other than a film which has been certified in Form IVA, VA, VIA or VIIA, as suitable for public exhibition by an authority constituted under section 3 of the Cinematograph Act, 1952 (37 of 1952), and which, when exhibited, displays the prescribed mark of that authority and has not been altered or tampered with in any way since such mark was affixed thereto.

2. The licensee shall not exhibit, or permit to be exhibited, any film which has been certified by the authority constituted under section 3 of the Cinematograph Act, 1952 (37 of 1952), as suitable for public exhibition restricted to adults only, to any person who is not an adult, as defined in section 2(a) of the Cinematograph Act, 1952.

Note: This condition shall not be construed as prohibiting the exhibition of such films to children below the age of three years.

3. (1) There shall be prominently exhibited at each public entrance whenever the premises are open to the public a notice indicating in tabular form and in clear bold letters and figures—

- (a) the title of each film to be shown on that day other than trailers and advertisement films;
- (b) the approximate times of commencement of each such films;
- (c) whether each such film has received the 'A', 'U', 'UA' or 'S' certificate from the Central Board of Film Certification; and

(d) whether persons below the age of 18 years other than children below the age of 3 years will be admitted or not.

(2) The nature of any certificate received in respect of a film from the Central Board of Film Certification shall be clearly indicated by the letter 'U', 'A', 'UA' or 'S' in any advertisement of the film displayed at the premises.

4. The licensee shall not display or cause to be displayed any photograph, picture or poster which depicts or represents or purports to represent a scene or shot which has been excised from any film under the orders of the Central Board of Film Certification or the Central Government.

5. Not more than three shows shall be held, at the place licensed, between 2 p.m. and midnight on any week day.

Outside these hours, i.e., before 2 p.m. or after midnight, no show shall be allowed at the licensed place on any week day except with the previous permission of the licensing authority obtained in writing at least seven days in advance.

Note: There will be no restriction on the number of shows on Sundays and public holidays, provided that no show shall be allowed after midnight.

6. **Display of posters**—No obscene, immodest or objectionable poster, placard, hoarding or pictorial publicity material shall be displayed at any place in the vicinity of the show.

7. No loud-speaker or amplifier relaying music or commentary for the purpose of attracting customers shall be allowed to be used.

8. (1) Subject to the provisions of sub-paragraph (2) the licence shall not be transferable and shall be for the benefit only of the licensee.

(2) Where during the period of validity of the licence—

(a) the proprietorship of the business to which the licence relates passes from the licensee to any other person by reason of the death of the licensee or of a transfer effected by the licensee with the previous approval in writing of the licensing authority, or

(b) a Receiver appointed by a competent court takes possession of such business for management,

the licensing authority may, on receipt of an application in writing in this behalf from the successor-in-interest of the licensee or the Receiver within one month from the date of the passing of proprietorship or taking of possession of the business, as the case may be, or within such further time as the licensing authority may, in the public interest, allow for special reasons to be recorded in writing, substitute the name of such successor or Receiver

in the licence as the licensee for the remainder of the period of its validity and thereupon the licence shall be available for the benefit of such successor or Receiver.

(3) An application for the renewal of such licence shall be dealt with in accordance with the rules.

9. The licensee shall observe the rules notified by the Government from time to time in respect of cinematograph shows.

10. The licensee shall observe the classification of the seats and the price therefor approved by the licensing authority and shall not amend or alter the same in any way without the prior approval of the licensing authority.

11. No drapery and no unprotected combustible material other than such material as may compose the floor shall be within 10 feet of the cinematograph.

12. A bucket of sand and two buckets of water shall be placed close to the video show. A large sponge shall be kept in one of the buckets of water.

13. The licensee may shift the venue of the exhibition from place to place after giving due intimation of his programme and itinerary in advance to the licensing authority, provided that all the rules and safety requirements are duly observed."

By Order of the Governor,
D. BHATTACHARYA
Secty. to the Govt. of West Bengal

ORDER

No. 6019-ICA—2nd April 1987.—In exercise of the power conferred by sub-section (2) of section 3 of the West Bengal Cinemas (Regulation) Act, 1954 (West Bengal Act XXXIX of 1954) and in supersession of Order No. 6130P, dated the 10th August 1956, of the Home (Political) Department, the Governor, having considered it necessary so to do, is pleased hereby to make the following order for regulating the exhibitions in West Bengal by means of cinematograph, other than public exhibition, and to prescribe the following rules and conditions for the purpose:

The West Bengal Cinematograph (Regulation of Special Exhibition) Order, 1987

RULES AND CONDITIONS

- 1.** In these rules and conditions, unless the context otherwise requires,
 - (a) "the Act" means the West Bengal Cinemas (Regulation) Act, 1954 (West Bengal Act XXXIX of 1954);
 - (b) "special cinematograph exhibition" means cinematograph exhibition in any place for which no admission fee of any kind is charged.

- 2.** Any person desirous of holding a special cinematograph exhibition shall submit a written application to the Commissioner of Police in Calcutta or the District Magistrate elsewhere. The application shall contain the following particulars:

- (i)** Name and address of the applicant.
- (ii)** Name of the film/films, if any or general description thereof.
- (iii)** The hour fixed for each show and its duration.
- (iv)** The venue of the exhibition.
- (v)** Whether the venue provides for the safety precaution prescribed under the condition 5 of the Schedule attached to the form of licence for special cinematograph exhibition.
- (vi)** The purpose of exhibition.
- (vii)** The period for which the licence is required.
- (viii)** Declaration that the film/films to be shown is/are duly certified by the Board of Film Certification or exempted from censorship by the appropriate authority.

- 3. (1)** On receipt of an application for special cinematograph exhibition, the Commissioner of Police or the District Magistrate, as the case may be, at his discretion, grant to the applicant a licence for such exhibition as

nearly as possible in either of the forms appended to this order and subject to the conditions set forth in the Schedule attached thereto for such period as may be considered by him to be necessary.

(2) The fee to be levied for a licence to be issued under this order shall be—

- (a) in municipal areas, towns or cantonment with a population of more than 1 lakh—Rs. 12 per month or part thereof, and
- (b) in other localities—Rs. 6 per month or part thereof.

4. No licence shall be required for holding any special cinematograph exhibition under these rules if it is held in any premises not used for any purpose other than a domestic purpose.

5. This order shall come into force at once.

By Order of the Governor,

D. BHATTACHARYA

Secty. to the Govt. of West Bengal

FORM I

FORM OF LICENCE FOR SPECIAL EXHIBITION OF FILMS BY CINEMATOGRAPH

The West Bengal Cinemas (Regulation) Act, 1954

Government of West Bengal

No.

In exercise of the power conferred upon the Commissioner of Police, Calcutta/District Magistrate, by paragraph 3(1) of the rules and conditions issued under the West Bengal Cinematograph (Regulation of Special Exhibition) Order, 1987, under sub-section (2) of section 3 of the West Bengal Cinemas (Regulation) Act, 1954 (West Bengal Act XXXIX of 1954), licence is hereby granted to (a)
..... at (b) within the town and suburbs of Calcutta/district of authorising (a)
..... to hold a special cinematograph exhibition at/in (c)
..... for persons subject to the conditions set forth in the attached Schedule.

The 19

Commissioner of Police, Calcutta/District Magistrate of

-
- (a) Name of applicant
 - (b) Address
 - (c) Description of the place of exhibition

THE SCHEDULE

Conditions to be attached to a licence for special exhibition of films by cinematograph

1. The licence shall remain in force only for.....
2. No film which has not been certified by the Central Board of Film Certification as suitable for public exhibition or has not been exempted from the provisions of section 9 of the Cinematograph Act, 1952 (XXXVII of 1952), shall be exhibited or permitted to be exhibited.
3. No film which has been certified by the Central Board of Film Certification as suitable for public exhibition restricted to adults only, shall be exhibited or permitted to be exhibited to a person who is not an adult as defined in clause (a) of section 2 of the Cinematograph Act, 1952 (XXXVII of 1952).
4. The licensee may shift the venue of the exhibition from place to place after giving due intimation of his programme and itinerary in advance to the licensing authority, provided that all the rules and safety requirements are duly observed.
5. The licence shall not display, or cause to be displayed, any photograph, picture or poster which depicts or represents or purports to represent a scene or shot which has been excised from any film under the orders of the Central Board of Film Certification or the Central Government.
6. Not more than three shows shall be held at the place licensed between 2 p.m. and midnight on any week day.
Outside these hours, i.e., before 2 p.m. or after midnight, no show shall be allowed at the licensed place on any week day except with the previous permission of the licensing authority obtained in writing.
Note: There will be no restriction on the number of shows on Sundays and public holidays, provided that no show shall be allowed after midnight.
7. No loud-speaker or amplifier relaying music or commentary for the purpose of attracting customers shall be allowed to be fixed outside the licensed premises.
8. (1) Subject to the provisions of sub-paragraph (2), the licence shall not be transferable and shall be for the benefit of the licensee.
(2) Where during the period of validity of the licence—
(a) the proprietorship of the business to which the licence relates passes from the licensee to any other person by reason of the

- death of licensee or of a transfer effected by the licensee with the previous approval in writing of the licensing authority, or
- (b) a Receiver appointed by a competent court takes possession of such business for management,

the licensing authority may, on receipt of an application in writing in this behalf from the successor-in-interest of the licensee or the Receiver within one month from the date of the passing of proprietorship or taking of possession of the business, as the case may be, or within such further time as the licensing authority may, in the public interest, allow for special reasons to be recorded in writing, substitute the name of such successor or Receiver in the licence as the licensee for the remainder of the period of its validity and thereupon the licence shall be available for the benefit of such successor or Receiver.

(3) An application for the renewal of such licence shall be dealt with in accordance with the rules.

9. The licensee shall observe the rules notified by the Government from time to time in respect of cinematograph shows.

10. All building or other regulations for observance at place of public amusement imposed by the municipal bye-laws or by any other law or by rules under any other law, for the time being in force, shall be strictly adhered to.

11. The licensee shall maintain the place of exhibition in a good state of repair with due regard to the safety of the persons attending the shows therein.

12. The relative positions of the picture screen and seats shall be such as may be specified in each case by the licensing authority at the time of granting the licence so that undue eye-strain may not be caused to persons attending the cinematograph exhibition.

13. Overcrowding—The number of persons admitted at any time into any part of the place licensed shall not exceed such number as may be specified in the licence as the number of persons who may be accommodated in such part. No person shall be permitted to remain in any of the intersecting gangways.

14. The following safety precautions shall be observed:

- (a) Only non-inflammable films shall be exhibited or permitted to be exhibited.
- (b) No drapery and no combustible material, other than such

material as may compose the floor, shall be within six feet of the cinematograph.

- (c) A bucket of sand and two buckets of water shall be placed close to the cinematograph and a large sponge shall be kept in one of the buckets of water.
- (d) Not more than 200 lbs. of film shall be kept in any place where such exhibition is being made, and all such films shall be kept in securely closed fire-resisting receptacles.
- (e) No exhibition shall be held in a tent or any shelter or structure composed of, or covered with, combustible material or of a movable character, unless the cinematograph is operated from outside and at a distance of at least 6 feet from such structure.

15. Every holder of a licence shall have all electrical installations in the cinema house regularly attended to by a qualified electrician holding a certificate of competency issued by the State Government under sub-rule (1) of rule 48 of the Indian Electricity Rules, 1937.

16. The licence shall be produced by the licensee on demand by any police officer not below the rank of a Sub-Inspector or by the Licensing Authority or by the Chief Electrical Inspector or by the Executive Engineer, P.W.D. or any person authorised by them in this behalf.

By Order of the Governor,
Secty. to the Govt. of West Bengal

FORM II

FORM OF LICENCE FOR SPECIAL EXHIBITION OF VIDEO FILMS BY CINEMATOGRAPH

The West Bengal Cinemas (Regulation) Act, 1954

Government of West Bengal

No.

In exercise of the power conferred upon the Commissioner of Police, Calcutta/District Magistrate, by paragraph 3(1) of the rules and conditions issued under the West Bengal Cinematograph (Regulation of Special Exhibition) Order, 1987, under sub-section (2) of section 3 of the West Bengal Cinemas (Regulation) Act, 1954 (West Bengal Act XXXIX of 1954), licence is hereby granted to (a)
..... at (b) within the town and suburbs of Calcutta/district of authorising (a)

.....to hold a special cinematograph exhibition of video films at/in (c).....for.....persons subject to the conditions set forth in the attached Schedule.

The.....19.....

Commissioner of Police, Calcutta/District Magistrate of.....

-
- (a) Name of applicant
 - (b) Address
 - (c) Description of the place of exhibition

THE SCHEDULE

Conditions to be attached to a licence for special exhibition of video films by cinematograph

1. The licence shall remain in force only for.....
2. No film which has not been certified by the Central Board of Film Certification in Form IVA, VA, VIA or VIIA as suitable for public exhibition or has not been exempted from the provisions of section 9 of the Cinematograph Act, 1952 (XXXVII of 1952), shall be exhibited or permitted to be exhibited.
3. No film which has been certified by the Central Board of Film Certification as suitable for public exhibition restricted to adults only, shall be exhibited or permitted to be exhibited to a person who is not an adult as defined in clause (a) of section 2 of the Cinematograph Act, 1952 (XXXVII of 1952).
4. The licensee may shift the venue of the exhibition from place to place after giving due intimation to his programme and itinerary in advance to the licensing authority, provided that all the rules and safety requirements are duly observed.
5. The licensee shall not display, or cause to be displayed, any photograph, picture or poster which depicts or represents or purports to represent a scene or shot which has been excised from any film under the orders of the Central Board of Film Certification or the Central Government.
6. Not more than three shows shall be held, at the place licensed, between 2 p.m. and midnight on any week day.
Outside these hours, i.e., before 2 p.m. or after midnight, no show shall be allowed at the licensed place on any week day except with the previous permission of the licensing authority obtained in writing.

Note: There will be no restriction on the number of shows on Sundays and public holidays, provided that no show shall be allowed after midnight.

7. No loud-speaker or amplifier relaying music or commentary for the purpose of attracting customers shall be allowed to be fixed outside the licensed premises.

8. (1) Subject to the provisions of sub-paragraph (2), the licence shall not be transferable and shall be for the benefit of the licensee.

(2) Where during the period of validity of the licence—

- (a) the proprietorship of the business to which the licence relates passes from the licensee to any other person by reason of the death of licensee or of a transfer effected by the licensee with the previous approval in writing of the licensing authority, or
- (b) a Receiver appointed by a competent court takes possession of such business for management,

the licensing authority may, on receipt of an application in writing in this behalf from the successor-in-interest of the licensee or the Receiver within one month from the date of the passing of proprietorship or taking of possession of the business, as the case may be, or within such further time as the licensing authority may, in the public interest, allow for special reasons to be recorded in writing, substitute the name of such successor or Receiver in the licence as the licensee for the remainder of the period of its validity and thereupon the licence shall be available for the benefit of such successor or Receiver.

(3) An application for the renewal of such licence shall be dealt with in accordance with the rules.

9. The licensee shall observe the rules notified by the Government from time to time in respect of cinematograph shows.

10. All building or other regulations for observance at place of public amusement imposed by the municipal bye-laws or by any other law or by rules under any other law, for the time being in force, shall be strictly adhered to.

11. The licensee shall maintain the place of exhibition in a good state of repair with due regard to the safety of the persons attending the shows therein.

12. The relative positions of the picture screen and seats shall be such as may be specified in each case by the licensing authority at the time of granting the licence so that undue eye-strain may not be caused to persons attending the cinematograph exhibition.

13. Overcrowding—The number of persons admitted at any time into any part of the place licensed shall not exceed such number as may

be specified in the licence as the number of persons who may be accommodated in such part. No person shall be permitted to remain in any of the intersecting gangways.

14. Fire precautions—In every place licensed shall be kept such number of chemical extinguishers, fire-buckets, hand-pumps or other small fire appliances as the licensing authority shall direct. The licensee shall comply with all directions issued by the licensing authority for the purpose of safeguarding the public in case of fire.

15. Every holder of a licence shall have all electrical installations in the cinema house regularly attended to by a qualified electrician holding a certificate of competency issued by the State Government under sub-rule (1) of rule 48 of the Indian Electricity Rules, 1937.

16. The licence shall be produced by the licensee on demand by any police officer not below the rank of a Sub-Inspector or by the Licensing Authority or by the Chief Electrical Inspector or by the Executive Engineer, P.W.D. or any person authorised by them in this behalf.

GOVERNMENT OF WEST BENGAL

LEGISLATIVE DEPARTMENT

West Bengal Act XXX of 1974

**THE WEST BENGAL (COMPULSORY CENSORSHIP OF FILM
PUBLICITY MATERIALS) ACT, 1974**

[*Passed by the West Bengal Legislature]*

[Assent of the Governor was first published in the *Calcutta Gazette,
Extraordinary*, of the 17th May, 1974]

[17th May, 1974]

An Act to provide for compulsory censorship of publicity materials relating to films

WHEREAS it is expedient to provide for compulsory censorship of publicity materials relating to films;

It is hereby enacted in the Twenty-fifth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

Short title, extent and commencement

1. (1) This Act may be called the West Bengal (Compulsory Censorship of Film Publicity Materials) Act, 1974.

(2) It extends to the whole of West Bengal.

(3) It shall come into force in such areas and on such dates as the State Government may, by notification, appoint and different dates may be appointed for different areas.

Definitions

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) "Board" means the West Bengal Board of Censorship constituted under section 3;

(b) "distributor" means a person who distributes film for the purpose of exhibition in cinema houses on commission;

West Bengal Act XXXIX of 1954

(c) "exhibitor" means a person who holds a licence under the West Bengal Cinemas (Regulation) Act, 1954;

- (d) "notification" means a notification published in the *Official Gazette*;
- (e) "prescribed" means prescribed by rules made under this Act;
- (f) "producer" means a person who produces and is the owner of a film intended for public display;
- (g) "publicity material" means any material for giving publicity of a film which is produced in India or any country outside India and includes—
 - (i) hoarding, showcard, insert, press design and enlargement,
 - (ii) poster,
 - (iii) still photo,
 - (iv) cinema slide,
 - (v) cinema still for publication in newspapers and periodicals, and
 - (vi) such other material as may be prescribed.

Board of Censorship

3. (1) For the purpose of granting Certificate of Censorship in respect of publicity material, the State Government may, by notification, constitute a Board to be called the West Bengal Board of Censorship which shall consist of a Chairman and not more than five other members appointed by the State Government.

(2) The Censor Officer appointed under sub-section (1) of section 4 shall be the Member-Secretary to the Board.

(3) The Chairman and the members of the Board shall hold office for such term as may be prescribed.

(4) The Chairman of the Board shall receive such remuneration as may be determined by the State Government and the members of the Board, other than the Censor Officer, shall receive such allowances or fees for attending meetings of the Board as may be prescribed.

(5) The meetings of the Board shall be held at such place and time and in such manner as may be prescribed.

Censor Officer and other staff

4. (1) For carrying out the purposes of this Act the State Government shall appoint one Censor Officer and may also appoint such number of Assistant Censor Officers, Inspectors and Sub-Inspectors as the State Government may think fit to assist the Censor Officer.

(2) The Censor Officer, Assistant Censor Officers, Inspectors and Sub-Inspectors shall be appointed by the State Government in the Information and Public Relations Department.

(3) The Censor Officer, Assistant Censor Officers, Inspectors and Sub-Inspectors shall receive such salaries and allowances as may be determined by the State Government.

(4) The Censor Officer, and the Assistant Censor Officers, Inspectors and Sub-Inspectors when so authorised by the Board, may inspect any cinema house and may call for any document relating to any publicity material from any distributor, producer or exhibitor for inspection.

(5) The Censor Officer, Assistant Censor Officers, Inspectors and Sub-Inspectors shall perform such other functions as may be prescribed.

Application for certificate of censorship

5. (1) If any distributor, producer or exhibitor wants to display in the lobby of a cinema house or outside the cinema house or in any public place any publicity material, he shall make an application to the Board in such form as may be prescribed, for a Certificate of Censorship and shall submit such material along with the application in such manner as may be prescribed.

(2) The distributor, the producer or the exhibitor, as the case may be, shall, while making the application under sub-section (1), pay such fee as may be prescribed.

Grant of certificate of censorship

6. (1) The Censor Officer shall examine the publicity material submitted under section 5 and place the publicity material together with his recommendations, if any, before the Board for its consideration.

(2) If after examining the publicity material and the recommendations of the Censor Officer the Board considers that the publicity material is free from obscenity and is suitable for public display, it shall grant a Certificate of Censorship in such form and in such manner as may be prescribed which shall be signed by the Censor Officer or in his absence by such Assistant Censor Officer as may be empowered in this behalf by the Board and the publicity material shall then be returned to the person who submitted it.

(3) No distributor, producer or exhibitor shall display any publicity material in respect of which a Certificate of Censorship has not been granted under this Act.

Appeal

7. (1) Any person aggrieved by any decision of the Board may, within thirty days from the date of receipt of such decision, prefer an appeal to such authority as the State Government may prescribe and such authority may, after such inquiry as it considers necessary and after giving the appellant an opportunity for representing his views in the matter, make such order in relation thereto as it thinks fit.

(2) The decision of the authority referred to in sub-section (1) shall be final.

Penalty

8. (1) If any person displays any publicity material which has not been certified by the Board and signed by the Censor Officer under section 6, he shall be punishable with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both, and in the case of a continuing offence with a further fine which may extend to one hundred rupees for each day during which the offence continues.

(2) If any person is convicted of an offence punishable under this section the convicting Court may further direct that the publicity material in respect of which the offence has been committed be forfeited to the State Government.

Validation

9. No act or proceeding of the Board shall be deemed to be invalid by reason only of a vacancy in, or any defect in, the constitution of the Board.

Members of the Board to be public servants

10. The members of the Board shall, when acting or purporting to act in pursuance of the provisions of this Act, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

Bar to legal proceeding

11. No suit or other legal proceeding shall lie against the members of the Board and the persons appointed under this Act in respect of anything which is in good faith done or intended to be done under this Act.

Offences under this Act considered cognizable

12. Offences under this Act shall be considered to be cognizable offences as defined in the Code of Criminal Procedure, 1973 (2 of 1974).

Power to make rules

13. (1) The State Government may, by notification, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely:—

- (a) the term of office of the Chairman and the members of the Board;
- (b) the allowances or fees of the members of the Board;
- (c) the place and time at which and the manner in which meetings of the Board shall be held;

- (d) the other functions of the Censor Officer, Assistant Censor Officers, Inspectors and Sub-Inspectors;
- (e) the form of application for a Certificate of Censorship;
- (f) the manner of submitting publicity materials;
- (g) the fee to be paid for Certificate of Censorship;
- (h) the form and the manner in which the Certificate of Censorship shall be granted;
- (i) the authority to whom appeal shall be preferred under subsection (1) of section 7; and
- (j) any other matter which may be or is required to be prescribed.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT
Legislative

NOTIFICATION

No. 365-L.—18th March, 1988. The Governor having been pleased to order, under rule 66 of the Rules of Procedure and Conduct of Business in the West Bengal Legislative Assembly, the publication of the following Bill, together with the Statement of Object, and Reasons which accompanies it; in the *Calcutta Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:

BILL NO. 8 of 1988

**THE WEST BENGAL (COMPULSORY CENSORSHIP OF FILM
PUBLICITY MATERIALS) (AMENDMENT) BILL, 1988**

A

BILL

*to amend the West Bengal (Compulsory Censorship of Film
Publicity Materials) Act, 1974*

WHEREAS it is expedient to amend the West Bengal (Compulsory Censorship of Film Publicity Materials) Act, 1974, West Bengal Act XXX of 1974 for the purposes and in the manner hereinafter appearing;

It is hereby enacted in the Thirty-ninth Year of the Republic of India, by the Legislature of West Bengal, as follows:

Short title

1. This Act may be called the West Bengal (Compulsory Censorship of Film Publicity Materials) (Amendment) Act, 1988.

Amendment of section 5 of West Bengal Act XXX of 1974

2. In section 5 of the West Bengal (Compulsory Censorship of Film Publicity Materials) Act, 1974 (hereinafter referred to as the principal Act), after sub-section (2), the following sub-section shall be inserted:

"(3) Every distributor, producer or exhibitor shall, before he makes any application to the Board under sub-section (1), get himself enrolled as distributor, producer or exhibitor, as the case may be, in such manner as may be prescribed."

Amendment of section 6

3. In section 6 of the principal Act, after sub-section (3), the following sub-section shall be inserted:

"(4) No distribution, producer or exhibitor shall display any publicity material without exhibiting thereon such mark of censorship in such manner as may be prescribed."

Insertion of new section 6A

4. After section 6 of the principal Act, the following section shall be inserted:

"Removal of publicity materials in certain cases.

6A. (1) If any person displays any publicity material which has not been certified by the Board and signed by the Censor Officer under section 6, the Censor Officer or any officer authorised by him in this behalf shall serve a notice on such person requiring him to remove the publicity material within the period specified in the notice.

(2) If the publicity material is not removed within the period specified in the notice, the Censor Officer or the officer authorised under sub-section (1) shall remove the publicity material and may, if necessary, ask the police for assistance in removing the publicity material."

Amendment of section 8

5. In section 8 of the principal Act,—

(1) in sub-section (1),

(a) for the words "which may extend to six months or with fine which may extend to one thousand rupees", the words "which may extend to three years or with fine which may extend to five thousand rupees" shall be substituted, and
(b) for the words "one hundred rupees" the words "one thousand rupees" shall be substituted;

(2) after sub-section (2), the following sub-sections shall be inserted:

"(3) If any distributor, producer or exhibitor fails to maintain any prescribed register of film publicity materials in the manner prescribed, he shall be punishable with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

"(4) If any person fails to comply with the notice served on him under sub-section (1) of section 6A, he shall be punishable with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

Insertion of new section 8A

6. After section 8 of the principal Act, the following section shall be inserted:

"Power of seizure"

8A. (1) Where any publicity material which has not been certified by the Board and signed by the Censor Officer under section 6 is displayed, any police officer may enter any place in which he has reason to believe that the publicity material is kept, search it and seize the publicity material.

(2) All searches under this Act shall be carried out in accordance with the provisions of the Code of Criminal Procedure, 1973, relating to searches."

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF INFORMATION AND PUBLIC RELATIONS

NOTIFICATION

No. 18662-IPR—25th June 1975.—In exercise of the power conferred by section 13 of the West Bengal (Compulsory Censorship of Film Publicity Materials) Act, 1974 (West Bengal Act XXX of 1974), the Governor is pleased hereby to make the following rules, namely:

THE WEST BENGAL (COMPULSORY CENSORSHIP OF FILM PUBLICITY MATERIALS) RULES, 1975

1. Short title, extent and commencement.—(i) These rules may be called "The West Bengal (Compulsory Censorship of Film Publicity Materials) Rules, 1975".

(ii) They shall come into force in such areas and on such dates as the State Government may appoint in terms of sub-section (3) of section 1 of the West Bengal (Compulsory Censorship of Film Publicity Materials) Act, 1974.

2. Definitions.—In these rules, unless the context otherwise requires—

(i) The "Act" means the West Bengal (Compulsory Censorship of Film Publicity Materials) Act, 1974 (West Bengal Act XXX of 1974);

(ii) "Form" means a form appended to these rules;

(iii) "Board" means the West Bengal Board of Censorship constituted under section 3(1) of the Act;

- (ii) "Applicant" means a producer, distributor, exhibitor or any publicity agency applying for film publicity materials to be certified for public exhibition;
- (v) "Chairman" means the Chairman of the Board;
- (vi) "Censor Officer" or "Assistant Censor Officer" means a Censor Officer or Assistant Censor Officer appointed under section 4 of the Act;
- (vii) "Inspector" or "Sub-Inspector" means an Inspector or Sub-Inspector appointed under section 4 of the Act;
- (viii) "Section" means a section of the Act;
- (ix) All other words and expressions used herein, and not defined, shall have the meaning respectively assigned to them under the Act.

3. Terms of office—Powers and functions of the Board and other members.—(i) A member of the Board shall hold office during the pleasure of the State Government.

(ii) Subject to the provisions of sub-rule (i), the Chairman and every other member shall hold office for a period of three years and shall continue to hold office until their successors are appointed:

Provided that pending the appointment of his successor the State Government may appoint another person to act as Chairman for a period not exceeding six months.

(iii) A retiring member or a member whose term of office has expired by efflux of time shall be eligible for reappointment.

4. Casual vacancy.—A casual vacancy caused in the Board by resignation, death or removal of a member or otherwise shall be filled by the appointment of another member who shall hold office for the remainder of the terms of the member in whose place he is appointed.

5. Headquarters.—Unless otherwise directed by the State Government, the headquarters of the Board shall be at Calcutta.

6. Temporary absence of the Chairman.—Notwithstanding anything contained in these rules, during the absence of the Chairman from the city of Calcutta or whenever the Chairman is temporarily unable to exercise his powers or perform his duties under these rules owing to illness or any other cause, the State Government may appoint another person to be the Chairman.

7. Duties of the Board.—The Board shall, in addition to other duties prescribed under these rules,—

- (i) submit an annual report to the State Government reviewing the work done by the Board during the preceding financial year;

- (ii) prescribe the manner in which the registers, records and accounts of the Board shall be kept;
- (iii) take steps as it thinks fit to assess public reactions to film publicity materials for the purpose of determining principles to be observed in certifying such materials;
- (iv) authorise the Censor Officer, Assistant Censor Officer, Inspectors and Sub-Inspectors to enter any cinema hall on production of their identity cards within their respective jurisdiction at any time for the purpose of carrying out their duties.

8. Fees and allowances payable to the Chairman and other members of the Board.—(i) Every non-official member of the Board shall be entitled to draw travelling and daily allowances for journeys performed by him outside Calcutta for the purpose of discharging any duties prescribed under the Act on the scale applicable to such member under the rules in force.

(ii) Every non-official member of the Board shall be entitled to draw conveyance allowance for attending the meeting of the Board at the rate as may be specified by Government.

(iii) Notwithstanding anything contained in sub-rule (i) above, if a member of the Parliament or a State Legislature is appointed as a member of the Board, his travelling and daily allowances shall be admissible at the rates as applicable to such member under the rules in force.

9. Meeting of the Board.—(i) The meeting of the Board shall be held as often as required.

(ii) Meeting of the Board shall be held at a place provided by the Information and Public Relations Department, Government of West Bengal or at a place as the Chairman may fix, or at the office of the Censor Officer.

10. Notice of meeting.—(i) At least three clear days' notice of all the meetings of the Board shall be given to each member, but an urgent meeting may be called by the Chairman at any time.

(ii) The notice shall state the business to be transacted at the meeting duly called in accordance with the provisions of these rules and no business other than those stated in the notice shall be transacted at such meeting except with the consent of the Chairman or on his motion:

Provided that the Chairman may, if he thinks fit, circulate any urgent matter amongst the members for their opinion.

11. Quorum.—At every meeting of the Board, two non-official members excluding the Chairman if he be present, and three members, if he be absent, shall form a quorum.

12. President of the meeting.—A meeting of the Board shall be presided over by the Chairman or in his absence by the Censor Officer or by a member to be elected by the members present on the date of the meeting.

13. Question to be decided by majority of votes.—Every question before the Board shall be decided by a majority of votes and in the case of equality of votes, the Chairman or the member elected to preside over the meeting under rule 12, as the case may be, shall have a second or casting vote.

14. Function of Censor Officer, Assistant Censor Officer, Inspector and Sub-Inspectors—**(A) Censor Officer/Assistant Censor Officer.**—In addition to the duties mentioned in the Act, Censor Officer/Assistant Censor Officer shall perform the following duties, namely:

- (i) they shall arrange to receive fees from the applicants for censorship of film publicity materials, to issue receipts therefor and to maintain accounts of such receipts;
- (ii) they shall arrange to maintain all registers and records relating to censorship of film publicity materials properly;
- (iii) they shall arrange to convene meetings of the Board as and when necessary;
- (iv) they shall make all correspondences as may be necessary for carrying out the official work of the Board;
- (v) they shall arrange to initiate proceedings in terms of section 8;
- (vi) they shall perform such other duties as may be assigned to them by the Board from time to time.

(B) Inspectors/Sub-Inspectors.—(i) They shall inspect whether those film publicity materials in respect of which censorship certificate have been granted are being properly displayed for public exhibition. Any violation of the Act should be brought to the notice of the Censor Officer by such Inspectors and Sub-Inspectors as soon as such violations are detected.

(ii) They shall arrange to take photographs, if necessary, of any publicity material which has not been censored or which has been unpassed by the Board for public exhibition for the purpose of taking proper steps against the violator as per provisions in the Act.

(iii) They shall submit report of their inspection in detail to the Censor Officer.

(iv) They shall also examine the newspapers and periodicals to ascertain if any uncensored or unapproved still photo has been used as pictures in such papers and periodicals for publicity purpose of any film.

(v) They shall require a Distributor/Producer/Exhibitor to supply or send any materials or information relating to the provisions of the Act.

(vi) They shall note how far the defects pointed out at previous inspections have been removed and how far orders previously issued have been complied with by the Distributor/Producer/Exhibitor.

(vii) They shall perform such other functions as may be assigned to them by the Censor Officer.

15. Fees to be paid for certificate of censorship and for appeal under sub-section (1) of section 7 of the Act.—(i) A fee of Rs. 30 per film shall be charged for censorship of film publicity materials relating to that particular film. Separate fees will have to be paid for each film.

(ii) A fee of Rs. 50 per film shall be charged for considering an appeal as may be preferred by a person under sub-section (1) of section 7 of the Act.

(iii) Notwithstanding anything contained in sub-rules (i) and (ii) above, the Board may remit in whole or in part the fee in respect of censorship of film publicity materials of a film which is predominantly educational, if so declared by the Central or State Government.

(iv) Fees shall be paid either in crossed postal order drawn in favour of the Director, Information and Public Relations Department, Government of West Bengal or in Treasury chalan under proper receipt head as may be announced from time to time.

(v) All types of film publicity materials for each film shall have to be placed before the Board at a time. If the publicity materials for a particular film are submitted before the Board more than once for censorship, fees will have to be paid on each occasion of submission of such materials. The Board may, however, at its discretion waive the fees for subsequent submission of publicity materials for censorship.

16. Application for examination of film publicity materials.—
(i) Every application for certification of film publicity materials for public exhibition shall be made in writing in the prescribed form as set out in Schedule 'A'.

(ii) The application shall be addressed to the Board and delivered to the Censor Officer along with the relevant materials relating to the publicity of films.

(iii) Every such application shall be accompanied by—

(a) the prescribed fees under rule 15,

(b) two copies of each and every variety of the publicity materials of the film which are to be examined for granting certificate of censorship.

17. Certification.—(i) The Censor Officer or in his absence the Assistant Censor Officer shall issue the certificate in the form prescribed

in Schedule 'B' on behalf of the Board as being suitable for unrestricted or restricted public exhibition as the case may be.

(ii) Where the applicant is informed by the Censor Officer that a particular film publicity material or some portion or portions of any publicity material, as the case may be, is/are required to be deleted for unrestricted public exhibition, the Censor Officer may grant certificate, if he is satisfied on declaration made in writing by the applicant, that the materials or the portion/portions objected to have been deleted from the publicity materials.

(iii) A certificate issued under sub-rule (ii) referred to above shall be endorsed with a specification of the portion or portions required to be removed and shall bear the details of such deletion in the certificate.

(iv) A certificate to be granted by the Board under these rules shall be subject to the condition that it shall be liable to cancellation in the event of the film publicity materials in respect of which the certificate was granted being exhibited in a form other than what was produced before the Board for certification.

(v) When a film publicity material is altered by addition, colouring or otherwise, after it has been certified under these rules, it shall not be exhibited unless the said materials are placed before the Board and a fresh certificate is obtained. Reasonable wear and tear in the normal course of handling in displaying a film publicity material shall not be deemed to be an alteration of the film publicity material.

18. Validity of certificate.—(i) A certificate in respect of film publicity materials shall remain valid for a period of five years from the date of its issue.

(ii) On the expiry of the above period, a fresh certificate shall be issued on an application made under rule 16.

19. Appeal.—(i) An appeal preferred under section 7(1) of the Act shall be presented to such authority as the State Government may appoint by issue of a notification for considering such appeal.

(ii) The application for appeal shall be made in plain paper after payment of fee as prescribed in these rules. Such application must contain grounds for reconsideration.

(iii) In case of display of uncensored film publicity materials, the appellate authority on receipt of the representation from the party concerned may condone such offences if the authority on the recommendation of the Censor Officer, is satisfied that such violation has occurred through inadvertence.

20. Registers to be maintained by Distributors/Producers/Exhibitors.—All Distributors/Producers/Exhibitors shall maintain a register of all film publicity materials in the form prescribed in Schedule 'C'.

The register shall be made available for inspection to the authorised officers of the Board connected with the work.

SCHEDULE A

(Rule 16)

FORM OF APPLICATION FOR CERTIFICATION OF FILM PUBLICITY MATERIALS FOR PUBLIC EXHIBITION IN WEST BENGAL

[Section 5(i) of the State Act XXX of 1974]

No. , dated of application (to be entered by Board's Office)

To

The West Bengal Board of Censorship
Government of West Bengal

Address.....

(Through the Censor Officer)

1. Name of film :

2. Language of film :

3. Name and address of the Producer :

4. Name and address of the Principal
Distributor in West Bengal :

†5. Name and address of Distributors/
Distributor to whom right of distribu-
tion of the film has been transferred/
sold partly or fully :

†6. Area for which such distribution right
under item No. 5 has been trans-
ferred/sold :

†Strike off if not applicable.

- *7. List of materials submitted with this application : ..
8. Has any previous application been made to certify these publicity materials for public exhibition in West Bengal? : ..
- If so,—
- (a) When and to whom was it made : ..
- (b) What was the result of the application : ..
9. Whether the prescribed fee for certification has been paid? If so, enclose document : ..
10. Name, address and telephone No. of the applicant : ..

I declare that the statements above recorded are true in every particular.

Date.....

.....
Signature of Applicant

*List of materials shall be submitted in duplicate in separate sheets of paper listing all the types of publicity materials with serial number against each item. Name of the film should be written on all types of publicity materials.

SCHEDULE B

(Rule 17)

WEST BENGAL BOARD OF CENSORSHIP

GOVERNMENT OF WEST BENGAL

CERTIFICATE FOR PUBLIC EXHIBITION OF FILM PUBLICITY MATERIALS

This is to certify that the publicity materials listed below of the film entitled.....in.....and distributed by Messrs.....of.....have been passed with specific instructions for exhibition before public in West Bengal.

List of Materials

Type of publicity materials	Number of	Exhibition restricted to	Unrestricted exhibition	Specification of the portion required to be removed for unrestricted/restricted exhibition
Still photos	Mounted	Colour	Black and White	
	Loose			
Show cards				
Enlargements				
Blow up Design				
Hoarding Design				
Booklet/Press Book or Design				
Slide/Design				
Inserts/Hall Decoration Design				
Poster or Designs	8 Sheet			
	6 Sheet			
	4 Sheet			
	3 Sheet			
	30×40			
	20×30			
Any other form of film publicity materials				

No. of Certificate :

Dated.....the.....19....

.....
Censor Officer

Conditions

At the time of delivery of any type or all types of publicity materials to any party or parties for their display, a photostat or true copy of this certificate shall invariably be handed over by the Distributor/Producer concerned to such party or parties.

SCHEDULE C

(Rule 20)

Name of film	Name and address of Distributor/ Producer/ Exhibitor/ Publicity Agent	Description of publicity materials	Number of materials	Display instruc- tions	No. and date of certificate issued by the Board	Remarks
1	2	3	4	5	6	7

By Order of the Governor,

B. R. CHAKRABORTI
Secty. to the Govt. of West Bengal

GOVERNMENT OF WEST BENGAL

LEGISLATIVE DEPARTMENT

NOTIFICATION

No. 1985-L

24th July, 1980

The following Act of the West Bengal Legislature, having been assented to by the President, is hereby published for general information:

WEST BENGAL ACT XXVIII OF 1980

THE TECHNICIANS' STUDIO PRIVATE LIMITED ACT, 1980

[Passed by the West Bengal Legislature]

*[Assent of the President was first published in the Calcutta Gazette,
Extra-ordinary, of the 24th July, 1980]*

An Act to provide for the taking over of the Technicians' Studio Private Limited at 4, Baburam Ghosh Road, Calcutta-40 in the public interest for its management and maintenance and the subsequent acquisition of the same for the public purpose, namely, the growth and development of the film industry in West Bengal.

WHEREAS it is expedient to provide for the taking over of the Technicians' Studio Private Limited at 4, Baburam Ghosh Road, Calcutta-40 in the public interest for its better management and maintenance and the subsequent acquisition of the same for the public purpose, namely, the growth and development of the film industry in West Bengal and for matters connected therewith or incidental thereto;

It is hereby enacted in the Thirty-first Year of the Republic of India, by the Legislature of West Bengal, as follows:

Short title

1. This Act may be called the Technicians' Studio Private Limited Act, 1980.

Definitions

2. In this Act, unless the context otherwise requires,—
- (a) "appointed day" means the date of publication of the notification issued under section 3;
 - (b) "Company" means the Technicians' Studio Private Limited at 4, Baburam Ghosh Road, Calcutta-40, together with the movable properties, cash balances, reserve funds, cinema-machineries, cameras, projectors, sound-recording machines, stores and any other property which may be in the ownership, possession, custody or control of the Company immediately before the commencement of this Act and also includes the leasehold interest or for that matter the tenancy right of the Company in the premises;
 - (c) "notification" means a notification published in the *Official Gazette*;
 - (d) "premises" means the land and buildings with fittings, fixtures and appurtenances thereto at 4, Baburam Ghosh Road, Calcutta-40 on which the studio of the Company is situated;
 - (e) "prescribed" means prescribed by rules made under this Act.

Taking over of Management of the Company

- 3. (1) The State Government shall, by notification, take over the management and control of the Company.
- (2) The notification issued under sub-section (1) shall, subject to sub-section (3), remain in force for a period of five years from the date of its publication in the *Official Gazette*.
- (3) The notification under sub-section (1) shall cease to have any force with effect from the date specified in the notification issued under sub-section (1) of section 6.

Transfer

- 4. Subject to the provisions of section 6, with effect from the appointed day and for the period referred to in sub-section (2) of section 3—
 - (a) the management and control of the Company shall stand transferred to the State Government;
 - (b) the Company including its employees shall cease to exercise management and control in relation to the Company;
 - (c) all contracts, assurances of property, agreements, settlements or awards, decrees and orders of any Court or Tribunal or other instruments in force in relation to the Company immediately before the appointed day shall remain suspended and all rights, privileges, obligations and liabilities accruing or arising thereunder before the said date shall remain suspended or shall be

enforceable with such modifications and in such manner as may be specified in the notification;

- (d) subject to the provisions of clause (e) any proceeding pending or any cause of action existing before the appointed day in relation to the Company may be continued or enforced by or against the State of West Bengal and shall cease to be continued or enforced by or against the Company, its agents, sureties or guarantors;
- (e) the leasehold interest or for that matter the tenancy right of the Company in the premises shall devolve on the State Government and the State Government shall be liable to pay rent or compensation for the use and occupation of such premises with effect from the appointed day, till the acquisition of the premises by the State Government.

Appointment of Administrator

5. (1) The State Government shall, by order in writing, appoint an Administrator for managing the Company in accordance with the provisions of this Act and the rules made thereunder,

(2) The State Government may appoint one or more persons to assist the Administrator in carrying out his functions under this Act.

(3) The terms and conditions of service of the Administrator and other person or persons who may be appointed to assist the Administrator shall be such as may be prescribed.

Acquisition of the Company

6. (1) The State Government may, at any time within the period of five years from the appointed day, acquire the Company by notification, with effect from the date to be specified therein.

(2) On the issue of the notification under sub-section (1), the Company shall, with effect from the date specified in the notification, vest absolutely in the State Government free from all encumbrances.

(3) Every person employed in connection with the affairs of the Company and continuing in office immediately before the date specified in the notification under sub-section (1) shall continue to hold office on and from that date on the same terms and conditions as to pay, leave, pension, gratuity and all other matters, unless and until his employment is terminated or until his remuneration or other terms and conditions of employment are altered by the State Government in accordance with such rules as may be made by the State Government in this behalf.

(4) Notwithstanding anything contained in the Industrial Disputes Act, 1947 (14 of 1947) or any other law for the time being in force, the

alteration in the terms and conditions of employment of an employee on the transfer of his services from the Company to any other post shall not entitle him to any compensation under this Act or any other law for the time being in force and no claim for such compensation shall be entertained by any court, tribunal or other authority.

Payment of Compensation

7. (1) For the acquisition of the Company under section 6, the compensation payable by the State Government to the persons interested in the Company shall, subject to sub-section (2), be the market value of the Company as on the date of notification under section 6.

(2) (a) The State Government shall appoint a Tribunal consisting of a person who is or has been a District Judge or an Additional District Judge and such Tribunal shall determine—

- (i) the amount payable as compensation by the State Government to the persons interested in the Company;
- (ii) the amount payable by the Company to the State Government and other creditors, if any, of the Company.

(b) The Tribunal shall, upon determination of the amount under sub-clauses (i) and (ii) of clause (a), make an award. In making the award the Tribunal shall, if necessary, deduct the amount under sub-clause (ii) of clause (a) out of the amount under sub-clause (i) of that clause.

(c) In addition to the market value of the Company as provided in sub-section (1), the Tribunal shall allow interest at the rate of six *per centum per annum* on the market value of the Company from the date of notification under section 6 till the date of the award.

(3) The State Government may appoint one or more assessors to assist the Tribunal appointed under sub-section (2).

(4) The Tribunal shall have the powers of a civil court while trying suits under the Code of Civil Procedure, 1908 (5 of 1908), in respect of the following matters:

- (a) summoning and enforcing the attendance of any person and examining him on oath,
- (b) requiring the discovery or production of documents,
- (c) receiving evidence on affidavits, and
- (d) issuing commissions for the examination of witnesses and documents.

(5) Any person aggrieved by the award of the Tribunal may appeal to the High Court within thirty days from the date of such award.

Manner of Payment of Compensation

8. For the acquisition of the Company the State Government shall, as soon as possible after the date of the award made by the Tribunal, or, as the case may be, the date of the order of the High Court in the case of an appeal, pay in cash to the persons interested in the Company the amount of compensation determined under section 7 together with interest at the rate of six *per centum per annum* from the date of the award till the date of payment.

Penalty

9. Any person who—

- (a) having in his possession, custody or control any property belonging to the Company, wrongfully withholds such property from the Administrator, or
- (b) wrongfully obtains possession of any property forming part of the property of the Company, or
- (c) wilfully withholds or fails to produce to any person authorised under this Act any register, record or other documents which may be in his possession, custody or control, or
- (d) fails, without any reasonable cause, to submit any document, books or other instruments, when required to do so,

shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Protection of action taken under this Act

10. No suit or prosecution or other legal proceeding shall lie against the State Government or any person appointed under this Act for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

Advance by the State Government

11. (1) The State Government may, on the application made by the Administrator in this behalf, advance moneys for the purpose of efficiently managing the Company and all such moneys shall be repayable by the Company with such interest as may be prescribed.

(2) Any money advanced under sub-section (1) shall, subject to the prior payment of municipal rates and any sum due to Government on account of taxes or fees, be a first charge upon the properties of the Company.

Period of limitation

12. In computing the period of limitation for the enforcement of any right, privilege, obligation or liability referred to in clause (c) of section 4, the period during which it or the remedy for the enforcement thereof was suspended shall be excluded.

Act to have overriding effect

13. The provisions of this Act or any order or rule made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law or any instrument having effect by virtue of any other law.

Power to make Rules

14. (1) The State Government may, by notification, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the matters which may be or is required to be prescribed or made by rules.

By Order of the Governor,

S. N. SANYAL

Secy. to the Govt. of West Bengal

GOVERNMENT OF WEST BENGAL

**DEPARTMENT OF INFORMATION
& CULTURAL AFFAIRS**

NOTIFICATION

No. 21177 ICA

Dated, Calcutta, the 10th September, 1980

In pursuance of the provisions of sub-section (1) of section 3 of the Technicians' Studio Private Limited Act, 1980 (West Bengal Act XXVIII of 1980), read with sub-section (2) of that section, the Governor is pleased hereby to take over, with effect from the 18th day of September, 1980, the management and control of the Company, namely, the Technicians' Studio Private Limited at 4, Baburam Ghosh Road, Calcutta-40.

By Order of the Governor

Sd/-

(P. CHAUDHURI)

Secretary to the Government of West Bengal

Copy forwarded for information and necessary action to:

- (1) Deputy Secretary, Legislative Department, Govt. of West Bengal Writers' Buildings, Calcutta-700 001.

Copies of the "Technicians' Studio Pvt. Ltd. Act, 1980" have not yet been received from the Legislative Department at this end. It will be appreciated if 10 copies of the said Act are sent to this Department immediately.

- (2) Dy. Secretary (Acquisition), Land & Land Reforms Deptt. Government of West Bengal, Writers' Buildings, Calcutta-1.

The said Act enjoins that the Technicians' Studio Pvt. Ltd. (Land, buildings, & all movable properties along with fittings and fixtures of the studio) should be acquired by the State Govt. in Inf. & Cultural Affairs Department immediately under the relevant Land Acquisition Act. It is therefore requested that immediate steps in this regard at the end of the Land & Land Reforms Department may kindly be taken to ensure a quick acquisition of the said properties.

- (3) Sri Amiya Kumar Dutta, Information Officer, Information & Cultural Affairs Department, Government of West Bengal, Writers' Buildings, Calcutta-700 001
- (4) The Technicians' Studio Private Limited. 4, Baburam Ghosh Road (Tollygunge), Calcutta-700 040.
- (5) 1st Land Acquisition Collector, Calcutta, Government of West Bengal, 5, Bankshall Street, Calcutta-700 001.

His attention is drawn to endorsement No. (2) above for kindly taking immediate necessary action with regard to the acquisition under reference.

Calcutta
The 10th September, 1980

R. SEN
Assistant Secretary

GOVERNMENT OF WEST BENGAL

**DEPARTMENT OF INFORMATION AND CULTURAL AFFAIRS
MEMORANDUM**

No. 8212-ICA (Film)

NOTIFICATION

Calcutta, the 4th May, 1983

In pursuance of the provisions of sub-section (1) of section 6 of the Technicians' Studio Private Limited Act, 1980 (West Bengal Act XXVIII of 1980) hereinafter referred to as the said Act, the Governor is hereby pleased to acquire, with effect from May 1, 1983, the Company, i.e. the Technicians' Studio Private Ltd., as defined in section 2(b) of the said Act.

By Order of the Governor,

Sd/-
(P. CHAUDHURI)
Secretary to the Government of West Bengal

ORDER

Ordered that the Notification be published in the *Calcutta Gazette (Extra-ordinary)*.

P. CHAUDHURI
Secretary to the Government of West Bengal

No. 8213(3) ICA

Copy forwarded for information and necessary action to:

- (1) Deputy Secretary, Legislative Department of this Government
- (2) Deputy Secretary (Acquisition), Land & Land Reforms Department of this Government.
- (3) Administrator, Technicians' Studio Private Limited, 4, Baburam Ghosh Road, Calcutta-40.

Calcutta
The 4th May, 1983

P. CHAUDHURI
Secretary

GOVERNMENT OF WEST BENGAL
Legislative Department

WEST BENGAL ACT XVI OF 1985

**THE TECHNICIANS' STUDIO PRIVATE LIMITED
(AMENDMENT) ACT, 1985**

[*Passed by the West Bengal Legislature*]

[Assent of the President of India was first published in the *Calcutta Gazette, Extra-ordinary*, of the 16th August, 1985]

[16th August, 1985]

An Act to amend the Technicians' Studio Private Limited Act, 1980

WHEREAS it is expedient to amend the Technicians' Studio Private Limited Act, 1980 (West Bengal Act, XXVIII of 1980), for the purposes and in the manner hereinafter appearing;

It is hereby enacted in the Thirty-sixth Year of the Republic of India, by the Legislature of West Bengal, as follows:

Short title

1. This Act may be called the Technicians' Studio Private Limited (Amendment) Act, 1985.

Insertion of new section 6A in West Bengal Act XXVIII of 1980.

2. After section 6 of the Technicians' Studio Private Limited Act, 1980 (hereinafter referred to as the principal Act), the following section shall be inserted:

Management etc. of the Company. 6A. Notwithstanding anything contained elsewhere in this Act, the State Government may direct, by notification, that the general superintendence, direction, control and management of the affairs and business of the Company, which has been acquired by the State Government under section 6, shall instead of continuing to vest in the State Government, vest in such existing Government company or a new Government company, and with effect from such date, as may be specified in the notification, and thereupon the existing, or new Government company so specified shall be entitled to exercise, to the exclusion of all other persons, all such powers and do all such things as the Company is authorised to exercise and do in relation to its affairs and business.

Explanation.—For the purposes of this section,—

- (a) “existing Government company” means a Government company which is carrying on business on the date of acquisition of the Company under section 6; and
- (b) “New Government company” means a Government company formed and registered on or after the date of acquisition of the Company under section 6.

Insertion of new section 9A

3. After section 9 of the principal Act, the following section shall be inserted:

Offences by Companies. 9A. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

- (a) “company” means any body corporate and includes a firm or other association of individuals; and
- (b) “director”, in relation to a firm, means a partner in the firm.

Substitution of new section for section 10

4. For section 10 of the principal Act, the following section shall be substituted:

Protection of action taken in good faith. 10. No suit, prosecution or other legal proceeding shall lie against the State Government or any person appointed under this Act or the existing, or new Government company for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

THE COPYRIGHT ACT, 1957

(No. 14 of 1957 as amended up to Act 65 of 1984)

[4th June, 1957]

An Act to amend and consolidate the law relating to copyright

Be it enacted by Parliament in the Eighth Year of the Republic of India as follows:

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Copyright Act, 1957.

(2) It extends to the whole of India.

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

2. Interpretation.—In this Act, unless the context otherwise requires,—

(a) "adaptation" means,—

- (i) in relation to a dramatic work, the conversion of the work into a non-dramatic work;
- (ii) in relation to literary work or an artistic work the conversion of the work into a dramatic work by way of performance in public or otherwise;
- (iii) in relation to a literary or dramatic work, any abridgement of the work or any version of the work in which the story or action is conveyed wholly or mainly by means of pictures in a form suitable for reproduction in a book, or in a newspaper, magazine or similar periodical; and
- (iv) in relation to a musical work, any arrangement or transcription of the work;

(b) "architectural work of art" means any building or structure having an artistic character or design, or any model for such building or structure;

(c) "artistic work" means,—

- (i) a painting, a sculpture, a drawing (including a diagram, map, chart or plan), an engraving or a photograph, whether or not any such work possesses artistic quality;
- (ii) an architectural work of art; and
- (iii) any other work of artistic craftsmanship;

Note: This Act came into force with effect from the 8th October, 1957 in terms of notification No. GSR 712(E) dt. 8.10.57.

- (d) "author" means,—
- (i) in relation to a literary or dramatic work, the author of the work;
 - (ii) in relation to a musical work, the composer;
 - (iii) in relation to an artistic work other than a photograph, the artist;
 - (iv) in relation to a photograph, the person taking the photograph;
 - (v) in relation to a cinematograph film, the owner of the film at the time of its completion; and
 - (vi) in relation to a record, the owner of the original plate from which the record is made, at the time of the making of the plate;
- (dd) ³"broadcast" means communication to the public—
- (i) by any means of wireless diffusion, whether in any one or more of the forms of signs, sounds or visual images; or
 - (ii) by wire; and includes a re-broadcast;
- (e) "calendar year" means the year commencing on the 1st day of January;
- (f) "cinematograph film" includes the sound track, if any, and "cinematograph" shall be construed as including any work produced by any process analogous to cinematography;
⁴(Explanation.—For the purposes of this clause, "video films" shall also be deemed to be work produced by a process analogous to cinematography);
- (ff) ⁵"communication to the public" means communication to the public in whatever manner, including communication through satellite;
- (g) "delivery", in relation to a lecture, includes delivery by means of any mechanical instrument or by ⁵(broadcast);
- (h) "dramatic work" includes any piece for recitation, choreographic work or entertainment in dumb show, the scenic arrangement or acting form of which is fixed in writing or otherwise but does not include a cinematograph film;
- (hh) "duplicating equipment" means any mechanical contrivance or device used or intended to be used for making copies of any work;
- (i) "engravings" include etchings, lithographs, wood-cuts, prints and other similar works, not being photographs;
- (j) "exclusive licence" means a licence which confers on the licensee or on the licensee and persons authorised by him, to the exclusion

3. Ins. by Act 23 of 1983, S. 3, w.e.f. 9-8-1984.

4. Ins. by Act 65 of 1984, w.e.f. 8-10-1984.

5. Subs. by Act 23 of 1983, S. 2, w.e.f. 9-8-1984.

- of all other persons (including the owner of the copyright), any right comprised in the copyright in a work, and "exclusive licensee" shall be construed accordingly;
- (k) "Government work" means a work which is made or published by or under the direction or control of—
(i) the Government or any department of the Government;
(ii) any Legislature in India;
(iii) any court, tribunal or other judicial authority in India;
- (l) "Indian work" means a literary, dramatic or musical work,—
(i) the author of which is a citizen of India; or
(ii) which is first published in India; or
(iii) the author of which, in the case of an unpublished work, is, at the time of the making of the work, a citizen of India;
- (m) "infringing copy" means—
(i) in relation to a literary, dramatic, musical or artistic work, a reproduction thereof otherwise than in the form of a cinematograph film;
(ii) in relation to a cinematograph film, a copy of the film or a record embodying the recording in any part of the sound track associated with the film;
(iii) in relation to a record, any such record embodying the same recording; and
(iv) in relation to a programme in which a broadcast reproduction right subsists under Section 37, a record recording the programme, if such reproduction, copy or record is made or imported in contravention of the provisions of this Act;
- (n) "lecture" includes address, speech and sermon;
- (o) "literary work" includes tables ⁷(compilations and computer programmes, that is to say programmes recorded on any disc, tape, perforated media or other information storage device, which, if fed into or located in a computer or computer-based equipment, is capable of reproducing any information);
- (p) "musical work" means any combination of melody and harmony or either of them, printed, reduced to writing or otherwise graphically produced or reproduced;
- (q) "performance" includes any mode of visual or acoustic presentation, including any such presentation by the exhibition of a cinematograph film, or by means of ⁸(broadcast) or by the use of a record, or by any other means and, in relation to a lecture, includes the delivery of such lecture;

6. Sdsr. by Act 23 of 1983, Section 3, w.e.f. 9-8-1984.

7. Sdsr. by Act 65 of 1984, w.e.f. 8-10-1984.

8. Sdsr. by Act 23 of 1983, Section 2, w.e.f. 9-8-1984.

- (r) "performing rights society" means a society, association or other body, whether incorporated or not, which carries on business in India of issuing or granting licences for the performance in India of any works in which copyright subsists;
- (s) "photograph" includes photo-lithograph and any work produced by any process analogous to photography but does not include any part of a cinematograph film;
- (t) "plate" includes any stereotype or other plate, stone, block, mould, matrix, transfer, negative ⁹(duplicating equipment) or other device used or intended to be used for printing or reproducing copies of any work, and any matrix or other appliance by which records for the acoustic presentation of the work are or are intended to be made;
- (u) "prescribed" means prescribed by rules made under this Act;
- (v) ¹⁰[* * *]
- (w) "record" means any disc, tape, perforated roll or other device in which sounds are embodied so as to be capable of being reproduced therefrom, other than a sound track associated with a cinematograph film;
- (x) "recording" means the aggregate of the sounds embodied in and capable of being reproduced by means of a record;
- (y) "work" means any of the following works, namely,—
 - (i) a literary, dramatic, musical or artistic work;
 - (ii) a cinematograph film;
 - (iii) a record;
- (z) "work of joint authorship" means a work produced by the collaboration of two or more authors in which the contribution of one author is not distinct from the contribution of the other author or authors;
- (zz) "work of sculpture" included casts and models.

3. Meaning of publication.—For the purposes of this Act, "publication" means,—

- (a) in the case of a literary, dramatic, musical or artistic work, the issue of copies of the ¹¹(work, either in whole or in part, to the public in a manner sufficient to satisfy the reasonable requirements of the public having regard to the nature of the work);
- (b) in the case of a cinematograph film, the sale or hire or offer for sale or hire of the film or copies thereof to the public;
- (c) in the case of a record, the issue of records to the public in sufficient quantities;

9. Ins. by Act 65 of 1984, w.e.f. 8-10-1984.

10. Omitted by Act 23 of 1983, Section 3, w.e.f. 9-8-1984.

11. Subs. by Act 23 of 1983, Section 4, w.e.f. 9-8-1984.

but does not, except as otherwise expressly provided in this Act, include,—

- (i) in the case of a literary, dramatic or musical work, the issue of any records recording such work;
- (ii) in the case of a work of sculpture or an architectural work of art, the issue of photographs and engravings of such work.

4. When work not deemed to be published or performed in public.—Except in relation to infringement of copyright, a work shall not be deemed to be published or performed in public, if published, or performed in public, without the licence of the owner of the copyright.

5. When work deemed to be first published in India.—For the purposes of this Act, a work published in India shall be deemed to be first published in India, notwithstanding that it has been published simultaneously in some other country, unless such other country provides a shorter term of copyright for such work; and a work shall be deemed to be published simultaneously in India and in another country if the time between the publication in India and the publication in such other country does not exceed thirty days or such other period as the Central Government may, in relation to any specified country, determine.

6. Certain disputes to be decided by Copyright Board.—If any question arises,—

- (a) ¹²whether for the purposes of Section 3, copies of any,—
 - (i) literary, dramatic, musical or artistic work are issued to the public in a manner sufficient to satisfy the reasonable requirements of the public; or
 - (ii) records are issued to the public in sufficient quantities; or
- (b) whether for the purposes of Section 5, the term of copyright for any work is shorter in any other country than that provided in respect of that work under this Act;

it shall be referred to the Copyright Board constituted under Section 11 whose decision thereon shall be final.

7. Nationality of author where the making of unpublished work extended over considerable period.—Where, in the case of an unpublished work, the making of the work is extended over a considerable period, the author of the work shall, for the purposes of this Act, be deemed to be a citizen of, or domiciled in, that country of which he was a citizen or wherein he was domiciled during any substantial part of that period.

12. Subs. by Act 23 of 1983, S. 5, w.e.f. 9-8-1984.

8. Domicile of corporations.—For the purposes of this Act, a body corporate shall be deemed to be domiciled in India if it is incorporated under any law in force in India.

CHAPTER II

COPYRIGHT OFFICE AND COPYRIGHT BOARD

9. Copyright Office.—(1) There shall be established for the purposes of this Act an office to be called the Copyright Office.

(2) The Copyright Office shall be under the immediate control of the Registrar of Copyrights who shall act under the superintendence and direction of the Central Government.

(3) There shall be a seal for the Copyright Office.

10. Registrar and Deputy Registrars of Copyrights.—(1) The Central Government shall appoint a Registrar of Copyrights and may appoint one or more Deputy Registrars of Copyrights.

(2) A Deputy Registrar of Copyrights shall discharge under the superintendence and direction of the Registrar of Copyrights such functions of the Registrar under this Act as the Registrar may, from time to time, assign to him, and any reference in this Act to the Registrar of Copyrights shall include a reference to a Deputy Registrar of Copyrights when so discharging any such functions.

11. Copyright Board.—(1) As soon as may be after the commencement of this Act, the Central Government shall constitute a Board to be called the Copyright Board which shall consist of a Chairman and not less than two nor more than eight other members.

(2) The Chairman and other members of the Copyright Board shall hold office for such period and on such terms and conditions as may be prescribed.

(3) The Chairman of the Copyright Board shall be a person who is, or has been, a Judge of the Supreme Court or a High Court or is qualified for appointment as a Judge of a High Court.

(4) The Registrar of Copyrights shall be the Secretary of the Copyright Board and shall perform such functions as may be prescribed.

12. Powers and procedure of Copyright Board.—(1) The Copyright Board shall, subject to any rules that may be made under this Act,

have power to regulate its own procedure, including the fixing of places and time of its sittings:

Provided that the Copyright Board shall ordinarily hear any proceeding instituted before it under this Act within the zone in which, at the time of the institution of the proceeding, the person instituting the proceeding actually and voluntarily resides or carries on business or personally works for gain.

Explanation.—In this sub-section “zone” means a zone specified in Section 15 of the States Reorganisation Act, 1956 (37 of 1956).

(2) The Copyright Board may exercise and discharge its powers and functions through Benches constituted by the Chairman of the Copyright Board from amongst its members, each Bench consisting of not less than three members.

(3) If there is a difference of opinion among the members of the Copyright Board or any Bench thereof in respect of any matter coming before it for decision under this Act, the opinion of the majority shall prevail;

Provided that where there is no such majority—

(i) if the Chairman was one of the members who heard the matter, the opinion of the Chairman shall prevail;

(ii) if the Chairman was not one of the members who heard the matter, the matter shall be referred to him for his opinion and that opinion shall prevail.

(4) The Copyright Board may authorise any of its members to exercise any of the powers conferred on it by Section 74 and any order made or act done in exercise of those powers by the member so authorised shall be deemed to be the order or act, as the case may be, of the Board.

(5) No member of the Copyright Board shall take part in any proceedings before the Board in respect of any matter in which he has a personal interest.

(6) No act done or proceeding taken by the Copyright Board under this Act shall be questioned on the ground merely of his existence of any vacancy in, or defect in the constitution of the Board.

(7) The Copyright Board shall be deemed to be a civil court for the purposes of ¹³[Sections 345 and 346 of the Code of Criminal Procedure, 1973 (2 of 1974)] and all proceedings before the Board shall be deemed to be judicial proceedings within the meaning of Sections 193 and 228 of the Indian Penal Code, 1860 (45 of 1860).

13. Sub. by Act 23 of 1983, S. 6, w.e.f. 9-8-1984.

CHAPTER III

COPYRIGHT

13. Works in which copyright subsists.—(1) Subject to the provisions of this section and the other provisions of this Act, copyright shall subsist throughout India in the following classes of works, that is to say,—

- (a) original, literary, dramatic, musical and artistic works;
- (b) cinematograph films; and
- (c) records.

(2) Copyright shall not subsist in any work specified in sub-section (1), other than a work to which the provisions of Section 40 or Section 41 apply, unless—

- (i) in the case of a published work, the work is first published in India, or where the work is first published outside India, the author is at the date of such publication, or in a case where the author was dead at that date, was at the time of his death, a citizen of India;
- (ii) in the case of an unpublished work other than an architectural work of art, the author is at the date of making of the work a citizen of India or domiciled in India; and
- (iii) in the case of an architectural work of art, the work is located in India.

Explanation.—In the case of a work of joint authorship, the conditions conferring copyright specified in this sub-section shall be satisfied by all the authors of the work.

(3) Copyright shall not subsist—

- (a) in any cinematograph film if a substantial part of the film is an infringement of the copyright in any other work;
- (b) in any record made in respect of a literary, dramatic or musical work, if in making the record, copyright in such work has been infringed.

(4) The copyright in a cinematograph film or a record shall not affect the separate copyright in any work in respect of which or a substantial part of which, the film, or as the case may be, the record is made.

(5) In the case of an architectural work of art, copyright shall subsist only in the artistic character and design and shall not extend to processes or methods of construction.

14. Meaning of copyright.—(1) For the purposes of this Act, "copyright" means the exclusive right, by virtue of, and subject to the provisions of, this Act,

- (a) in the case of literary, dramatic or musical work, to do and authorise the doing of any of the following acts, namely—
 - (i) to reproduce the work in any material form;
 - (ii) to publish the work;
 - (iii) to perform the work in public;
 - (iv) to produce, reproduce, perform or publish any translation of the work;
 - (v) to make any cinematograph film or a record in respect of the work;
 - (vi) to communicate the work by [broadcast] or to communicate to the public by a loud-speaker or any other similar instrument the [broadcast] of the work;
 - (vii) to make any adaptation of the work;
 - (viii) to do in relation to a translation or an adaptation of the work any of the acts specified in relation to the work in clauses (i) to (vi);
- (b) in the case of an artistic work, to do or authorise the doing of any of the following acts, namely—
 - (i) to reproduce the work in any material form;
 - (ii) to publish the work;
 - (iii) to include the work in any cinematograph film;
 - (iv) to make any adaptation of the work;
 - (v) to do in relation to an adaptation of the work any of the acts specified in relation to the work in clauses (i) to (iii);
- (c) in the case of a cinematograph film, to do or authorise the doing of any of the following acts, namely—
 - (i) to make a copy of the film;
 - (ii) to cause the film, in so far as it consists of visual images, to be seen in public and, in so far as it consists of sounds, to be heard in public;
 - (iii) to make any record embodying the recording in any part of the sound track associated with the film by utilising such sound track;
 - (iv) to communicate the film by ¹⁴[broadcast];
- (d) in the case of a record, to do or authorise the doing of any of the following acts by utilising the record, namely—
 - (i) to make any other record embodying the same recording;
 - (ii) to cause the recording embodied in record to be heard in public;
 - (iii) to communicate the recording embodied in the record by ^{14a}[broadcast].

14. Subs. by Act 23 of 1983, S. 2, w.e.f. 9-8-1984.
14a. Ibid.

(2) Any reference in sub-section (1) to the doing of any act in relation to a work or a translation or an adaptation thereof shall include a reference to the doing of that act in relation to a substantial part thereof.

15. Special provision regarding copyright in designs registered or capable of being registered under the [] Designs Act, 1911.—**(1) Copyright shall not subsist under this Act in any design which is registered under the ¹⁵[**] Designs Act, 1911 (2 of 1911).

(2) Copyright in any design, which is capable of being registered under the Designs Act, 1911 (2 of 1911), but which has not been so registered, shall cease as soon as any article to which the design has been applied has been reproduced more than fifty times by an industrial process by the owner of the copyright or, with his licence, by any other person.

16. No copyright except as provided in this Act.—No person shall be entitled to copyright or any similar right in any work, whether published or unpublished, otherwise than under and in accordance with the provisions of this Act or of any other law for the time being in force, but nothing in this section shall be construed as abrogating any right or jurisdiction to restrain a breach of trust or confidence.

CHAPTER IV

OWNERSHIP OF COPYRIGHT AND THE RIGHTS OF THE OWNER

17. First owner of copyright.—Subject to the provisions of this Act, the author of a work shall be the first owner of the copyright therein: Provided that—

- (a) in the case of a literary, dramatic or artistic work made by the author in the course of his employment by the proprietor of a newspaper, magazine or similar periodical under a contract of service or apprenticeship, for the purpose of publication in a newspaper, magazine or similar periodical, the said proprietor shall, in the absence of any agreement to the contrary be the first owner of the copyright in the work in so far as the copyright relates to the publication of the work in any newspaper, magazine or similar periodical, or to the reproduction of the work for the purpose of its being so published, but in all other respects the author shall be the first owner of the copyright in the work;

15. Omitted by Act 23 of 1963, S. 7, w.e.f. 9-3-1984

- (b) subject to the provisions of clause (a), in the case of a photograph taken, or a painting or portrait drawn, or an engraving or a cinematograph film made, for valuable consideration at the instance of any person, such person shall, in the absence of any agreement to the contrary, be the first owner of the copyright therein;
 - (c) in the case of a work made in the course of the author's employment under a contract of service or apprenticeship, to which clause (a) or clause (b) does not apply, the employer shall, in the absence of any agreement to the contrary, be the first owner of the copyright therein;
 - ¹⁶[(d) in the case of any address or speech delivered in public, the person who has delivered such address or speech or if such person has delivered such address or speech on behalf of any other person, such other person shall be the first owner of the copyright therein notwithstanding that the person who delivers such address or speech, or, as the case may be, the person on whose behalf such address or speech is delivered, is employed by any other person who arranges such address or speech or on whose behalf or premises such address or speech is delivered;]
 - (e) in the case of a Government work, Government shall, in the absence of any agreement to the contrary, be the first owner of the copyright therein;
 - [(f) in the case of a work made or first published by or under the direction or control of any public undertaking, such public undertaking shall, in the absence of any agreement to the contrary, be the first owner of the copyright therein;
- Explanation*.—For the purposes of this clause and Section 28-A, "public undertaking", means—
(i) an undertaking owned or controlled by Government; or
(ii) a Government Company as defined in Section 617 of the Companies Act, 1956 (1 of 1956); or
(iii) a body corporate established by or under any Central, Provincial or State Act;]
- (e) in the case of a work to which the provisions of Section 41 apply, the international organisation concerned shall be the first owner of the copyright therein.

18. Assignment of copyright.—(1) The owner of the copyright in an existing work or the prospective owner of the copyright in a future work may assign to any person the copyright either wholly or partially and

16. *Ins. by Act 23 of 1983, S. 8, w.e.f. 9-8-1984.*

either generally or subject to limitations and either for the whole term of the copyright or any part thereof:

Provided that in the case of the assignment of copyright in any future work, the assignment shall take effect only when the work comes into existence.

(2) Where the assignee of a copyright becomes entitled to any right comprised in the copyright, the assignee as respects the rights so assigned, and the assignor as respects the rights not assigned, shall be treated for the purposes of this Act as the owner of copyright and the provisions of this Act shall have effect accordingly.

(3) In this section, the expression "assignee" as respects the assignments of the copyright in any future work includes the legal representatives of the assignee, if the assignee dies before the work comes into existence.

19. Mode of assignment.—¹⁷[(1)] No assignment of the copyright in any work shall be valid unless it is in writing signed by the assignor or by his duly authorised agent.

¹⁸[(2) The assignment of the copyright in any work shall, among other things, indicate clearly the rights proposed to be assigned and the size of the work.]

19-A. Disputes with respect to assignment of copyright.—Where any dispute arises with respect to the assignment of, or any of the terms of the assignment of, any copyright, the Copyright Board may, on receipt of a complaint from any of the parties to the dispute and after holding such inquiry as it may deem necessary pass such orders as it may deem fit including orders by way of giving permission to the owner of the copyright to revoke its assignment if the terms of the assignment are harsh to him or if the publisher unduly delays the publication of the work or by way of issue of a certificate for the recovery of any royalty due to the owner.]

20. Transmission of copyright in manuscript by testamentary disposition.—Where under a bequest a person is entitled to the manuscript of a literary, dramatic or musical work, or to an artistic work, and the work was not published before the death of the testator, the bequest shall, unless the contrary intention is indicated in the testator's will or any codicil thereto, be construed as including the copyright in the work in so far as the testator was the owner of the copyright immediately before his death.

Explanation.—In this section, the expression "manuscript" means the original document embodying the work, whether written by hand or not.

17. Remade by Act 23 of 1963, S. 9, w.e.f. 9-8-1964.

18. Ins. by Act 23 of 1963, S. 9, w.e.f. 9-8-1964.

19. Ins. by Act 23 of 1963, S. 10, w.e.f. 9-8-1964.

21. Right of author to relinquish copyright.—(1) The author of a work may relinquish all or any of the rights comprised in the copyright in the work by giving notice in the prescribed form to the Register of Copyrights and thereupon such rights shall, subject to the provisions of sub-section (3), cease to exist from the date of the notice.

(2) On receipt of a notice under sub-section (1), the Registrar of Copyrights shall cause it to be published in the Official Gazette and in such other manner as he may deem fit.

(3) The relinquishment of all or any of the rights comprised in the copyright in a work shall not affect any rights subsisting in favour of any person on the date of the notice referred to in sub-section (1).

CHAPTER V

TERM OF COPYRIGHT

22. Term of copyright in published literary, dramatic, musical and artistic works.—Except as otherwise hereinafter provided, copyright shall subsist in any literary, dramatic, musical or artistic work (other than a photograph) published within the lifetime of the author until fifty years from the beginning of the calendar year next following the year in which the author dies.

Explanation.—In this section the reference to the author shall, in the case of a work of joint authorship, be construed as a reference to the author who dies last.

23. Term of copyright in anonymous and pseudonymous works.—(1) In the case of a literary, dramatic, musical or artistic work (other than a photograph), which is published anonymously or pseudonymously, copyright shall subsist until fifty years from the beginning of the calendar year next following the year in which the work is first published:

Provided that where the identity of the author is disclosed before the expiry of the said period, copyright shall subsist until fifty years from the beginning of the calendar year next following the year in which the author dies.

(2) In sub-section (1), references to the author shall, in the case of an anonymous work of joint authorship, be construed,—

- (a) where the identity of one of the authors is disclosed, as references to that author;
- (b) where the identity of more authors than one is disclosed, as references to the author who dies last from amongst such authors.

(3) In sub-section (1), references to the author shall, in the case of a pseudonymous work of joint authorship, be construed,—

- (a) where the names of one or more (but not all) of the authors are pseudonyms and his or their identity is not disclosed, as references to the author whose name is not a pseudonym, or, if the names of two or more of the authors are not pseudonyms, as references to such of those authors who dies last;
- (b) where the names of one or more (but not all) of the authors are pseudonyms and the identity of one or more of them is disclosed, as references to the author who dies last from amongst the authors whose names are not pseudonyms and the authors whose names are pseudonyms and are disclosed; and
- (c) where the names of all the authors are pseudonyms and the identity of one of them is disclosed, as references to the authors whose identity is disclosed or if the identity of two or more of such authors is disclosed, as references to such of those authors who dies last.

Explanation.—For the purposes of this section, the identity of an author shall be deemed to have been disclosed, if either the identity of the author is disclosed publicly by both the author and the publisher or is otherwise established to the satisfaction of the Copyright Board by that author.

24. Term of copyright in posthumous works.—(1) In the case of a literary, dramatic or musical work or an engraving, in which copyright subsists the date of the death of the author or, in the case of any such work of joint authorship, at or immediately before the date of the death of the author who dies last, but which, or any adaptation of which, has not been published before that date, copyright shall subsist until fifty years from the beginning of the calendar year next following the year in which the work is first published or, where an adaptation of the work is published in any earlier year, from the beginning of the calendar year next following that year.

(2) For the purposes of this section a literary, dramatic or musical work or an adaptation of any such work shall be deemed to have been published, if it has been performed in public or if any records made in respect of the work have been sold to the public or have been offered for sale to the public.

25. Term of copyright in photographs.—In the case of a photograph, copyright shall subsist until fifty years from the beginning of the calendar year next following the year in which the photograph is published.

26. Term of copyright in cinematograph films.—In the case of a cinematograph film, copyright shall subsist until fifty years from the

beginning of the calendar year next following the year in which the film is published.

27. Term of copyright in records.—In the case of a record, copyright shall subsist until fifty years from the beginning of the calendar year next following the year in which the record is published.

28. Term of copyright in Government works.—In the case of a Government work, where Government is the first owner of the copyright therein, copyright shall subsist until fifty years from the beginning of the calendar year next following the year in which the work is first published.

28-A. Term of copyright in works of public undertakings.—
In the case of a work, where a public undertaking is the first owner of the copyright therein, copyright shall subsist until fifty years from the beginning of the calendar year next following the year in which the work is first published.]

29. Term of copyright in works of international organisations.—In the case of a work of an international organisation to which the provisions of Section 41 apply, copyright shall subsist until fifty years from the beginning of the calendar year next following the year in which the work is first published.

CHAPTER VI

LICENCES

30. Licencees by owners of copyright.—The owner of the copyright in any existing work or the prospective owner of the copyright in any future work may grant any interest in the right by licence in writing signed by him or by his duly authorised agent:

Provided that in the case of a licence relating to copyright in any future work, the licence shall take effect only when the work comes into existence.

Explanation.—When a person to whom a licence relating to copyright in any future work is granted under this section dies before the work comes into existence, his legal representatives shall, in the absence of any provision to the contrary in the licence, be entitled to the benefit of the licence.

31. Compulsory licence in works withheld from public.—
(1) If at any time during the term of copyright in any Indian work which

20. Ins. by Act 23 of 1983, S. 11, w.e.f. 9-8-1984.

has been published or performed in public, a complaint is made to the Copyright Board that the owner of copyright in the work—

- (a) has refused to republish or allow the republication of the work or has refused to allow the performance in public of the work, and by reason of such refusal the work is withheld from the public; or
- (b) has refused to allow communication to the public by ²¹[broadcast] of such work or in the case of a record the work recorded in such record, on terms which the complainant considers reasonable;

the Copyright Board, after giving to the owner of the copyright in the work a reasonable opportunity of being heard and after holding such inquiry, as it may deem necessary, may, if it is satisfied that the grounds for such refusal are not reasonable, direct the Registrar of Copyrights to grant to the complainant a licence to republish the work, perform the work in public or communicate the work to the public by [broadcast], as the case may be, subject to payment to the owner of the copyright of such compensation and subject to such other terms and conditions as the Copyright Board may determine; and thereupon the Registrar of Copyrights shall grant the licence to the complainant in accordance with the directions of the Copyright Board, on payment of such fee, as may be prescribed.

Explanation.—In this sub-section, the expression “Indian work” includes—

- (i) an artistic work, the author of which is a citizen of India;
- (ii) a cinematograph film or a record made or manufactured in India.

(2) Where two or more persons have made a complaint under sub-section (1), the licence shall be granted to the complainant who in the opinion of the Copyright Board would best serve the interests of the general public.

²²[31-A. Compulsory licence in unpublished Indian works.]

(1) Where, in the case of an Indian work referred to in sub-clause (iii) of clause (l) of Section 2, the author is dead or unknown or cannot be traced, or the owner of the copyright in such work cannot be found, any person may apply to the Copyright Board for a licence to publish such work or a translation thereof in any language.

(2) Before making an application under sub-section (1), the applicant shall publish his proposal in one issue of a daily newspaper in the English language having circulation in the major part of the country and

21. Smts. by Act 23 of 1963, S. 2, w.e.f. 9-8-1964.
22. Ins. by Act 23 of 1963, S. 12, w.e.f. 9-8-1964.

where the application is for the publication of a translation in any language, also in one issue of any daily newspaper in that language.

(3) Every such application shall be made in such form as may be prescribed and shall be accompanied with a copy of the advertisement issued under sub-section (2) and such fee as may be prescribed.

(4) Where an application is made to the Copyright Board under this section, it may, after holding such inquiry as may be prescribed, direct the Registrar of Copyrights to grant to the applicant a licence to publish the work or a translation thereof in the language mentioned in the application subject to the payment of such royalty and subject to such other terms and conditions as the Copyright Board may determine, and thereupon the Registrar of Copyrights shall grant the licence to the applicant in accordance with the direction of the Copyright Board.

(5) Where a licence is granted under this section, the Registrar of Copyrights may, by order, direct the applicant to deposit the amount of the royalty determined by the Copyright Board in the public account of India or in any other account specified by the Copyright Board so as to enable the owner of the copyright or, as the case may be, his heirs, executors or the legal representatives to claim such royalty at any time.

(6) Without prejudice to the foregoing provisions of this section, in the case of a work referred to in sub-section (1), if the original author is dead, the Central Government may, if it considers that the publication of the work is desirable in the national interest, require the heirs, executors or legal representatives of the author to publish such work within such period as may be specified by it.

(7) Where any work is not published within the period specified by the Central Government under sub-section (6) the Copyright Board may, on an application made by any person for permission to publish the work and after hearing the parties concerned, permit such publication on payment of such royalty as the Copyright Board may, in the circumstances of such case, determine in the prescribed manner.]

32. Licence to produce and publish translations.—(1) Any person may apply to the Copyright Board for a licence to produce and publish a translation of a literary or dramatic work in any language ²³[after a period of seven years from the first publication of the work].

²³[(1-A) Notwithstanding anything contained in sub-section (1), any person may apply to the Copyright Board for a licence to produce and publish a translation, in printed or analogous forms of reproduction, of a literary or dramatic work, other than an Indian work, in any language in general use in India after a period of three years from the first publi-

23. Ins. by Act 23 of 1983, S. 13, w.e.f. 9-8-1984.

cation of such work, if such translation is required for the purposes of teaching, scholarship or research:

Provided that where such translation is in a language not in general use in any developed country, such application may be made after a period of one year from such publication.]

(2) Every ²⁴[application under this section] shall be made in such form as may be prescribed and shall state the proposed retail price of a copy of the translation of the work.

(3) Every applicant for a licence under this section shall, along with his application, deposit with the Registrar of Copyrights such fee as may be prescribed.

(4) Where an application is made to the Copyright Board under this section, it may, after holding such inquiry as may be prescribed, grant to the applicant a licence, not being an exclusive licence, to produce and publish a translation of the work in the language mentioned in ²⁴[the application—

- (i) subject to the condition that the applicant shall pay to the owner of the copyright in the work royalties in respect of copies of the translation of the work sold to the public, calculated at such rate as the Copyright Board may, in the circumstances of each case, determine in the prescribed manner; and
- (ii) where such licence is granted on an application under sub-section (1-A), subject also to the condition that the licence shall not extend to the export of copies of the translation of the work outside India and every copy of such translation shall contain a notice in the language of such translation that the copy is available for distribution only in India:

Provided that nothing in clause (ii) shall apply to the export by Government or any authority under the Government of copies of such translation in a language other than English, French or Spanish to any country if—

- (1) such copies are sent to citizens of India residing outside India or to any association of such citizens outside India; or
- (2) such copies are meant to be used for purposes of teaching, scholarship or research and not for any commercial purpose; and
- (3) in either case, the permission for such export has been given by the Government of that country:]

²⁴[Provided further that no licence under this section] shall be granted, unless—

- (a) a translation of the work in the language mentioned in the

24. Subs. by Act 23 of 1983, S. 13, w.e.f. 9-8-1984.

25. Subs. by Act 23 of 1983, S. 13, w.e.f. 9-8-1984.

application has not been published by the owner of the copyright in the work or any person authorised by him, ²⁵[within seven years or three years or one year, as the case may be, of the first publication of the work] or if a translation has been so published, it has been out of print;

- (b) the applicant has proved to the satisfaction of the Copyright Board that he had requested and had been denied authorisation by the owner of the copyright to produce and publish such translation, or that ²⁶[he was, after due diligence on his part, unable to find], the owner of the copyright;
 - (c) where the applicant was unable to find the owner of the copyright, he had sent a copy of his request for ²⁵[such authorisation by registered air mail post to the publisher whose name appears from the work, and in the case of an application for a licence under sub-section (1)] not less than two months before ²⁶[such application];
- ²⁶[(d) a period of six months in the case of an application under sub-section (1-A) (not being an application under the proviso thereto), or nine months in the case of an application under the proviso to that sub-section, has elapsed from the date of making the request under clause (b) of this proviso, or where a copy of the request has been sent under clause (c) of this proviso, from the date of sending of such copy, and the translation of the work in the language mentioned in the application has not been published by the owner of the copyright in the work or any person authorised by him within the said period of six months or nine months, as the case may be;
- (ee) in the case of any application made under sub-section (1-A),—
 - (i) the name of the author and the title of the particular edition of the work proposed to be translated are printed on all the copies of the translation;
 - (ii) if the work is composed mainly of illustrations, the provisions of Section 32-A are also complied with;]
- (d) the Copyright Board is satisfied that the application is competent to produce and publish a correct translation of the work and possesses the means to pay to the owner of the copyright the royalties payable to him under this section;
 - (e) the author has not withdrawn from circulation copies of the work; and
 - (f) an opportunity of being heard is given, wherever practicable, to the owner of the copyright in the work.

25. Subs. by Act 23 of 1983, S. 13, w.e.f. 9-8-1984.

26. Ins. by Act 23 of 1983, S. 13, w.e.f. 9-8-1984.

^{26a}[(5) Any broadcasting authority may apply to the Copyright Board for a licence to produce and publish the translation of—

- (a) a work referred to in sub-section (1-A) and published in printed or analogous forms of reproduction; or
- (b) any text incorporated in audio-visual fixations prepared and published solely for the purpose of systematic instructional activities, for broadcasting such translation for the purposes of teaching or for the dissemination of the results of specialised, technical or scientific research to the experts in any particular field.

(6) The provisions of sub-sections (2) to (4) in so far as they are relatable to an application under sub-section (1-A), shall, with the necessary modifications, apply to the grant of a licence under sub-section (5) and such licence shall not also be granted unless—

- (a) the translation is made from a work lawfully acquired;
- (b) the broadcast is made through the medium of sound and visual recordings;
- (c) such recording has been lawfully and exclusively made for the purpose of broadcasting in India by the applicant or by any other broadcasting agency; and
- (d) the translation and the broadcasting of such translation are not used for any commercial purposes.

Explanation.—For the purposes of this section,—

- (a) “developed country” means a country which is not a developing country;
- (b) “developing country” means a country which is for the time being regarded as such in conformity with the practice of the General Assembly of the United Nations;
- (c) “purposes of research” does not include purposes of industrial research, or purposes of research by bodies corporate (not being bodies corporate owned or controlled by Government) or other associations or body of persons for commercial purposes;
- (d) “purposes of teaching, research or scholarship” includes—
 - (i) purposes of instructional activity at all levels in educational institutions, including Schools, Colleges, Universities and tutorial institutions; and
 - (ii) purposes of all other types of organised educational activity.]

²⁷[32-A. **Licence to reproduce and publish works for certain purposes.**—(1) Where, after the expiration of the relevant period from the date of the first publication of an edition of a literary, scientific or artistic work,—

26a. *Ins. by Act 23 of 1983, S. 13, w.e.f. 9-8-1984.*
27. *Ins. by Act 23 of 1983, S. 14, w.e.f. 9-8-1984.*

- (a) the copies of such edition are not made available in India; or
- (b) such copies have not been put on sale in India for a period of six months,

to the general public, or in connection with systematic instructional activities, at a price reasonably related to that normally charged in India for comparable works by the owner of the right of reproduction or by any person authorised by him in this behalf, any person may apply to the Copyright Board for a licence to reproduce and publish such work in printed or analogous forms of reproduction at the price at which such edition is sold or at a lower price for the purposes of systematic instructional activities.

(2) Every such application shall be made in such form as may be prescribed and shall state the proposed retail price of a copy of the work to be reproduced.

(3) Every applicant for a licence under this section shall, along with his application, deposit with the Registrar of Copyrights such fee as may be prescribed.

(4) Where an application is made to the Copyright Board under this section, it may, after holding such inquiry as may be prescribed, grant to the applicant a licence, not being an exclusive licence, to produce and publish a reproduction of the work mentioned in the application subject to the conditions that,—

- (i) the applicant shall pay to the owner of the copyright in the work royalties in respect of copies of the reproduction of the work sold to the public, calculated at such rate as the Copyright Board may, in the circumstances of each case, determine in the prescribed manner;
- (ii) a licence granted under this section shall not extend to the export of copies of the reproduction of the work outside India and every copy of such reproduction shall contain a notice that the copy is available for distribution only in India;

Provided that no such licence shall be granted unless—

- (a) the applicant has proved to the satisfaction of the Copyright Board that he had requested and had been denied authorisation by the owner of the copyright in the work to reproduce and publish such work or that he was, after due diligence on his part, unable to find such owner;
- (b) where the applicant was unable to find the owner of the copyright, he had sent a copy of his request for such authorisation by registered airmail post to the publisher whose name appears from the work not less than three months before the application for the licence;
- (c) the Copyright Board is satisfied that the applicant is competent to reproduce and publish an accurate repro-

duction of the work and possesses the means to pay to the owner of the copyright the royalties payable to him under this section;

- (d) the applicant undertakes to reproduce and publish the work at such price as may be fixed by the Copyright Board, being a price reasonably related to the price normally charged in India for works of the same standard on the same or similar subjects;
- (e) a period of six months in the case of an application for the reproduction and publication of any work of natural science, physical science, mathematics or technology, or a period of three months in the case of an application for the reproduction and publication of any other work, has elapsed from the date of making the request under clause (a), or where a copy of the request has been sent under clause (b), from the date of sending of a copy, and a reproduction of the work has not been published by the owner of the copyright in the work or any person authorised by him within the said period of six months or three months, as the case may be;
- (f) the name of the author and the title of the particular edition of the work proposed to be reproduced are painted on all the copies of the reproduction;
- (g) the author has not withdrawn from circulation copies of the work; and
- (h) an opportunity of being heard is given, wherever practicable, to the owner of the copyright in the work.

(5) No licence to reproduce and publish the translation of a work shall be granted under this section unless such translation has been published by the owner of the right of translation or any person authorised by him and the translation is not in a language in general use in India.

(6) The provisions of this section shall also apply to the reproduction and publication, or translation into a language in general use in India, of any text incorporated in audio-visual fixation prepared and published solely for the purpose of systematic instructional activities.

Explanation.—For the purposes of this section, "relevant period", in relation to any work, means a period of—

- (a) seven years from the date of the first publication of that work, where the application is for the reproduction and publication of any work of, or relating to fiction, poetry, drama, music or art;
- (b) three years from the date of the first publication of that work, where the application is for the reproduction and publication

- of any work of, or relating to, natural science, physical science, mathematics or technology; and
- (c) five years from the date of the first publication of that work, in any other case.

32-B. Termination of licences issued under this Chapter.—

(1) If, at any time after the granting of a licence to produce and publish the translation of a work in any language under sub-section (1-A) of Section 32 (hereafter in this sub-section referred to as the licensed work), the owner of the copyright in the work or any person authorised by him publishes a translation of such work in the same language and which is substantially the same in content at a price reasonably related to the price normally charged in India for the translation of works of the same standard on the same or similar subject, the licence so granted shall be terminated:

Provided that no such termination shall take effect until after the expiry of a period of three months from the date of service of a notice in the prescribed manner on the person holding such licence by the owner of the right of translation intimating the publication of the translation as aforesaid:

Provided further that copies of the licensed work produced and published by the person holding such licence before the termination of the licence takes effect may continue to be sold or distributed until the copies already produced and published are exhausted.

(2) If, at any time after the granting of a licence to produce and publish the reproduction or translation of any work under Section 32-A, the owner of the right of reproduction or any person authorised by him sells or distributes copies of such work or a translation thereof, as the case may be, in the same language and which is substantially the same in content at a price reasonably related to the price normally charged in India for works of the same standard on the same or similar subject, the licence so granted shall be terminated:

Provided that no such termination shall take effect until after the expiry of a period of three months from the date of service of a notice in the prescribed manner on the person holding the licence by the owner of the right of reproduction intimating the sale or distribution of the copies of the editions of work as aforesaid:

Provided further that any copies already reproduced by the licensee before such termination takes effect may continue to be sold or distributed until the copies already produced are exhausted.]

CHAPTER VII

PERFORMING RIGHTS SOCIETIES

33. Performing rights society to file statements of fees, charges and royalties.—(1) Every performing rights society shall, within the prescribed time and in the prescribed manner, prepare, publish and file with the Registrar of Copyrights, statements of all fees, charges or royalties which it proposes to collect for the grant of licences for performance in public of works in respect of which it has authority to grant such licences.

(2) If any such society fails to prepare, publish or file with the Registrar of Copyrights the statements referred to in sub-section (1) in relation to any work in accordance with the provisions of that sub-section, no action or other proceeding to enforce any remedy, civil or criminal, for infringement of the performing rights in that work shall be commenced except with the consent of the Registrar of Copyrights.

34. Objections relating to published statements.—Any person having any objections to any fees, charges or royalties or other particulars included in any statement referred to in Section 33 may at any time lodge such objections in writing at the Copyright Office.

35. Determination of objections.—(1) Every objection lodged at the Copyright Office under Section 34 shall, as soon as may be, be referred to the Copyright Board and the Copyright Board shall decide such objection in the manner hereinafter provided.

(2) The Copyright Board shall, in respect of every such objection, give notice thereof to the performing rights society concerned.

(3) The Copyright Board shall, after giving such society and the person who lodged the objection a reasonable opportunity of being heard and after making such further inquiry as may be prescribed, make such alterations in the statements as it may think fit, and shall transmit the alterations made by it to the Registrar of Copyrights, who shall thereupon, as soon as practicable after the receipt of such alterations, publish them in Official Gazette and furnish the performing rights society concerned and the person who lodged the objection with a copy thereof.

(4) The fees, charges or royalties as altered by the Copyright Board shall be the fees, charges or royalties which the performing rights society concerned may respectively lawfully sue for or collect in respect of the grant by it of licences for the performance in public of works to which such fees, charges or royalties relate.

(5) No performing rights society shall have any right of action or any right to enforce any civil or other remedy for infringement of the per-

forming rights in any work against any person who has tendered or paid to such society the fees, charges or royalties specified in respect of that work in a statement published by that society under sub-section (1) of Section 33 or where such statement has been altered by the Copyright Board under this section in the statement so altered.

(6) Where any person has lodged an objection at the Copyright Office regarding the fees, charges or royalties in respect of any work included in a statement published under Section 33, that person or any other person, on depositing such fees, charges or royalties at the Copyright Office, may, pending the final decision of such objection by the Copyright Board or the High Court, as the case may be, perform that work without infringing the copyright therein.

(7) The fees, charges or royalties deposited at the Copyright Office under sub-section (6) shall be paid to the performing rights society concerned or to the person who made the deposit, or partly to such society and partly to such person, in accordance with the final decision on the objection as aforesaid.

36. Existing rights not affected.—Nothing in this Chapter shall be deemed to affect—

- (a) any rights or liabilities in relation to the performing rights in any work accrued or incurred before the commencement of this Act;
- (b) any legal proceedings in respect of such rights or liabilities pending at such commencement.

CHAPTER VIII

RIGHTS OF BROADCASTING AUTHORITIES

37. Broadcast reproduction right.—(1) Where any programme is broadcast ^{28[* * *]} by the Government or any other broadcasting authority, a special right to be known as "broadcast reproduction right" shall subsist in such programme.

(2) The Government or other broadcasting authority, as the case may be, shall be the owner of the broadcast reproduction right and such right shall subsist until twenty-five years from the beginning of the calendar year next following the year in which the programme is first broadcast.

(3) During the continuance of a broadcast reproduction right in relation to any programme, any person who,—

28. Omitted by Act 23 of 1983, S. 15, w.e.f. 9-8-1984.

- (a) without the licence of the owner of the right—
(i) rebroadcasts the programme in question or any substantial part thereof; or
(ii) causes the programme in question or any substantial part thereof to be heard in public; or
(b) without the licence of the owner of the right to utilise the broadcast for the purpose of making a record recording the programme in question or any substantial part thereof, makes any such record,
- shall be deemed to infringe that broadcast reproduction right.

38. Other provisions of this Act to apply to broadcast reproduction rights.—Sections 18, 19, 30, 53, 55, 58, 64, 65 and 66 shall, with any necessary adaptations and modifications, apply in relation to the broadcast reproduction right in any programme as they apply in relation to the copyright in a work:

Provided that a licence to utilise a broadcast for the purpose of making a record recording a programme in which broadcast reproduction right subsist or any substantial part of such programme, shall not take effect unless the person to whom such licence is granted has also obtained a licence to make records recording the work embodied in such programme from the owner of the copyright in such work.

39. Other rights not affected.—For the removal of doubts, it is hereby declared that the broadcast reproduction right conferred upon a broadcasting authority under this Chapter shall not affect the copyright—

- (a) in any literary, dramatic or musical work which is broadcast by that authority; or
(b) in any record recording any work.

CHAPTER IX

INTERNATIONAL COPYRIGHT

40. Power to extend copyright to foreign works.—The Central Government may, by order published in the Official Gazette, direct that all or any provisions of this Act shall apply—

- (a) to work first published in any territory outside India to which the order relates in like manner as if they were first published within India;
(b) to unpublished works, or any class thereof, the authors whereof were at the time of the making of the work, subjects or citizens of a foreign country to which the order relates, in like manner as if the authors were citizens of India;

(c) in respect of domicile in any territory outside India to which the order relates in like manner as if such domicile were in India;
(d) to any work of which the author was at the date of the first publication thereof, or, in a case where the author was dead at that date, was at the time of his death, a subject or citizen of a foreign country to which the order relates in like manner as if the author was a citizen of India at that date or time; and thereupon, subject to the provisions of this Chapter and of the order, this Act shall apply accordingly:

Provided that—

- (i) before making an order under this section in respect of any foreign country other than a country with which India has entered into a treaty or which is a party to a convention relating to copyright to which India is also a party, the Central Government shall be satisfied that that foreign country has made, or has undertaken to make, such provision, if any, as it appears to the Central Government expedient to require for the protection in that country of works entitled to copyright under the provisions of this Act;
- (ii) the order may provide that the provisions of this Act shall apply either generally or in relation to such classes of works or such classes of cases as may be specified in the order;
- (iii) the order may provide that the term of copyright in India shall not exceed that conferred by the law of the country to which the order relates;
- (iv) the order may provide that the enjoyment of the rights conferred by this Act shall be subject to the accomplishment of such conditions and formalities, if any, as may be prescribed by the order;
- (v) in applying the provisions of this Act as to ownership of copyright, the order may make such exceptions and modifications as appear necessary, having regard to the law of the foreign country;
- (vi) the order may provide that this Act or any part thereof shall not apply to works made before the commencement of the order or that this Act or any part thereof shall not apply to works first published before the commencement of the order.

41. Provisions as to works of certain international organisations.—(1) Where—

- (a) any work is made or first published by or under the direction or control of any organisation to which this section applies, and
- (b) there would be apart from this section, no copyright in the work

in India at the time of the making or, as the case may be, of the first publication thereof, and

(c) either—

(i) the work is published as aforesaid in pursuance of an agreement in that behalf with the author, being an agreement which does not reserve to the author the copyright, if any, in the work, or

(ii) under Section 17 any copyright in the work would belong to the organisation,

there shall, by virtue of this section, be copyright in the work throughout India.

(2) Any organisation to which this section applies which at the material time had not the legal capacity of a body corporate shall have and be deemed at all material times to have had the legal capacity of body corporate for the purpose of holding, dealing with, and enforcing copyright and in connection with all legal proceedings relating to copyright.

(3) The organisations to which this section applies are such organisations as the Central Government may, by order published in the Official Gazette, declare to be organisations of which one or more sovereign powers or the Government or Governments thereof are members to which it is expedient that this section shall apply.

42. Power to restrict rights in works of foreign authors first published in India.—If it appears to the Central Government that a foreign country does not give or has not undertaken to give adequate protection to the works of Indian authors, the Central Government may, by order published in the Official Gazette, direct that such of the provisions of this Act as confer copyright on works first published in India shall not apply to works, published after the date specified in the order, the authors whereof are subjects or citizens of such foreign country and are not domiciled in India, and thereupon those provisions shall not apply to such works.

43. Orders under this Chapter to be laid before Parliament.—Every order made by the Central Government under this Chapter shall, as soon as may be after it is made, be laid before both Houses of Parliament and shall be subject to such modifications as Parliament may make during the session in which it is so laid or the session immediately following.

CHAPTER X

REGISTRATION OF COPYRIGHT

44. Register of Copyrights.—There shall be kept at the Copyright Office a register in the prescribed form to be called the Register of Copyrights

in which may be entered the names or titles of works and the names and addresses of authors, publishers and owners of copyright and such other particulars as may be prescribed.

45. Entries in Register of Copyrights.—(1) The author or publisher of, or the owner of or other person interested in the copyright in, any work may make an application in the prescribed form accompanied by the prescribed fee to the Registrar of Copyrights for entering particulars of the work in the Register of Copyrights:

²⁹[Provided that in respect of an artistic work which is used or is capable of being used in relation to any goods, the application shall include a statement to that effect and shall be accompanied by a certificate from the Registrar of Trade Marks referred to in Section 4 of the Trade and Merchandise Marks Act, 1958 (43 of 1958), to the effect that no trade mark identical with or deceptively similar to such artistic work has been registered under that Act in the name of, or that no application has been made under that Act for such registration by, any person other than the applicant.]

(2) On receipt of an application in respect of any work under sub-section (1), the Registrar of Copyrights may, after holding such inquiry as he may deem fit, enter the particulars of the work in the Register of Copyrights.

46. Indexes.—There shall be also kept at the Copyright Office such indexes of the Register of Copyrights, as may be prescribed.

47. Form and inspection of register.—The Register of Copyrights and indexes thereof kept under this Act shall at all reasonable times be open to inspection, and any person shall be entitled to take copies of, or make extracts from, such register or indexes on payment of such fee and subject to such conditions, as may be prescribed.

48. Register of Copyrights to be prima facie evidence of particulars entered therein.—The Register of Copyrights shall be *prima facie* evidence of the particulars entered therein and documents purporting to be copies of any entries therein, or extracts therefrom certified by the Registrar of Copyrights and sealed with the seal of the Copyright Office shall be admissible in evidence in all courts without further proof or production of the original.

49. Correction of entries in the Register of Copyrights.—The Registrar of Copyrights may, in the prescribed cases and subject to the prescribed conditions, amend or alter the Register of Copyrights by—

29. Ins. by Act 23 of 1983, S. 16, w.e.f. 9-8-1984.

- (a) correcting any error in any name, address or particulars; or
- (b) correcting any other error which may have arisen therein by accidental slip or omission.

50. Rectification of Register by Copyright Board.—The Copyright Board, on application of the Registrar of Copyrights or of any person aggrieved, shall order the rectification of the Register of Copyrights by—

- (a) the making of any entry wrongly omitted to be made in the register, or
- (b) the expunging of any entry wrongly made in, or remaining on, the register, or
- (c) the correction of any error or defect in the register.

30[50-A. Entries in the Register of Copyrights, etc., to be published.]—Every entry made in the Register of Copyrights or the particulars of any work entered under Section 45, the correction of every entry made in such register under Section 49, and every rectification ordered under Section 50, shall be published by the Registrar of Copyrights in the Official Gazette or in such other manner, as he may deem fit.]

CHAPTER XI

INFRINGEMENT OF COPYRIGHT

51. When copyright infringed.—Copyright in a work shall be deemed to be infringed—

- (a) when any person, without a licence granted by the owner of the Copyright or the Registrar of Copyrights under this Act or in contravention of the conditions of a licence so granted or of any condition imposed by a competent authority under this Act—
 - (i) does anything, the exclusive right to do which is by this Act conferred upon the owner of the copyright, or
 - (ii) permits for profit any place to be used for the performance of the work in public where such performance constitutes an infringement of the copyright in the work unless he was not aware and had no reasonable ground for believing that such performance would be an infringement of copyright, or
- (b) when any person—
 - (i) makes for sale or hire, or sells or lets for hire, or by way of trade displays or offers for sale or hire, or

30. *Ins. by Act 23 of 1963, S. 17, w.e.f. 9-8-1964.*

- (ii) distributes either for the purpose of trade or to such an extent as to affect prejudicially the owner of copyright, or
- (iii) by way of trade exhibits in public, or
- (iv) imports ^{30a}[* * * *] into India,
any infringing copies of the work;

^{30b}[Provided that nothing in sub-clause (iv) shall apply to the import of two copies of any work, other than a cinematograph film or record, for the private and domestic use of the importer.]

Explanation.—For the purposes of this section, the reproduction of a literary, dramatic, musical or artistic work in the form of a cinematograph film shall be deemed to be an “infringing copy”.

52. Certain acts not to be infringement of copyright.—(1) The following acts shall not constitute an infringement of copyright, namely—

- (a) a fair dealing with a literary, dramatic, musical or artistic work for the purposes of—
 - (i) research or private study;
 - (ii) criticism or review, whether of that work or of any other work;
- (b) a fair dealing with a literary, dramatic, musical or artistic work for the purpose of reporting current events—
 - (i) in a newspaper, magazine or similar periodical, or
 - (ii) by ³¹[broadcast] or in a cinematograph film or by means of photographs;
- (c) the reproduction of a literary, dramatic, musical or artistic work for the purpose of a judicial proceeding or for the purpose of a report of a judicial proceeding;
- (d) the reproduction or publication of a literary, dramatic, musical or artistic work in any work prepared by the Secretariat of Legislature or, where the Legislature consists of two Houses, by the Secretariat of either House of the Legislature, exclusively for the use of the members of that Legislature;
- (e) the reproduction of any literary, dramatic or musical work in a certified copy made or supplied in accordance with any law for the time being in force;
- (f) the reading or recitation in public of any reasonable extract from a published literary or dramatic work;

30a. Omitted by Act 65 of 1984 w.e.f. 8-10-1984.

30b. Ins. by Act 65 of 1984 w.e.f. 8-10-1984.

31. Subs. by Act 23 of 1983, S. 2, w.e.f. 9-8-1984.

32. Ins. by Act 23 of 1983, S. 18, w.e.f. 9-8-1984.

- (g) the publication in a collection, mainly composed of non-copyright matter, *bona fide* intended for the use of educational institutions and so described in the title and in any advertisement issued by or on behalf of the publisher, of short passages from published literary or dramatic works, not themselves published for the use of educational institutions, in which copyright subsists:

Provided that not more than two such passages from works by the same author are published by the same publisher during any period of five years.

Explanation.—In the case of a work of joint authorship, references in this clause to passages from works shall include references to passages from works by any one or more of the authors of those passages or by any one or more of those authors in collaboration with any other person;

- (h) the reproduction of a literary, dramatic, musical or artistic work—
(i) by a teacher or a pupil in the course of instruction; or
(ii) as part of the questions to be answered in an examination; or
(iii) in answers to such questions;
(i) the performance, in the course of the activities of an educational institution, of a literary, dramatic or musical work by the staff and students of the institution, or of a cinematograph film or a record, if the audience is limited to such staff and students, the parents and guardians of the students and persons directly connected with activities of the institution;
(j) the making of records in respect of any literary, dramatic or musical work, if—
(i) records recording that work have previously been made by, or with the licence or consent of, the owner of the copyright in the work; and
(ii) the person making the records has given the prescribed notice of his intention to make the records, and has paid in the prescribed manner to the owner of the copyright in the work royalties in respect of all such records to be made by him, at the rate fixed by the Copyright Board in this behalf:

Provided that in making the records such person shall not make any alterations in, or omissions from, the work, unless records recording the work subject to similar alterations and omissions have been previously made by, or with the licence or consent of, the owner of the copyright or unless such alterations and omissions are reasonably necessary for the adaptation of the work to the records in question;

- (k) the causing of a recording embodied in a record to be heard in public by utilising the record,—
 - (i) at any premises where persons reside, as part of the amenities provided exclusively or mainly for residents therein, or
 - (ii) as part of the activities of a club, society or other organisation which is not established or conducted for profit;
- (l) the performance of a literary, dramatic or musical work by an amateur club or society, if the performance is given to a non-paying audience, or for the benefit of a religious institution;
- (m) the reproduction in a newspaper, magazine or other periodical of an article on current economic, political, social or religious topics, unless the author of such article has expressly reserved to himself the right of such reproduction;
- (n) the publication in a newspaper, magazine or other periodical of a report of a lecture delivered in public;
- (o) the making of not more than three copies of a book (including a pamphlet, sheet of music, map, chart or plan) by or under the direction of the person in charge of a public library for the use of the library if such book is not available for sale in India;
- (p) the reproduction, for the purpose of research or private study or with a view to publication, of an unpublished literary, dramatic or musical work kept in a library, museum or other institution to which the public has access:

Provided that where the identity of the author of any such work, or, in the case of a work of joint authorship, of any of the authors is known to the library, museum or other institution, as the case may be, the provisions of this clause shall apply only if such reproduction is made at a time more than fifty years from the date of the death of the author or, in the case of a work of joint authorship, from the death of the author whose identity is known or, if the identity of more authors than one is known, from the death of such of those authors who dies last;

- (q) the reproduction or publication of—
 - (i) any matter which has been published in any Official Gazette except an Act of a Legislature;
 - (ii) any Act of a Legislature subject to the condition that such Act is reproduced or published together with any commentary thereon or any other original matter;
 - (iii) the report of any committee, commission, council, board or other like body appointed by the Government if such report has been laid on the Table of the Legislature, unless the reproduction or publication of such report is prohibited by the Government;

- (iv) any judgement or order of a court, tribunal or other judicial authority, unless the reproduction or publication of such judgment or order is prohibited by the court, the tribunal or other judicial authority, as the case may be;
- (r) the production or publication of a translation in any Indian language of an Act of a Legislature and of any rules or orders made thereunder—
 - (i) if no translation of such Act or rules or orders in that language has previously been produced or published by the Government; or
 - (ii) where a translation of such Act or rules or orders in that language has been produced or published by the Government, if the translation is not available for sale to the public:

Provided that such translation contains a statement at a prominent place to the effect that the translation has not been authorised or accepted as authentic by the Government;
- (s) the making or publishing of a painting, drawing, engraving or photograph of an architectural work of art;
- (t) the making or publishing of a painting, drawing, engraving or photograph of a sculpture, or other artistic work falling under sub-clause (iii) of clause (e) of Section 2, if such work is permanently situate in a public place or any premises to which the public has access;
- (u) the inclusion in a cinematograph film of—
 - (i) any artistic work permanently situate in a public place or any premises to which the public has access; or
 - (ii) any other artistic work, if such inclusion is only by way of background or is otherwise incidental to the principal matters represented in the film;
- (v) the use by the author of an artistic work where the author of such work is not the owner of the copyright therein, of any mould, cast, sketch, plan, model or study made by him for the purpose of the work:

Provided that he does not thereby repeat or imitate the main design of the work;
- (w) the making of an object of any description in three dimensions of an artistic work in two dimensions, if the object would not appear, to persons who are not experts in relation to objects of that description, to be a reproduction of the artistic work;
- (x) the reconstruction of a building or structure in accordance with the architectural drawings or plans by reference to which the building or structure was originally constructed:

Provided that the original construction was made with the consent or licence of the owner of the copyright in such drawings and plans;

- (j) in relation to a literary, dramatic or musical work recorded or reproduced in any cinematograph film, the exhibition of such film after the expiration of the term of copyright therein:

Provided that provisions of sub-clause (ii) of clause (a), sub-clause (i) of clause (b) and clauses (d), (f), (g), (m), and (p) shall not apply as respects any act unless that act is accompanied by an acknowledgment—

- (i) identifying the work by its title or other description; and
(ii) unless the work is anonymous or the author of the work has previously agreed or required that no acknowledgment of his name should be made, also identifying the author.

- (2) The provisions of sub-section (1) shall apply to the doing of any act in relation to the translation of a literary, dramatic or musical work or the adaptation of a literary, dramatic, musical or artistic work as they apply in relation to the work itself.

^{32a}[**52-A. Particulars to be included in records and video films.**]—(1) No person shall publish a record in respect of any work unless the following particulars are displayed on the record and on any container thereof, namely—

- (a) the name and address of the person who has made the record;
(b) the name and address of the owner of the copyright in such work; and
(c) the year of its first publication.

- (2) No person shall publish a video film in respect of any work unless the following particulars are displayed in the video film, when exhibited, and on the video cassette or other container thereof, namely—

- (a) if such work is a cinematograph film required to be certified for exhibition under the provisions of the Cinematograph Act, 1952 (32 of 1952), a copy of the certificate granted by the Board of Film Certification under Section 5-A of that Act in respect of such work;
(b) the name and address of the person who has made the video film and a declaration by him that he has obtained the necessary licence or consent from the owner of the copyright in such work for making such video film; and
(c) the name and address of the owner of the copyright in such work.]

32a. Ins. by Act 65 of 1984 w.e.f. 8-10-1984.

53. Importation of infringing copies.—(1) The Registrar of Copyrights, on application by the owner of the copyright in any work or by his duly authorised agent and on payment of the prescribed fee, may, after making such inquiry as he deems fit, order that copies made out of India of the work which if made in India would infringe copyright shall not be imported.

(2) Subject to any rule made under this Act, the Registrar of Copyright or any person authorised by him in this behalf may enter any ship, dock or premises where any such copies as are referred to in sub-section (1) may be found and may examine such copies.

(3) All copies to which any order made under sub-section (1) applies shall be deemed to be goods of which the import has been prohibited or restricted ³³[under Section 11 of the Customs Act, 1962 (51 of 1962)] and all the provisions of that Act shall have effect accordingly:

Provided that all such copies confiscated under the provisions of the said Act shall not vest in the Government but shall be delivered to the owner of the copyright in the work.

CHAPTER XII

CIVIL REMEDIES

54. Definition.—For the purposes of this Chapter, unless the context otherwise requires, the expression "owner of copyright" shall include—

- (a) an exclusive licensee;
- (b) in the case of an anonymous or pseudonymous literary, dramatic, musical or artistic work, the publisher of the work, until the identity of the author or in the case of an anonymous work of joint authorship, or a work of joint authorship published under names all of which are pseudonymous, the identity of any of the authors, is disclosed publicly by the author and the publisher or is otherwise established to the satisfaction of the Copyright Board by that author or his legal representatives.

55. Civil remedies for infringement of copyright.—(1) Where copyright in any work has been infringed, the owner of the copyright shall, except as otherwise provided by this Act, be entitled to all such remedies by way of injunction, damages, accounts and otherwise as are or may be conferred by law for the infringement of a right:

Provided that if the defendant proves that at the date of the infringement he was not aware and had no reasonable ground for believing that copyright subsisted in the work, the plaintiff shall not be entitled to any

^{33.} Subs. by Act 23 of 1983, S. 19, w.e.f. 9-8-1984.

remedy other than an injunction in respect of the infringement and a decree for the whole or part of the profits made by the defendant by the sale of the infringing copies as the court may in the circumstances deem reasonable.

(2) Where, in the case of a literary, dramatic, musical or artistic work, a name purporting to be that of the author or the publisher, as the case may be, appears on copies of the work as published, or, in the case of an artistic work, appeared on the work when it was made, the person whose name so appears or appeared shall, in any proceeding in respect of infringement of copyright in such work, be presumed, unless the contrary is proved, to be the author or the publisher of the work, as the case may be.

(3) The costs of all parties in any proceedings in respect of the infringement of copyright shall be in the discretion of the court.

56. Protection of separate rights.—Subject to the provisions of this Act, where the several rights comprising the copyright in any work are owned by different persons, the owner of any such right shall, to the extent of that right, be entitled to the remedies provided by this Act and may individually enforce such right by means of any suit, action or other proceeding without making the owner of any other right a party to such suit, action or proceeding.

57. Author's special rights.—(1) Independently of the author's copyright, and even after the assignment either wholly or partially of the said copyright, the author of a work shall have the right to claim the authorship of the work as well as the right to restrain, or claim damages in respect of,—

(a) any distortion, mutilation or other modification of the said work;
or

(b) any other action in relation to the said work which would be prejudicial to his honour or reputation.

(2) The right conferred upon an author of a work by sub-section (1), other than the right to claim authorship of the work, may be exercised by the legal representative of the author.

58. Rights of owner against persons possessing or dealing with infringing copies.—All infringing copies of any work in which copyright subsists and all plates used or intended to be used for the production of such infringing copies, shall be deemed to be the property of the owner on the copyright, who accordingly may take proceedings for the recovery of possession thereof or in respect of the conversion thereof:

Provided that the owner of the copyright shall not be entitled to any

remedy in respect of the conversion of any infringing copies, if the opponent proves—

- (a) that he was not aware and had no reasonable ground to believe that copyright subsisted in the work of which such copies are alleged to be infringing copies; or
- (b) that he had reasonable grounds for believing that such copies or plates do not involve infringement of the copyright in any work.

59. Restriction on remedies in the case of works of architecture.—(1) Notwithstanding anything contained in³⁴[the Specific Relief Act, 1963 (47 of 1963)] where the construction of a building or other structure which infringes or which, if completed, would infringe the copyright in some other work has been commenced, the owner of the copyright shall not be entitled to obtain an injunction to restrain the construction of such building or structure or to order its demolition.

(2) Nothing in Section 58 shall apply in respect of the construction of a building or other structure which infringes or which, if completed, would infringe the copyright in some other work.

60. Remedy in the case of groundless threat of legal proceedings.—Where any person claiming to be the owner of copyright in any work, by circulars, advertisements or otherwise, threatens any other person with any legal proceedings or liability in respect of an alleged infringement of the copyright, any person aggrieved thereby may notwithstanding anything contained³⁵[in Section 34 of the Specific Relief Act, 1963 (47 of 1963)] institute a declaratory suit that the alleged infringement to which the threats related was not in fact an infringement of any legal rights of the person making such threats and may in any such suit—

- (a) obtain an injunction against the continuance of such threats; and
- (b) recover such damages, if any, as he has sustained by reason of such threats:

Provided that this section shall not apply if the person making such threats, with due diligence, commences and prosecutes an action for infringement of the copyright claimed by him.

61. Owner of copyright to be party to the proceeding.—(1) In every civil suit or other proceeding regarding infringement of copyright instituted by an exclusive licensee, the owner of the copyright shall, unless the court otherwise directs, be made a defendant and where such owner is made a defendant, he shall have the right to dispute the claim of the exclusive licensee.

^{34.} Subs. by Act 23 of 1983, S. 20, w.e.f. 9-8-1984.
^{35.} Subs. by Act 23 of 1983, S. 21, w.e.f. 9-8-1984.

(2) Where any civil suit or other proceeding regarding infringement of copyright instituted by an exclusive licensee is successful, no fresh suit or other proceeding in respect of the same cause of action shall lie at the instance of the owner of the copyright.

62. Jurisdiction of court over matters arising under this Chapter.—(1) Every suit or other civil proceeding arising under this Chapter in respect of the infringement of copyright in any work or the infringement of any other right conferred by this Act shall be instituted in the district court having jurisdiction.

(2) For the purpose of sub-section (1), a "district court having jurisdiction" shall, notwithstanding anything contained in the Code of Civil Procedure, 1908 (5 of 1908) or any other law for the time being in force, include a district court within the local limits of whose jurisdiction, at the time of the institution of the suit or other proceeding, the person instituting the suit or other proceeding or, where there are more than one such persons, any of them actually and voluntarily resides or carries on business or personally works for gain.

CHAPTER XIII

OFFENCES

63. Offence of infringement of copyright or other rights conferred by this Act.—Any person who knowingly infringes or abets the infringement of—

- (a) the copyright in a work, or
- (b) any other right conferred by this Act,

³⁶[shall be punishable with 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 fifty thousand rupees but which may extend to two lakh rupees:

Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than six months or a fine of less than fifty thousand rupees.]

Explanation.—Construction of a building or other structure which infringes or which, if completed, would infringe the copyright in some other work shall not be an offence under this section.

³⁷[**63-A. Enhanced penalty on second and subsequent convictions.**—Whoever having already been convicted of an offence under Section 63 is again convicted of any such offence shall be punishable for the second and for every subsequent offence, with imprisonment for a term which shall

36. Sds. by Act 65 of 1984 w.e.f. 8-10-1984.

37. Ins. by Act 65 of 1984 w.e.f. 8-10-1984.

not be less than one year but which may extend to three years and with fine which shall not be less than one lakh rupees but which may extend to two lakh rupees:

Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than one year or a fine of less than one lakh rupees:

Provided further that for the purposes of this section, no cognizance shall be taken of any conviction made before the commencement of the Copyright (Amendment) Act, 1984.]

64. Power of police to seize infringing copies.—^{37a}[(1) Any police officer, not below the rank of a sub-inspector, may, if he is satisfied that an offence under Section 63 in respect of the infringement of copyright in any work has been, is being, or is likely to be, committed, seize without warrant, all copies of the work, and all plates used for the purpose of making infringing copies of the work, wherever found, and all copies and plates so seized shall, as soon as practicable, be produced before a Magistrate.]

(2) Any person having an interest in any copies of a work^{37a} [or plates] seized under sub-section (1) may, within fifteen days of such seizure, make an application to the magistrate for such copies^{37a} [or plates] being restored to him and the magistrate, after hearing the applicant and the complainant and making such further inquiry, as may be necessary, shall make such order on the application, as he may deem fit.

65. Possession of plates for purpose of making infringing copies.—Any person who knowingly makes, or has in his possession, any plate for the purpose of making infringing copies of any work in which copyright subsists shall be punishable with imprisonment which may extend to³⁸ [two years and shall also be liable to fine].

66. Disposal of infringing copies or plates for purpose of making infringing copies.—The court trying any offence under this Act may, whether the alleged offender is convicted or not, order that all copies of the work or all plates in the possession of the alleged offender, which appear to it to be infringing copies, or plates for the purpose of making infringing copies, be delivered up to the owner of the copyright.

67. Penalty for making false entries in register, etc., for producing or tendering false entries.—Any person who,—

- (a) makes or causes to be made a false entry in the Register of Copyrights kept under this Act, or

^{37a.} Subs. by Act 23 of 1983, Section 22, w.e.f. 9-10-1984.
^{38.} Subs. by Act 65 of 1984 w.e.f. 8-10-1984.

- (b) makes or causes to be made a writing falsely purporting to be a copy of any entry in such register, or
- (c) produces or tenders or causes to be produced or tendered as evidence any such entry or writing, knowing the same to be false, shall be punishable with imprisonment which may extend to one year, or with fine, or with both.

68. Penalty for making false statements for the purpose of deceiving or influencing any authority or officer.—Any person who,—

- (a) with a view to deceiving any authority or officer in the execution of the provisions of this Act, or
- (b) with a view to procuring or influencing the doing or omission of anything in relation to this act or any matter thereunder,

makes a false statement or representation knowing the same to be false, shall be punishable with imprisonment which may extend to one year, or with fine or with both.

³³[68-A. Any person who publishes a record or a video film in contravention of the provisions of Section 52-A shall be punishable with imprisonment which may extend to three years and shall also be liable to fine.]

69. Offences by companies.—(1) Where any offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of and was responsible to the company for, the conduct of the business of the company, as well as the company shall be deemed to be guilty of such offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company, and it is proved that the offence was committed with the consent or connivance of, or is attributable to any negligence on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section—

- (a) “company” means any body corporate and includes a firm or other association of persons; and
- (b) “director” in relation to a firm means a partner in the firm.

39. Ins. by Act 65 of 1984 w.e.f. 8-10-1984.

70. Cognizance of offences.—No court inferior to that of [a Metropolitan Magistrate or Judicial Magistrate of the first class] shall try any offence under this Act.

CHAPTER XIV

APPEALS

71. Appeals against certain orders of magistrate.—Any person aggrieved by an order made under sub-section (2) of Section 64 or Section 66 may, within thirty days of the date of such order, appeal to the court to which appeals from the court making the order ordinarily lie, and such appellate court may direct that execution of the order be stayed pending disposal of the appeal.

72. Appeals against orders of Registrar of Copyrights and Copyright Board.—(1) Any person aggrieved by any final decision or order of the Registrar of Copyrights may, within three months from the date of the order or decision, appeal to the Copyright Board.

(2) Any person aggrieved by any final decision or order of the Copyright Board, not being a decision or order made in an appeal under sub-section (1), may within three months from the date of such decision or order, appeal to the High Court within whose jurisdiction the appellant actually and voluntarily resides or carries on business or personally works for gain:

Provided that no such appeal shall lie against a decision of the Copyright Board under Section 6.

(3) In calculating the period of three months provided for an appeal under this section, the time taken in granting a certified copy of the order or record of the decision appealed against shall be excluded.

73. Procedure for appeals.—The High Court may make rules consistent with this Act as to the procedure to be followed in respect of appeals made to it under Section 72.

CHAPTER XV

MISCELLANEOUS

74. Registrar of Copyrights and Copyright Board to possess certain powers of civil courts.—The Registrar of Copyrights and the Copyright Board shall have the powers of a civil court when trying a suit

under the Code of Civil Procedure, 1908 (5 of 1908), in respect of the following matters, namely—

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) issuing commissions for the examination of witnesses or documents;
- (e) requisitioning any public record or copy thereof from any court or office;
- (f) any other matter which may be prescribed.

Explanation.—For the purpose of enforcing the attendance of witnesses, the local limits of the jurisdiction of the Registrar of Copyrights or the Copyright Board, as the case may be, shall be the limits of the territory of India.

75. Orders for payment of money passed by Registrar of Copyrights and Copyright Board to be executable as a decree.—Every order made by the Registrar of Copyrights or the Copyright Board under this Act for the payment of any money or by the High Court in any appeal against any such order of the Copyright Board shall, on a certificate issued by the Registrar of Copyrights, the Copyright Board or the Registrar of the High Court, as the case may be, deemed to be a decree of a civil court and shall be executable in the same manner as a decree of such court.

76. Protection of action taken in good faith.—No suit or other legal proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done in pursuance of this Act.

77. Certain persons to be public servants.—Every officer appointed under this Act and every member of the Copyright Board shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code (45 of 1860).

78. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules⁴⁰ for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the Central Government may make rules to provide for all or any of the following matters, namely—

- (a) the term of office and conditions of service of the Chairman and other members of the Copyright Board;

40. For the Copyright Rules, 1958, *See Gazette of India, Extra-ordinary, Part II, Section 3, p. 167.*

- (b) the form of complaints and applications to be made, and the licences to be granted, under this Act;
- (c) the procedure to be followed in connection with any proceeding before the Registrar of Copyrights;
- (d) the manner of determining any royalties payable under this Act, and the security to be taken for the payment of such royalties;
- (e) the form of Register of Copyrights to be kept under this Act and the particulars to be entered therein;
- (f) the matters in respect of which the Registrar of Copyrights and the Copyright Board shall have powers of a civil court;
- (g) the fees which may be payable under this Act;
- (h) the regulation of business of the Copyright Office and of all things by this Act placed under the direction or control of the Registrar of Copyrights.

⁴¹[(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

79. Repeals, savings and transitional provisions.—(1) The Indian Copyright Act, 1914 (3 of 1914), and the Copyright Act of 1911 passed by the Parliament of the United Kingdom as modified in its application to India by the Indian Copyright Act, 1914, are hereby repealed.

(2) Where any person has, before the commencement of this Act, taken any action whereby he has incurred any expenditure of liabilities in connection with the reproduction or performance of any work in a manner which at the time was lawful or for the purpose of or with a view to the reproduction or performance of a work at a time when such reproduction or performance would, but for the coming into force of this Act, have been lawful, nothing in this section shall diminish or prejudice any rights or interests arising from or in connection with such action which are subsisting and valuable at the said date, unless the person who by virtue of this Act, becomes entitled to restrain such reproduction or performance agrees to pay such compensation as, failing agreement, may be determined by the Copyright Board.

(3) Copyright shall not subsist by virtue of the Act in any work in which copyright did not subsist immediately before the commencement of this Act under any Act repealed by sub-section (1).

41. Subs. by Act 23 of 1963, Section 23, w.e.f. 9-10-1964.

(4) Where copyright subsisted in any work immediately before the commencement of this Act, the rights comprising such copyright shall, as from the date of such commencement, be the rights specified in Section 14 in relation to the class of works to which such work belongs, and where any new rights are conferred by that section, the owner of such rights shall be,—

- (a) in any case where copyright in the work was wholly assigned before the commencement of this Act, the assignee or his successor-in-interest;
- (b) in any other case, the person who was the first owner of the copyright in the work under any Act repealed by sub-section (1) or his legal representatives.

(5) Except as otherwise provided in this Act, where any person is entitled immediately before the commencement of this Act to copyright in any work or any right in such copyright or to an interest in any such right, he shall continue to be entitled to such right or interest for the period for which he would have been entitled thereto if this Act had not come into force.

(6) Nothing contained in this Act shall be deemed to render any act done before its commencement an infringement of copyright if that act would not otherwise have constituted such an infringement.

(7) Save as otherwise provided in this section, nothing in this section shall be deemed to affect the application of the General Clauses Act, 1897 (10 of 1897), with respect to the effect of repeals.

THE COPYRIGHT RULES, 1958

¹S.R.O. 270, dated the 21st January, 1958.—In exercise of the powers conferred by Section 78 of the Copyright Act, 1957 (14 of 1957) the Central Government hereby makes the following rules, namely:—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(1) These rules may be called the Copyright Rules, 1958.

- (2) They extend to the whole of India.
- (3) They shall come into force on the date on which the Act comes into force.

2. Interpretations.—In these rules, unless the context otherwise requires,—

- (a) "Act" means the Copyright Act, 1957 (14 of 1957);
- (b) "Form" means a form set out in the First Schedule;
- (c) "Schedule" means a Schedule to these rules; and
- (d) "Section" means a section of the Act.

CHAPTER II

THE COPYRIGHT BOARD

3. Terms and conditions of office of the Chairman and members of the Copyright Board.—(1) The Chairman and other members of the Copyright Board shall be appointed for such period not exceeding five years as the Central Government may in each case deem fit.

(2) The Chairman and other members of the Copyright Board shall, on the expiry of the period of their appointment, be eligible for reappointment.

(3) The Chairman or any other member of the Copyright Board may resign his office by giving three months' notice in writing to the Central Government.

(4) The Chairman and other members of the Copyright Board shall be paid such salary or honorarium as may be determined by the Central Government in each case.

(5) A non-official appointed as the Chairman or other member of the Copyright Board shall be entitled to travelling allowances for journeys performed on duty and to daily allowances for the period spent on duty on

1. Published in the Gazette of India, Extra-ordinary, 1958, Pt. II, S. 3, p. 167.

the scale provided in the rules applicable to the class of officers to which the Central Government may declare him to correspond in status:

Provided that it shall be competent for the Central Government to provide a different scale of such allowances if the circumstances of any case so require.

(6) An official appointed as the Chairman or other member of the Copyright Board shall be entitled to such travelling allowances for journeys performed on duty and to such daily allowances for the period spent on duty as may be admissible to him as such official.

(7) The other conditions of service of Ceairman and other members of the Copyright Board shall be regulated by orders made in that behalf by the Central Goverment from time to time.

4. Functions of the Secretary of the Copyright Board.—The Registrar of Copyrights shall perform all secretarial functions relating to the Copyright Board under the direction and control of the Chairman of the Copyright Board.

CHAPTER III

RELINQUISHMENT OF COPYRIGHT

5. Notice of relinquishment.—The author of a work desiring to relinquish under Section 21 all or any of the rights comprised in the copyright in the work shall give notice to the Registrar of Copyrights in accordance with Form I.

CHAPTER IV

LICENCES FOR TRANSLATIONS

6. Application for licence.—(1) An application for a licence under Section 32 to produce and publish a translation of a literary or dramatic work in any language shall be made in triplicate in accordance with Form II and shall be accompanied by the fee prescribed in the Second Schedule.

(2) Every such application shall be in respect of one work only and for translation of that work into one language only.

7. Notice of application.—(1) When any such application has been made, the Copyright Board shall, as soon as possible, give notice of the application in the official Gazette and also, if the Copyright Board thinks fit, in one or two newspapers and shall send a copy of the notice to the owner of the copyright, wherever practicable.

- (2) Every such notice shall contain the following particulars:—
(a) the date of the application;
(b) the name, address and nationality of the applicant;
(c) particulars of the work which is to be translated;
(d) the date and country of the first publication of the work;
(e) the name, address and nationality of the owner of the copyright as stated in the application;
(f) the language in which the work is to be translated; and
(g) the Registration Number of the work in the Register of Copyrights, if any.

8. Consideration of the application.—(1) The Copyright Board shall consider the application after the expiry of not less than one hundred and twenty days from the date of the publication of the notice in the official Gazette.

(2) The Copyright Board shall give an opportunity to the applicant and also, wherever practicable, to any person claiming any interest in the copyright of the work, to be heard and may take such evidence in respect of the application as it thinks fit.

(3) If more than one application for translation of the work in the same language is pending before the Copyright Board at the expiry of one hundred and twenty days after the publication in the official Gazette of the notice of the application first received, all such applications shall be considered together.

(4) If the Copyright Board is satisfied that the licence for a translation of the work in the language applied for may be granted to the applicant, or, if there are more applicants than one, to such one of the applicants as, in the opinion of the Copyright Board, would best serve the interests of the general public, it shall grant a licence accordingly.

(5) Every such licence shall be subject to the condition provided in sub-section (4) of Section 32 relating to the payment of royalties and shall specify—

- (a) the period within which the translation shall be produced and published;
- (b) the language in which the translation shall be produced and published;
- (c) the rate at which royalties in respect of the copies of the translation of the work sold to the public shall be paid to the owner of the copyright in the work; and
- (d) the person or persons to whom such royalties shall be payable.

(6) The grant of every such licence shall, as soon as possible, be notified in the official Gazette and in the newspapers, if any, in which the notice

under Rule 7 was published and a copy of the licence shall be sent to the other parties concerned.

9. Manner of determining royalties—The Copyright Board shall determine the royalties payable to the owner of the copyright under sub-section (4) of Section 32 after taking into consideration—

- (a) the proposed retail price of a copy of the translation of the work;
- (b) the prevailing standards of royalties in regard to translation of works; and
- (c) such other matters as may be considered relevant by the Copyright Board.

10. Extension of the period of licence.—The Copyright Board may, on the application of the licensee and after notice to the owner of the copyright, wherever practicable, if it is satisfied that the licensee was for sufficient reasons unable to produce and publish the translation within the period specified in the licence, extend such period.

11. Cancellation of licence.—The Copyright Board may, after giving the licensee an opportunity of being heard, cancel the licence on any of the following grounds, namely:—

- (a) that the licensee has failed to produce and publish the translation within the time specified in the licence or within the time extended on the application of the licensee;
- (b) that the licence was obtained by fraud or misrepresentation as to any essential fact;
- (c) that the licensee contravened any of the terms and conditions of the licence.

¹[CHAPTER IV-A]

COMPULSORY LICENCE FOR PUBLICATION OF UNPUBLISHED WORKS, TRANSLATION AND REPRODUCTION OF WORK

II-A. Application for licence.—An application for a licence under Section 31-A, sub-section (I-A) of Section 32 and Section 32-A to publish any unpublished work or to translate any work in any language or to reproduce any published work shall be made in triplicate in accordance with Form II-A and shall be accompanied by the fee prescribed in the Second Schedule.

1. Chapter IV-A inserted by Noti. No. GSR 602(E) dt. 9-8-1984 (1985 CCL-III-80).

11-B. Every such application shall be in respect of one work only and in respect of translation of a work into one language only.

11-C. Notice of application.—(1) A copy of such application shall be served by registered mail on the owner of copyright and if the owner of such copyright is not known or is not traceable, a copy of the application shall be served on the publisher whose name appears on the work.

(2) The Copyright Board shall give an opportunity to the applicant and also, wherever practicable, to any person claiming any interest in the copyright of the work, to be heard and may take such evidence in respect of the application as it thinks fit.

(3) If more than one application for translation of the work in the same language or for reproduction of the work or for publication of any unpublished work is pending before the Copyright Board, all such applications shall be considered together.

(4) If the Copyright Board is satisfied that the licence for a translation of the work in the language or for reproduction of the work or for publication of unpublished work applied for may be granted to the applicant, or if there are more applicants than one, to such one of the applicants, as in the opinion of the Copyright Board, would best serve the interests of the general public, it shall grant a licence accordingly.

(5) Every such licence shall be subject to the conditions provided in sub-section (7) of Section 31-A, clause (i) of sub-section (4) of Section 32 and clause (i) of sub-section (4) of Section 32-A relating to payment of royalties and shall specify:—

- (a) the period within which such work shall be published;
- (b) the rate at which royalties in respect of the copies of such work sold to the public shall be paid to the owner of the copyright in the work;
- (c) in a case of translation of the work, the language in which the translation shall be produced and published; and
- (d) the person or persons to whom such royalties shall be payable.

(6) The grant of every such licence shall, as soon as possible, be notified in the official Gazette and a copy of the licence shall be sent to the other parties concerned.

11-D. Manner of determining royalties.—The Copyright Board shall determine the royalties payable to the owner of the copyright under sub-section (7) of Section 31-A, clause (i) of sub-section (4) of Section 32 and clause (i) of sub-section (4) of Section 32-A after taking into consideration:

- (a) the proposed retail price of a copy of such work;
- (b) the prevailing standards of royalties in regard to such works; and

(c) such other matters as may be considered relevant by the Copyright Board.

11-E. Extension of the period of licence.—The Copyright Board may, on the application of the licensee and after notice to the owner of the copyright, wherever practicable, if it is satisfied that the licensee was for sufficient reasons unable to produce and publish the translation or reproduce the work or publish the unpublished work within the period specified in the licence, extend such period.

11-F. Cancellation of licence.—The Copyright Board may, after giving the licensee an opportunity of being heard, cancel the licence on any of the following grounds, namely:

- (a) that the licensee has failed to produce and publish such work within the time specified in the licence or within the time extended on the application of the licensee;
- (b) that the licence was obtained by fraud or misrepresentation as to any essential fact;
- (c) that the licensee has contravened any of the terms and conditions of the licence.

11-G. Notice for termination of licence.—Notice for termination of licence under proviso to sub-section (1) or sub-section (2) of Section 32-B shall be served on the person holding the licence by the owner of copyright in Form II-B of the First Schedule to these rules.]

CHAPTER V

PERFORMING RIGHTS SOCIETIES

12. Publication of statement of fees, etc.—(1) Every performing rights society having at the commencement of the Act authority to grant licences for performance in public of any works shall, within three months of the commencement of the Act or within such further period as the Registrar of Copyrights may, for sufficient reasons, allow in respect of any such society on an application made by it in this behalf, prepare and publish, at its own cost, in the official Gazette and in two newspapers in the English language published in two different zones, the statements of all fees, charges or royalties which it proposes to collect for the grant of such licences.

(2) Every performing rights society shall, within one month of its acquiring after the commencement of the Act the authority to grant licences for performance in public of any works or within such further period as the Registrar of Copyrights may, for sufficient reasons, allow in respect of any such society on an application made by it in this behalf, prepare and

publish, at its own cost, in the official Gazette, and in two newspapers in the English language published in two different zones, the statements of all fees, charges or royalties which it proposes to collect for the grant of such licences.

(3) Every performing rights society shall file with the Registrar of Copyrights two copies of the statements prepared under sub-rule (1) or sub-rule (2) within the time specified therein, together with two copies of each of the newspapers in which statements have been published.

Explanation.—In this rule “zone” shall have the same meaning as in Section 12.

13. Determination of objections.—The Copyright Board may take such evidence as it deems fit in determining any objection lodged under Section 34.

14. Publication of alterations in the statements of fees, etc.—The Registrar of Copyrights shall publish the alterations made by the Copyright Board in the statements of fees, charges or royalties in the official Gazette and in the two newspapers in which the original statements were published under Rule 12 or in such other newspapers as he may deem fit.

CHAPTER VI

REGISTRATION OF COPYRIGHT

15. Form of Register of Copyrights.—(1) The Register of Copyrights shall be kept in four parts as follows:

Part I. Literary, Dramatic and Musical Works.

Part II. Artistic Works.

Part III. Cinematograph Films.

Part IV. Records.

(2) The Register of Copyrights shall contain the particulars specified in Form III.

16. Application for Registration of Copyright.—(1) Every application for registration of copyright shall be made in accordance with Form IV and every application for registration of changes in the particulars of copyright entered in the Register of Copyrights shall be made in accordance with Form V.

(2) Every such application shall be in respect of one work only, shall be made in triplicate and shall be accompanied by the fee specified in the Second Schedule in this behalf.

(3) The person applying for registration shall simultaneously send a copy of the application to every other person interested in the copyright of the work.

(4) If no objection to such registration is received by the Registrar of Copyrights within thirty days of the receipt of the application by him, he shall, if satisfied about the correctness of the particulars given in the application, enter such particulars in the Register of Copyrights.

(5) If the Registrar of Copyrights receives any objections for such registration within the time specified in sub-rule (4), or, if he is not satisfied about the correctness of the particulars given in the application, he may, after holding such inquiry as he deems fit, enter such particulars of the work in the Register of Copyrights as he considers proper.

(6) The Registrar of Copyrights shall, as soon as may be, send, wherever practicable, a copy of the entries made in the Register of Copyrights to the parties concerned.

17. Correction of entries in the Register of Copyrights.—The Registrar of Copyrights may, on his own motion or on application of any interested person, amend or alter the Register of Copyrights in the manner specified in Section 49 after giving, wherever practicable, to the person affected by such amendment or alteration, an opportunity to show cause against such amendment or alteration and communicate to such person the amendment or alteration made.

18. Indexes.—(1) There shall be kept at the Copyright Office the following indexes for each part of the Register of Copyrights, namely:

- (i) a general Author Index;
- (ii) a general Title Index;
- (iii) an Author Index of works in each language; and
- (iv) a Title Index of works in each language.

(2) Every index shall be arranged alphabetically in the form of cards.

19. Inspection of the Register of Copyrights and Indexes.—The Register of Copyrights and Indexes thereof shall at all reasonable times be opened to inspection by any person in such manner and subject to such conditions as the Registrar of Copyrights may specify.

20. Copies and extracts of the Register of Copyrights and Indexes.—(1) Any person shall be entitled to take copies of, or make extracts from, the Register of Copyrights or Indexes on payment of the fee specified in the Second Schedule subject to such supervision as the Registrar of Copyrights may arrange.

(2) The Registrar of Copyrights shall, on an application made in that behalf and on payment of the fee specified in the Second Schedule, furnish a certified copy of any entries made in the Register of Copyrights and Indexes thereof.

CHAPTER VII

MAKING OF RECORDS

21. Making of records.—(1) Any person intending to make records under clause (j) of sub-section (1) of Section 52 shall give notice of such intention to the owner of the copyright and to the Copyright Board at least [fifteen days]¹ in advance of the making of the records and shall pay to the owner of the copyright, along with the notice, the amount of royalties due in respect of all the records to be made at the rate fixed by the Copyright Board in this behalf.

(2) Such notice shall contain the following information, namely:

- (a) the particulars of the work in respect of which records are to be made;
- (b) alterations and omissions, if any, which are proposed to be made for the adaptation of the work to the records;
- (c) the name, address and nationality of the owner of the copyright in the work;
- (d) particulars of the records made previously recording the work;
- (e) the number of records intended to be made; and
- (f) the amount paid to the owner of the copyright in the work by way of royalties and the manner of payment.

CHAPTER VIII

IMPORTATION OF INFRINGING COPIES

22. Importation of infringing copies.—Every application under sub-section (1) of Section 53 shall be made in accordance with Form VI and shall be accompanied by the fee specified in the Second Schedule.

23. Procedure for examination of infringing copies.—The Registrar of Copyrights or the person authorised by him in this behalf shall, in taking action under sub-section (2) of Section 53, act in collaboration with Customs authorities.

1. Sds. by G.S.R. 267, dated 22-4-1958.

CHAPTER IX

MISCELLANEOUS

24. Mode of making applications, etc.—Every application, notice, statement or any other document to be made, given, filed, or sent under the Act or under these Rules may, unless otherwise directed by the authority concerned, be sent by hand or pre-paid registered post.

25. Mode of communication by the Copyright Board, etc.—Every written intimation from the Copyright Board, the Copyright Office or the Registrar of Copyrights shall be deemed to have been duly communicated to any person if such intimation is sent to the known address of such person by pre-paid registered post.

26. Fees.—(1) The fees payable under the Act in respect of any matter shall be as specified in the Second Schedule.

(2) The fees may be paid to the Registrar of Copyrights, New Delhi, by a postal order or a bank draft issued by a Scheduled Bank as defined in the Reserve Bank of India Act, 1934, or by deposit into a Government Treasury or a branch of the Reserve Bank of India or the State Bank of India under the head of account: Major Head—'XLVI—Miscellaneous'. Minor Head 'Naturalisation, Passport and Copyright Fees'.

(3) Postal orders and bank drafts shall be crossed and drawable in New Delhi.

(4) Payment by bank drafts shall not be valid unless the amount of Bank commission is included therein.

(5) Where payment is made by deposit in a Government Treasury or a branch of the Reserve Bank of India or the State Bank of India, the *challan* evidencing the payment shall be sent to the authority concerned by pre-paid registered post.

27. Right of audience.—In any proceedings before the Copyright Board or the Registrar of Copyrights any party may appear and be heard either in person or by a pleader or other person duly authorised by such party.

28. Costs.—The costs of, and incidental to, the proceedings before the Copyright Board or the Registrar of Copyrights shall be in the discretion of the Copyright Board or the Registrar of Copyrights, as the case may be.

FIRST SCHEDULE
FORM I.—*Notice of relinquishment of Copyright*
(See Rule 5)

To

The Registrar of Copyrights,
Copyright Office,
New Delhi

Sir,

In accordance with Section 21 of the Copyright Act, 1957 (14 of 1957), I hereby give notice that, with effect from the date of this notice, I do relinquish, to the extent specified in the enclosed affidavit, my rights in the work described in the said affidavit.

Yours faithfully,

Place:

Date : (Signature)

Form of Affidavit referred to above

I, , of
(full name in block letters)

..... do hereby on
(address)
solemn affirmation state that:

- (1) I am the author of the work described in the statement below;
- (2) I am the owner of the copyright in the said work to the extent specified in the said statement; and
- (3) I do hereby relinquish my rights in the said work to the extent specified in the said statement.

Statement

1. Description of the work:

- (a) Class of the work (Literary, Dramatic, Musical, Artistic, Cinematograph Film, Record).
- (b) Title of the work.
- (c) Full name, address and nationality of the author.
- (d) Language of the work.
- (e) Name, address and nationality of the publisher.
- (f) Year of first publication.

- *If the work has appeared as a serial or otherwise in a journal or magazine, give the name of the journal or magazine, the volume number of the issue, the date and page reference.
- (g) Country of first publication.
 - (h) If the copyright in the work is registered under Section 45, the Registration Number.
2. Rights owned by the deponent on the date of the affidavit.
(If the rights are owned jointly with others, state names, addresses and nationalities of the joint owners.)
 3. Extent to which rights are relinquished.
 4. Reasons for relinquishment of the rights.
(The information given here will be kept strictly confidential.)
 5. Remarks, if any.

Place:

Date :

Signature.....

Solemnly affirmed before me by.....who is known to me
(name of deponent in block letters)
personally/who is identified to me by.....who is known to me
(name of identifier in block letters)
personally.

Place:

Signature and seal of the Magistrate

Date :

FORM II—*Application for a licence for translation*
(See Rule 6)
(To be submitted in triplicate)

To

The Registrar of Copyrights,
Secretary, Copyright Board,
Copyright Office,
New Delhi

Sir,

In accordance with Section 32 of the Copyright Act, 1957 (14 of 1957), I hereby apply to the Copyright Board for a licence to produce and publish

a translation of the work in accordance with the particulars given in the enclosed Statement.

2. I hereby undertake to abide strictly by the terms and conditions of the licence, if granted to me.

Place:

Yours faithfully,

Date :

(Signature)

Statement

1. Full name of the applicant.
(in block letters)
2. Full address and nationality of the applicant.
3. Telegraphic address, if any.
4. Description of the work:
 - (a) Class of the work (Literary, Dramatic, Musical, Artistic, Cinematograph Film, Record).
 - (b) Title of the work.
 - (c) Full name, address and nationality of the author and if the author is deceased, the date of his decease.
 - (d) Language of the work.
- * (e) Name, address and nationality of the publisher.
- * (f) Year of first publication.
- (g) Country of first publication.
- (h) Price of a copy of the work.
- (i) If the copyright in the work is registered under Section 45, the Registration Number.
*If the work has appeared as a serial or otherwise in a journal or magazine, give the name of the journal or magazine, the volume number of the issue, the date and the page reference.
5. Language into which the work is proposed to be translated.
6. Full name, qualifications and address of the translator.
7. Qualifications of the applicant to produce and publish the translation.
8. Number of copies of the translation proposed to be published.
9. Estimated cost of production and publication of the translation.
10. Proposed retail price per copy of the translation.
11. Rate of royalty, which the applicant considers reasonable, to be paid to the copyright owner.
12. Means of the applicant for payment of the royalty.
13. Whether the prescribed fee has been paid and if so, particulars of payment (give Postal Order/Bank Draft/Treasury Challan Number).
14. (a) Full name, address and nationality of the person competent to issue a licence for translation.

- (b) Whether the applicant was able to find the said person.
- *(c) Whether the applicant had requested and had been denied authorisation by the said person to produce and publish the translation.
- *(d) If the applicant was unable to find the owner, whether he had sent a copy of the request for authorisation to the publisher. If so, the date on which the copy was sent.
- *Enclose true copies of correspondence, if any.
15. Whether the author of the work has withdrawn from circulation copies of the work.
16. (a) Whether a translation in the same language has been published before.
- (b) Whether the earlier translation is out of print.
- (c) Full name, address and nationality of the earlier translator and if the said translator is deceased, the date of his decease.
- (d) Title of the earlier translation.
- (e) Full name, address and nationality of the publisher of the earlier translation.
- (f) Year of publication.
- (g) Price per copy of the earlier translation.
- (h) If the earlier translation is registered under Section 45, the Registration Number.
- (i) Rate and amount of royalty paid to the copyright owner in respect of the earlier translation, if known.
17. (a) Whether translation has been made into any language other than the language stated in 5 above.
- (b) Full name, address and nationality of the translator and if the said translator is deceased, the date of his decease.
- (c) Title of the translation.
- (d) Language of the translation.
- (e) Full name, address and nationality of the publisher of the translation.
- (f) Year of publication.
- (g) Price per copy of the translation.
- (h) If the translation is registered under Section 45, the Registration Number.
- (i) Rate and amount of royalty paid to the copyright owner, if known.
18. Remarks, if any.
19. List of enclosures.

Place:

Date :

Signature.....

1 [FORM II-A—*Application for a licence for publication/translation/reproduction*
(See Rule 11-A)
(To be submitted in triplicate)]

To

The Registrar of Copyrights,
Secretary, Copyright Board,
Copyright Office,
New Delhi.

Sir,

In accordance with Section 31/32/32-A of the Copyright (Amendment) Act, 1983 (23 of 1983), I hereby apply to the Copyright Board for a licence to publish an unpublished Indian work, or reproduce a published work or to translate a work in accordance with the particulars given in the enclosed statement.

2. I hereby undertake to abide strictly by the terms and conditions of the licence, if granted to me.

3. I hereby verify that the particulars given in this form are true to the best of my knowledge, belief and information and nothing has been concealed therefrom.

Yours faithfully,

Place:

(Signature)

Date :

Statement

1. Full name of the applicant.....
(In block letters)
2. Full address and nationality of the applicant.
3. Telegraphic address, if any.
4. Description of the work:
 - (a) Class of the work (Literary, Dramatic, Musical, Artistic, Cinematograph Film, Record).
 - (b) Title of the work.
 - (c) Full name, address and nationality of the author and if the author is deceased, the date of his decease.
 - (d) Language of the work.
 - * (e) Name, address and nationality of the publisher.
 - * (f) Year of first and last publication.

1. Form II-A and II-B ins. by Noti. No. G.S.R. 602(E) dt. 9-8-1984 (1985 CCL-III-80).

- (g) Country of first and last publication.
 - (h) Price of a copy of the work.
 - (i) If the copyright in the work is registered under Section 45, the Registration Number.
*(If the work has appeared as a serial or otherwise in a journal or magazine, give the name of the journal or magazine, the volume number of the issue, the date and the page reference.)
5. If the licence is applied for translation, state:
- (a) Language into which the work is proposed to be translated.
 - (b) Full name, qualifications and address of the translator.
 - (c) Qualifications of the applicant to produce and publish the translation.
6. Indicate the purpose for which the licence is required.
7. Number of copies of work proposed to be published under the licence applied for.
8. Estimated cost of the work to be published.
9. Proposed retail price per copy of the work.
10. Rate of royalty, which the applicant considers reasonable, to be paid to the copyright owner.
11. Means of the applicant for payment of the royalty.
12. Whether the prescribed fee has been paid and if so, particulars of payment (give Postal Order/Bank Draft/Treasury Challan Number).
13. (a) Full name, address and nationality of the person competent to issue a licence.
(b) Whether the applicant after due diligence on his part was unable to find the owner.
*(c) Whether the applicant has requested and had been denied authorisation by the said person to produce and publish the translation or reproduce the work or publish the unpublished work.
*(d) If the applicant was unable to find the owner, whether he had sent a copy of the request by registered air mail post to the publisher whose name appears on the work. If so, the date on which the copy was sent.
*(Enclose true copies of correspondence, if any.)
14. Whether the author of the work has withdrawn from circulation copies of the work.
15. In case of application for translation, furnish following additional information:
- (a) Whether a translation in the same language has been published before.
 - (b) Whether the earlier translation is out of print.
 - (c) Full name, address and nationality of the earlier translator and if the said translator is deceased, the date of his decease.
 - (d) Title of the earlier translation.

- (e) Full name, address and nationality of the publisher of the earlier translation.
 - (f) Year of publication.
 - (g) Price per copy of the earlier translation.
 - (h) If the earlier translation is registered under Section 45, the Registration Number.
 - (i) Rate and amount of royalty paid to the copyright owner in respect of the earlier translation, if known.
16. (a) Whether translation has been made into any language other than the language stated in 5 above.
- (b) Full name, address and nationality of the translator and if the said translator is deceased, the date of his decease.
 - (c) Title of the translation.
 - (d) Language of the translation
 - (e) Full name, address and nationality of the publisher of the translation.
 - (f) Year of publication.
 - (g) Price per copy of the translation.
 - (h) If the translation is registered under Section 45, the Registration Number.
 - (i) Rate and amount of royalty paid to the copyright owner, if known.
17. Remarks, if any.
18. List of Enclosures.

Place:

Date :

Signature.....

FORM II-B

(See Rule 11-G)

To

.....
.....
.....

In accordance with proviso to sub-section (1) or (2) of Section 32-B of the Copyright (Amendment) Act, 1983, I hereby give notice, that copies of translation/reproduction of the work given below (mention language) have been published by me/under my authorization.

Place :

Date :

Yours faithfully,

(Signature)

Statement

1. Title of the work.
2. Name and address of the owner of copyright.
3. Year and country of first publication and name, address and nationality of the publisher.
4. Name and address of the author who has translated the work.
5. Name and address of the publisher and year in which the translation has been published in India.
6. Name and address of the publisher and year in which the reproduction of the work has been published in India.
7. Retail price of the published work.

FORM III—*Form of Register of Copyrights*

(See Rule 15)

1. Registration Number.
2. Name, address and nationality of the applicant.
3. Nature of the applicant's interest in the copyright of the work.
4. Class and description of the work.
5. Title of the work.
6. Language of the work.
7. Name, address and nationality of the author and if the author is deceased, the date of his decease.
8. Whether work is published or unpublished.
9. Year and country of first publication and name, address and nationality of the publisher.
10. Years and countries of subsequent publications, if any, and names, addresses and nationalities of the publishers.
11. Names, addresses and nationalities of the owners of the various rights comprising the copyright in the work and the extent of rights held by each, together with particulars of assignments and licences, if any.
12. Names, addresses and nationalities of other persons, if any, authorised to assign or licence the rights comprising the copyright.
13. If the work is an 'Artistic Work', the location of the original work, including name, address and nationality of the person in possession of it. (In the case of an architectural work, the year of completion of the work should also be shown.)
14. Remarks, if any.

FORM IV—*Application for Registration of Copyright*
(See Rule 16)

To

The Registrar of Copyrights,
Copyright Office,
New Delhi

Sir,

In accordance with Section 45 of the Copyright Act, 1957 (14 of 1957), I hereby apply for registration of copyright and request that entries may be made in the Register of Copyrights as in the enclosed Statement of Particulars sent herewith in triplicate.

*I also send herewith duly completed the Statement of Further Particulars relating to the work.

2. In accordance with Rule 16 of the Copyright Rules, 1958, I have sent by prepaid registered post copies of this letter and of the enclosed statement(s) to the other parties **concerned, as shown below:

Names and addresses of the parties 1	Date of despatch 2

* For Literary, Dramatic, Musical and Artistic Works only.

** See Columns 7, 11, 12 and 13 of the Statement of Particulars and the party referred to in Column 2(e) of the Statement of Further Particulars.

3. The prescribed fee has been paid, as per details below:

4. Communications on this subject may be addressed to:

"4-A. I hereby verify that the particulars given in this Form and the Statement of Particulars and Statement of further Particulars are true to the best of my knowledge, belief and information and nothing has been concealed therefrom."

List of Enclosures.

Place :

Yours faithfully,

Date :

(Signature)

Statement of Particulars
(To be sent in triplicate)

1. Registration Number. (To be filled in the Copyright Office).
2. Name, address and nationality of the applicant.
3. Nature of the applicant's interest in the copyright of the work.
4. Class and description of the work.
5. Title of the work.
6. Language of the work.
7. Name, address and nationality of the author and if the author is deceased, the date of his decease.
8. Whether work is published or unpublished.
9. Year and country of first publication and name, address and nationality of the publisher.
10. Years and countries of subsequent publications, if any, and names, addresses and nationalities of the publishers.
11. Names, addresses and nationalities of the owners of the various rights comprising the copyright in the work and the extent of rights held by each, together with particulars of assignments and licenses, if any.
12. Names, addresses and nationalities of other persons, if any, authorised to assign or licence the rights comprising the copyright.
13. If the work is an "Artistic Work", the location of the original work, including name, address and nationality of the person in possession of the work. (In the case of an architectural work, the year of completion of the work should also be shown.)
"13-A. If the work is an 'Artistic Work', whether it has been registered with the Trade Marks Office under Section 4 of the Trade and Merchandise Marks Act, 1958, and if not, whether any application for the registration of same work has been made in Trade Marks Office, (please enclose a certificate from Trade Marks Office to this effect)."
14. Remarks, if any.

Place :

Date : Signature

Statement of Further Particulars
(For Literary, Dramatic, Musical and Artistic Works only)
(To be sent in triplicate)

1. Is the work to be registered
(a) an original work?

- (b) a translation of a work in the public domain?
 - (c) a translation of a work in which copyright subsists?
 - (d) an adaptation of a work in the public domain?
 - (e) an adaptation of a work in which copyright subsists?
2. If the work is a translation or adaptation of a work in which copyright subsists:
- (a) Title of the original work.
 - (b) Language of the original work.
 - (c) Name, address and nationality of the author of the original work and if the author is deceased, the date of his decease.
 - (d) Name, address and nationality of the publisher, if any, of the original work.
 - (e) Particulars of the authorization for a translation or adaptation including the name, address and nationality of the party authorising.
3. Remarks, if any.

Place :

Date : Signature.....

*FORM V—Application for registration of changes in the particulars of
copyright entered in the Register of Copyrights
(See Rule 16)*

To

The Registrar of Copyrights,
Copyright Office,
New Delhi

Sir,

In accordance with Rule 16 of the Copyright Rules, 1958, I hereby apply for registration of changes in the particulars of copyright entered in the Register of Copyrights and request that changes in the existing entries may be made as specified in the enclosed Statement of Particulars.

2. I have sent by registered post copies of this letter and of the Statement of Particulars to the other parties concerned* as shown below:

Names and addresses of parties	Date of despatch

*See Columns 7, 11, 12 and 13 of the Register of Copyrights.

3. The prescribed fee has been paid, as per details below:
 4. Communications on this subject may be addressed to:

"4-A. I hereby verify that the particulars given in this form and the Statement of Particulars are true to the best of my knowledge, belief and information and nothing has been concealed therefrom."

Place :

Yours faithfully,

Date :

(Signature)

Statement of Particulars

1. Registration Number in the Register of Copyrights.
2. Changes sought in the particulars of copyright as entered in the Register of Copyrights.

Reference to Column Number of the Register of Copyrights	Existing entry in the Register of Copyrights	Proposed entry in place of the existing entry in of Copyrights	Reasons for the changes proposed
1	2	3	4

Note

Where the changes proposed are consequent on assignments or licences of copyright, attested copies of the deeds of assignments or licences should be enclosed.

3. List of Enclosures.

Place :

Date :

Signature.....

FORM VI—*Application under Section 53 of the Act*
(See Rule 22)

To

The Registrar of Copyrights,
Copyright Office,
New Delhi

Sir,

In accordance with Section 53 of the Copyright Act, 1957 (14 of 1957), I hereby state that:

*I am the owner of the copyright.

*I am the duly authorised agent of.....(full name) who is the owner of copyright in the work specified in the enclosed affidavit and I hereby apply for an order that the copies of the said work as specified in the said affidavit shall not be imported into India.

(Delete whichever is inapplicable.)

2. I am also enclosing a copy of the work the copyright in which is being infringed.

3. I produce herewith the following additional evidence in proof of infringement of copyright by the works in respect of which the order is sought:

(Give particulars)

4. The prescribed fee has been paid as per details below:

(Give particulars)

5. Communications on this subject may be addressed to:

Place :

Yours faithfully,

Date :

(Signature)

Form of Affidavit

I, of

(full name in block letters)

....., do hereby
(full address)

on solemn affirmation state that:

- (1) the particulars in the Statement below are true to the best of my knowledge and belief;
- (2) the works which are being imported in accordance with the particulars in the said statement are infringing copies of the work described in the said statement; and
- (3) I am interested in the prevention of importation of the said infringing copies for the following reasons:
(state reasons)
- (4) the infringing copies are not being imported for the private and domestic use of the importer.

Statement

A —Particulars of the work and rights held.

1. Full name, address and nationality of the applicant.

2. Telegraphic address of the applicant
3. If the applicant is not the owner of the copyright, full name, address and nationality of the owner of the copyright.
4. Description of the work:
 - (a) Class of the work (Literary, Dramatic, Musical, Artistic, Cinematograph Film, Record)
 - (b) Title of the work.
 - (c) Full name, address and nationality of the author and if the author is deceased, the date of his decease.
 - (d) Language of the work.
 - *(e) Name and address of the publisher.
 - *(f) Year of first publication.
 - (g) Country of first publication.
 - (h) If the copyright in the work is registered under Section 45, the Registration Number.
*(If the work has appeared as a serial or otherwise in a journal or magazine, give the name of the journal or magazine, the volume number of the issue, the date and page reference.)

B.—Details of import of infringing copies.

1. Country of origin of the infringing copies.
2. Name, address and nationality of the importer in India.
3. Name, address and nationality of the maker of the infringing copies.
4. Expected time and place of import of the infringing copies into India.
5. In case a consignment of the infringing copies is detected and detained, will the applicant be prepared to go himself or depute an authorised agent to identify the said copies to the satisfaction of the Registrar of Copyrights ?

C.—Any other relevant information not covered above.

Place :

Date :

Signature.....

Solemnly affirmed before me by.....
(full name of deponent in block letters)
who is known to me personally/who is identified to me by.....
(name of identifier in block letters)

.....
who is known to me personally.

Place :

Date :

.....
Signature and seal of the Magistrate

[“SECOND SCHEDULE”]

- | | |
|--|------------------|
| 1. For a licence to republish a Literary, Dramatic, Musical or Artistic Work (Sections 31, 31-A and 32-A) | Rs. 100 per work |
| 2. For a licence to republish a Cinematograph Film (Section 31) | Rs. 500 per work |
| 3. For a licence to republish a Record (Section 31) | Rs. 200 per work |
| 4. For a licence to perform an Indian work in public or to communicate the work to the public by Broadcast (Section 31) | Rs. 25 per work |
| 5. For an application for a licence to produce and publish a translation of a Literary or Dramatic Work in any language [Sections 32 and 32 (I-A)] | Rs. 100 per work |
| 6. For an application for registration of copyright in a:
(a) Literary, Dramatic, Musical or Artistic Work | Rs. 10 per work |
| (b) Provided that in respect of a Literary or Artistic Work which is used or capable of being used in relation to any goods (Section 45) | Rs. 50 per work |
| 7. For an application for changes in particulars of copyright entered in the Register of Copyrights in respect of a:
(a) Literary, Dramatic, Musical or Artistic Work | Rs. 5 per work |
| (b) Provided that in respect of a Literary or Artistic Work which is used or capable of being used in relation to any goods (Section 45). | Rs. 25 per work |

1. Sub. by Noti. No. GSR 602(E) dated 9-8-1984 (1985 CLL-III-80).

8. For an application for registration of copyright in a Cinematograph Film (Section 45)	Rs. 200 per work
9. For an application for registration of changes in particulars of copyright entered in the Register of Copyrights in respect of a Cinematograph Film (Section 45)	Rs. 100 per work
10. For an application for registration of copyright in a Record (Section 45)	Rs. 50 per work
11. For an application for registration of changes in particulars of copyright entered in the Register of Copyrights in respect of a Record (Section 45)	Rs. 25 per work
12. For taking extracts from the Register of Copyrights (Section 47)	Rs. 5 per work per hour
13. For taking extracts from the Indexes (Section 47)	Rs. 2.50 per work per hour
14. For a certified copy of an extracts from the Register of Copyrights or the Indexes (Section 47)	Rs. 5 per copy
15. For a certified copy of any other public document in the custody of the Registrar of Copyrights or the Copyright Board	Rs. 2.50 per page
16. For an application for prevention of importation of infringing copies (Section 53)	Rs. 25 per work per place of entry

GOVERNMENT OF WEST BENGAL

Information & Public Relations Department

No. 2463-IPR

From : Shri D. K. Banerjee,
Deputy Secretary to the Government of West Bengal

To : The Accountant-General, West Bengal,
Poddar Court, 18, Rabindra Sarani,
Calcutta-700 001

Dated, Calcutta, the 24th January, 1975

Sub: Scheme on granting financial assistance to private Film Producers
for production of films in West Bengal.

Sir,

I am directed to say that on the recommendation of the Film Development Board constituted under Resolution No. 20889-IPR dt. 13.6.73, the question of adopting a scheme on granting Government loan to the private Producers of films as a measure towards improvement of the film industry in West Bengal, was under active consideration of Government for sometime past.

2. I am now directed by order of the Governor to say that the Governor has been pleased to approve the scheme on granting financial loan to the private film Producers on the terms and conditions set forth hereunder:

- (a) *Admissibility of the loan:* The loan will be admissible to a film Producer, for production of a sound motion picture in West Bengal, who will be able to satisfy the following conditions:
 - (i) The Producer must have a capacity to invest a sum of Rs. 50,000/- (Rupees fifty thousand).
 - (ii) The Producer must have a Distributor who will agree to invest a sum of Rs. 1,50,000/- (Rupees one lakh and fifty thousand) towards production, preparation of prints, publicity and exhibition of the picture.
 - (iii) The Producer and Distributor must agree to execute a tripartite agreement with Government in the Information and Public Relations Department as per annexure 'A', wherein details of other terms and conditions of granting and recovery of Government loan have been mentioned.

- (b) *Amount of the loan*: The maximum amount of the loan admissible to an individual Producer will not exceed the sum of Rs. 1,50,000/- (Rupees one lakh and fifty thousand).
- (c) *Mode of payment*: The mode of payment of Government loan shall be in three instalments in the manner stated in clause 16 of the tripartite agreement (Annexure-A).
- (d) *Recovery of the loan*: The Distributor will be responsible for making repayment of Government loan paid to the Producer together with the interest at the rate of six per cent per annum to be accrued thereon, in the manner set out in Clause 17(f) of the tripartite agreement.
- (e) *Surety terms*:
 - (i) The Distributor concerned will have to execute a Surety Bond with two sureties in the form prescribed in the Annexure-'B'.
 - (ii) The Producer concerned will also have to execute a separate Surety Bond with two sureties in the form prescribed in the Annexure-'C'.

3. The Governor has further been pleased to delegate the full power to sanction the above loan to the Information and Public Relations Department who will furnish a certificate as to the fulfilment of conditions set forth herein and that mentioned in the tripartite agreement—(Annexure-A) at the time of sanctioning the loan to the Producers.

4. The financial power delegated in para 3 above will remain valid for the current financial year only. The specific budget head for this purpose will be opened in due course.

5. This order issues with the concurrence of the Finance Department vide their unofficial No. Group G 49 dated 22.1.75.

Yours faithfully,
Sd/-
(D. K. BANERJEE)
Deputy Secretary

No. 2463/I(2)-IPR

Copy, with copies of the annexures forwarded for information to the:

1. Finance Department of this Government.
2. Accounts Officer, West Bengal, Secretariat.

Dated, Calcutta, the 24th January, 1975

Sd/-
(D. K. BANERJEE)
Deputy Secretary

GOVERNMENT OF WEST BENGAL

Department of Information & Public Relations

No. 27672-IPR

Dated, The 8th September, 1975

*From : Shri D. K. Banerjee
Deputy Secretary*

*To : The Accountant General, West Bengal
Poddar Court, 18, Rabindra Sarani
Calcutta-700 001*

*Subject: Scheme on granting financial assistance to private film
producers for production of films in West Bengal*

Sir,

In continuation of Govt. Order No. 2463-IPR dt. 24.1.75 (Copy enclosed) I am directed by order of the Governor to say that the Governor has further been pleased to authorise sanctioning loan also to the following categories of private film producers on the terms and conditions set in para I or para II hereunder:

I. (a) Producers who are unable to furnish sureties sufficient enough to cover the loan to be sanctioned to them will hypothecate the film to the Government by a deed of hypothecation as per Annexure-'A' in addition to

(b) a tripartite agreement to be executed by the Producer and the Distributor with the Government containing the terms and conditions of

(c) granting and recovery of loan as per Annexure 'B' and, the Producer will furnish a Surety Bond with two sureties in the form as per Annexure-'C'

(d) and the Distributor will furnish a Surety Bond with two sureties in the form as per Annexure-'D'.

II. Loan will also be sanctioned to a producer who is himself a Director of experience and reputation, or to a producer who though not a Director, possesses sufficient experience and reputation, without furnishing sureties subject to the condition that the film should be hypothecated to the Government and Distributors will be exempted from furnishing sureties if such Distributors are considered to be in bona fide business for a long time and enjoy good reputation.

In this category (a) Producers and Distributors will execute a Tripartite Agreement with the Government containing the terms and conditions of granting and recovery of the loan as per Annexure-'E' and (b) Producer will hypothecate the film to be produced with the loan to the Government by a deed of hypothecation as per Annexure-'F'.

2. The other terms and contained in Govt. Order No. 2463-IPR dated 24.1.75 read with Govt. Order No. 22360-IPR dt. 29.7.75 (copy enclosed) will remain the same.

3. This order issues with concurrence of the Finance Department vide their unofficial No. Group G 714 dated 8.9.75.

Yours faithfully
Sd/-
(D. K. BANERJEE)
Deputy Secretary

No. 27672/1(2)-IPR

Copy, with copies of Annexures, forwarded for information to the:

1. Finance Department of this Government
2. Accounts Officers, West Bengal Secretariat

in continuation of this Department No. 2463/1(2)-IPR. dated 24.1.75.

Sd/-
(D. K. BANERJEE)
Deputy Secretary

ANNEXURE A

Deed of Hypothecation

THIS INDENTURE made this.....day of.....
one thousand nine hundred and seventyfive BETWEEN.....
.....registered under the
Companies Act having its Registered Office at.....
.....within the municipal limits of Calcutta in the
District of Twenty-four Parganas hereinafter called the "Producer" (which
expression shall include its successors and assigns) of the One Part and
THE GOVERNOR OF THE STATE OF WEST BENGAL hereinafter
referred to as the "GOVERNOR" (which expression shall include his
successors in office and assigns) of the Other Part.

WHEREAS the Producer under the Film Financing Scheme applied
to the Government of West Bengal in its Information and Public Relations
Department for a loan of.....only with a view to meeting the
expenses for production of the film entitled.....
(hereinafter called the film) and the Governor has agreed to grant the
loan to the Producer upon the two sureties agreeing to stand guarantee
for the due repayment of the loan with interest and other charges in respect

of the said loan and the Sureties agreed to stand guarantee in respect of the said loan so advanced by the Governor.

AND WHEREAS the said Producer entered into an Agreement with the Governor dated the.....day of.....1975 regarding the said loan of.....whereby the Governor agreed to advance the said sum upon the sureties guaranteeing the same.

AND WHEREAS on the.....day of.....1975 an Agreement was entered into between the Producer, the Distributor of the said film and the Governor whereby the Producer inter alia agreed as soon as the Producer produces the said film the Producer shall forthwith pledge the film so produced in favour of the Governor by way of hypothecation and charge of for the due repayment of the amount that shall become payable to the Governor under the agreement aforesaid.

AND WHEREAS the Governor has required the said Producer to assign charges, pledge and hypothecate the said film as security for the due repayment of the amount which the Governor agreed to grant as loan with interest thereon to the Producer and the Producer has agreed to the same.

NOW THIS INDENTURE WITNESSETH as follows:

1. The Producer do hereby assign transfer charge and hypothecate the said film.....to and into the Governor and all other rights of the Producer in the said film absolutely and for ever subject however to the same to be re-assigned and reconveyed to the Producer upon payment to the Governor, entire amount of loan with interest accrued thereon.

All sums that might have to be paid by the Governor to the said Producer under the said guarantee and also all costs and charges which the Governor might have to incur in connection therewith and shall apart from the other remedies available to the Governor shall be realisable as a Public Demand under the Bengal Public Demand Recovery Act or any other modifications thereof for the time being in force.

2. In case of any breach of the terms and defaults on the part of the Producer the Governor shall have the right and liberty to exhibit the said film and letting out or licensing the same to such producer as he may think fit on such terms as the Governor shall think fit and realise and receive the net profits or income out of such exploitation and letting out and licensing of the said film and appropriate the same in re-payment or in part re-payments of the amount that shall be due to the Governor by the Producer for all payments made by the Governor.

3. That the Governor shall have the right to call for and verify statements of accounts of the Producer and shall have the right to make his comments on the same and the Producer shall not be entitled to raise any question or objections to the said verifications of accounts. The Producer

shall carry out any instruction that may be given by the Governor after verification of such accounts.

Should any dispute or difference arise between the parties for the construction of the terms herein or anything in relation to this agreement the same should be referred to the Secretary, Information and Public Relations Department, Government of West Bengal, whose decision shall be final.

IN WITNESS WHEREOF the parties to these presents have hereunto set and subscribed their respective hands and seals the day month and year first above written.

The common Seal of the.....
has been affixed hereto by and
its Directors who have also
affixed their signatures hereto
as such in the presence of—

Signed for and on behalf of the
Governor of the State of West
Bengal by the Asstt. Secretary,
Information & Public Relations
Department, Government of
West Bengal in the presence of:

ANNEXURE B

Tripartite Agreement

ARTICLES OF AGREEMENT made this.....
day of.....one thousand nine hundred and seventy.....
BETWEEN (1).....a company registered under the Companies
Act, having its Registered Office at.....
within the municipal limits of Calcutta hereinafter called the "Producer"
(which expression shall unless excluded by or repugnant to the context
be deemed to include its successors and assigns) of the First Part;
(2).....a Company registered under the
Companies Act having its Registered Office at.....
in the town of Calcutta, hereinafter called the "Distributor" (which expres-
sion shall unless excluded by or repugnant to the context be deemed to
include its successors and assigns) of the Second Part AND The Governor
of the State of West Bengal hereinafter called the "Governor" of the
Third Part.

WHEREAS the Producer has undertaken the production of sound
motion picture in 35 mm in Bengali version tentatively titled.....

.....based on the story.....written by.....
featuring amongst others the artistes with music by.....
and under the directions of.....

AND WHEREAS the Producer is the sole and absolute owner of the copyright of the script and shall also be the sole and absolute owner of the said picture when produced namely.....(hereinafter referred to as the "picture").

AND WHEREAS the Producer and the Distributor have jointly agreed to make arrangements as between themselves for exhibition and exploitation of the said picture with due intimation to and confirmation from the Government of West Bengal (hereinafter referred to as the "Government").

AND WHEREAS the Producer and the Distributor have agreed to invest on their own the sum of Rs. 50,000 and Rs. 1,50,000 respectively towards production, preparation of prints, publicity and exhibition of the said picture.

AND WHEREAS the Producer and the Distributor are in need of additional funds for the completion of the said picture in all respects and for preparation of prints and arranging for publicity for and exhibition of the said picture.

AND WHEREAS the Producer and the Distributor submitted to the Government their statements of estimated expenditure on their respective accounts to the Government and the Government has duly approved of the same.

AND WHEREAS the Producer and the Distributor have agreed to abide by the terms and conditions for receiving financial assistance for the said picture as hereinafter mentioned.

AND WHEREAS the Producer and the Distributor have agreed not to transfer any right and copy right in respect of the said picture without prior permission of the Government in writing which may be granted to them after full recovery of the amount of financial assistance agreed to be granted with interest and charges as per terms and conditions hereinafter mentioned.

AND WHEREAS the Producer and the Distributor have agreed to provide proper sureties acceptable to the Government for the due repayment of the account of the said financial assistance and the interest thereon and for re-payment of the amount advanced with interest thereon as well as any additional loss and damages suffered by Government due to breach of any of the conditions of the agreement.

AND WHEREAS the Producer has agreed to assign transfer charge and hypothecation and picture to and upto the Governor and all other rights in the said picture absolutely and for ever subject however to the same to be reassigned and reconveyed to the Producer upon the Producer paying to the Governor, entire amount of the loan agreed to be advanced by the Government with interest accrued thereon.

WITNESSETH AND IT IS HEREBY AGREED AND DECLARED
BY AND BETWEEN THE PARTIES HERETO AS FOLLOWS:

1. Subject to the terms and conditions hereinafter mentioned the Producer shall undertake full responsibility for completion of the production of the said picture in all respects and censoring of the same for exhibition within a period not exceeding two years.
2. The Producer shall submit to the Government fortnightly reports in respect of the progress of the production of the film.
3. The Producer shall allow and afford all facilities to the authorised representative of the Government to inspect the progress of the production work and also the accounts and records in respect of production of the film.
4. The Producer shall submit to the Government the copies of script layout, details of participating artistes and technicians and others as would be required by the Government. The Producer shall upon the completion of the production of the said picture arrange for a projection show of the complete picture to the authorised representative of the Government upon making a previous appointment for such projection at the convenience of the representatives concerned.
5. The Producer shall invest and utilise the amount to be received by him as financial assistance from the Government only for the production of the film and for no other purpose whatsoever. In case of breach of this condition the amount so to be advanced as financial assistance with the interest thereon shall forthwith become payable and the Producer shall also be liable to any loss or damages as may be suffered by the Government and all costs as may be incurred by the Government in connection thereto.
6. The Distributor shall arrange for preparation of prints sufficient number of the said picture required for exhibition and shall be responsible for any negligence whatsoever in this respect.
7. The Distributor will pay to the Producer a sum of Rs. 50,000/- (Rupees fifty thousand) only during production of the said film and will invest a further sum of Rs. 1,00,000/- (Rupees one lakh) only for the preparation of at least fifteen prints of the said picture and for meeting the cost of all kinds of publicity in respect of the said film.
8. The Distributor shall afford all facilities to the Government or its officers appointed for the purpose to inspect the publicity programme and account in that respect.
9. The Distributor shall afford all facilities to the authorised representative of the Government to inspect the statement of booking in respect of the said picture and all accounts and records thereof at any time.
10. The Distributor shall be bound to pay all duties and impositions if any be payable in case of exploitation of the said picture outside the Union of India.

11. The Distributor shall from the date of the first release of the said picture regularly submit to the Government a fortnightly statement of account of receipts and disbursement of the exhibition of the said picture.

12. The Distributor shall pay to the Government the amount due in such manner as to be decided upon by the Government.

13. Without prejudice to any other remedies and rights the Government may have against the Distributor and Producer for breach or non-performance or non-observance of any of the terms and conditions covenants herein, the Government shall have the right to terminate forthwith this agreement and further to hold the Producer and the Distributor liable for all losses and damages as may be suffered by the Government.

14. Nothing herein contained shall be construed as in any sense creating a Partnership between the parties concerned and the Government to be liable for any commitment made by the Producer and the Distributor.

15. If, for any unforseeable circumstances which may cause exceptional hardship to the Producer and/or Distributor, the Government have to extend any indulgence or accommodation to the party or parties concerned, such action on the part of the Government shall not be deemed to be a waiver of any of the terms and conditions herein contained or to be a ground for modification or alteration of the terms and conditions of these presents which shall remain in full force regardless of the indulgence shown or accommodation afforded as the case may be but any modification or alteration occasioned by circumstances shall be expressly agreed and recorded in writing.

16. In consideration of these presents and in consideration of the sureties provided to secure the due repayment of the amount agreed to be advanced by the Government and the interest payable thereon the Government shall advance financial assistance to the Producer, of the amount hereinafter mentioned with due regard to the terms and conditions laid down in clause 17 of these presents:

(a) That the Government shall pay to the Producer a sum of Rs..... only as advance for production of the film in three instalments in the following manner:

- (i) One-third of the total advance shall be paid in the first instalment on completion of 25% of the production work.
- (ii) On successful progress of the production work, another one-third of the advance shall be paid after production of documents showing that at least 50 per cent of the production has been completed and that payment in full or part has been made to Studio, Technicians, Artistes etc. engaged in connection with production of the film.
- (iii) The remaining one-third of the advance shall be paid after completion of 75 per cent of the production of the film and

after production of an account showing expenditure of the three-fourth amount of the estimated expenditure in respect of the production of the said film.

17. The terms and conditions herein mentioned earlier shall be as follows:

(a) The Producer shall submit estimated account of expenditure for production of the film.

(b) The Producer shall invest Rs. 50,000/- of his own for the production and the audited statement of expenditure therefor should be submitted along with the application in an approved proforma for financial assistance.

(c) The financial assistance would be granted and paid mostly for meeting the expenditure like cost of raw stock, laboratory charges and others and in no case the cash instalments should exceed Rs. 50,000/- at a time on production of the Producer's audited statement of account up to the time for granting such cash instalments.

(d) Interest at the rate of six per cent per annum shall be payable by the Producer to the Government for all sums so agreed to be advanced by the Government as aforesaid for any purpose whatsoever.

(e) Bonds with two sureties shall be duly executed in favour of the Governor to secure due repayment of all sums agreed to be advanced by the Government as mentioned on these presents with the interest payable thereon.

(f) The Distributor will be responsible for making repayment of advance paid to the Producer by the Government together with the interest accrued thereon as per clauses 16 and 17(d) of these presents. The Distributor should agree to make payment of Government dues every month of the year commencing from the inaugural date of exhibition of the said film in cinema houses or in any place in the following manner:

- (i) 10% of the sale proceeds of the films shall be taken by the Distributor as commission.
- (ii) 12½% of the remaining sale proceeds shall be paid to the producer by the Distributor.
- (iii) The remaining balance of the sale proceeds shall be divided equally between the Distributor and the Government till full recovery of the Government dues on account of advance paid to the Producer together with the interest accrued thereon.

In case of default in due payment of the sums aforesaid the whole of the amount for the time being remaining due and payable and the interest aforesaid will forthwith become due and payable and apart from other remedies available to the Government for recovery of sums the same shall be realisable as a Public demand under the Bengal Public Demands

Recovery Act or any statutory modification thereof for the time being in force.

(g) After full recovery of Government dues, the sale proceeds of the film shall be shared between the Producer and the Distributor in terms of a bi-partite agreement that may be executed between them, in proportionate amount according to the normal trade practice obtaining in the film industry.

IN WITNESS WHEREOF the parties hereto have hereunto set and subscribed their respective hands and seals the day month and year first above written.

The common seal of the Producer has been affixed hereto by and the Director hereof who have also affixed their signatures hereto as such in the presence of:

The common seal of the Distributor has been affixed hereto by and the Directors hereof who have affixed their signatures hereto as such in the presence of:

Signed for and on behalf of the Governor of the State of West Bengal by Assistant Secretary, Information and Public Relations Deptt., Govt. of West Bengal.

ANNEXURE—'C'

Surety Bond for Producer

ARTICLES OF AGREEMENT made this.....day ofone thousand nine hundred and seventy.....
.....Between (1).....a company registered under Companies Act having its Registered Office atin the town of Calcutta, hereinafter called the 'Producer' (which expression unless excluded or repugnant to the context be deemed to include its successors and assigns) of the First Part and (2).....son/wife of..... residing at
.....(3).....son/wife ofresiding athereinafter referred to as 'sureties' (which expression shall unless excluded by or repugnant to the context be deemed to include their respective heirs, executors, administrators, representatives and assigns) of the Secend Part and the Governor of the State of West Bengal hereinafter

referred to as the 'Governor' (which expression shall include his successors in office and assigns) of the Third Part.

WHEREAS under an agreement entered into between the Producer andas Distributor and the Governor in respect of providing financial assistance for completion of production of the filmby the Government of West Bengal (hereinafter referred to as the Government) on certain terms and conditions expressed therein.

AND WHEREAS the Producer inter alia agreed regarding the financial assistance to abide by the terms and condition provided in that regard being granted to it by the Government for production of the film on some specific mode of payments, etc.

WITNESSETH AND HEREBY AGREED that in case the Producer fails to produce the film or the film if any produced be not approved for exhibition by the appropriate authority or the production of the films suffers delay by any circumstances or in case of breach by the Producer of any of the terms and conditions of the said agreement the Producer and/or the sureties jointly and/or severally shall forthwith on demand pay to the Government the amount advanced as remaining due with interest thereon and a further amount as loss and damages and for penalty calculated at the rate of 25 per cent of the amount remaining due.

IN WITNESS WHEREOF THE PARTIES to these presents have hereto set and subscribed their respective hands and seals the day month and year first above written.

In the common seal of.....has been affixed hereunto by..... and the Producers thereof who have also affixed their signatures hereto as such in the presence of:

Signed by.....
In Presence of.....

Signed by.....
In Presence of.....

Signed for and on behalf of the Governor of the State of West Bengal by the Asstt. Secretary, Information and Public Relations Department, Government of West Bengal.

In the Presence of.....

ANNEXURE—'D'

Surety Bond for Distributor

ARTICLES OF AGREEMENT made this
day of one thousand nine hundred and seventy
..... Between (1) a Company registered under
the Companies Act having its Registered Office at
in the town of Calcutta and carrying on business in film industry at
..... under the name and style of hereinafter
called the "Distributor" (which expression unless excluded by or repugnant
to the context be deemed to include its successors and assigns) of the First
Part and (2) son/wife of
..... residing at and (3)
..... son/wife of residing
at hereinafter referred to as 'Ssureties' (which
expression shall unless excluded by or repugnant to the context be deemed
to include their respective heirs, executors, administrators, representatives
and assigns) of the Second Part AND the Governor of the State of West
Bengal hereinafter referred to as the 'Governor' (which expression shall
include his successors in Office and assigns) of the Third Part.

WHEREAS under an agreement entered into between the Distributor
and the the Producer and the Governor in
respect of providing financial assistance by the Government of West Bengal
(hereinafter referred to as the 'Government') for print and publicity and
exhibition of the film entitled produced by
..... in 35 mm in Bengali version.

AND WHEREAS the Distributor agreed to abide by the terms and
conditions provided in the said agreement.

AND WHEREAS the Distributor agreed to the financial assistance
being granted to the Producer on the terms and conditions mentioned therein
including the execution of these presents to secure the due repayment of all
sums that will become due and payable to the Government on any account
whatsoever.

WITNESSETH AND IT IS HEREBY AGREED that in case the
Distributor fails to prepare prints of the film for
release and exhibition and for making adequate publicity for the film
through suitable media as is prevalent in the film industry in the best interest
of the film and to make payment of
Government dues from the sale proceeds regularly according to the provi-
sions of the agreement, the Distributor and/or the sureties jointly and/or
severally shall forthwith on demand refund to the Government the amount
of financial assistance granted to the Producer in any manner whatsoever
with interest payable thereon and a penalty of 25% of such amount.

IN WITNESS WHEREOF THE PARTIES TO THESE PRESENTS
have hereunder set and subscribed their respective hands and seals the day
month and year first above written.

In the common seal of has been affixed hereunto
by and the Directors thereof who have also affixed their signature as such in presence of:

Signed by
In Presence of

Signed by
In Presence of

Signed for and on behalf of the Governor of West Bengal by Assistant
Secretary, Information and Public Relations Department, Government of
West Bengal.

In Presence of

ANNEXURE—'E'

Tripartite Agreement

ARTICLES OF AGREEMENT made this day of
....., one thousand nine hundred and seventy.....
Between (1) a company registered under the Companies
Act, having its Registered Office at within
the municipal limits of Calcutta, hereinafter called the "Producer" (which
expression shall unless excluded by or repugnant to the context be deemed
to include its successors and assigns) of the First Part; (2)
..... a Company registered under the Companies Act having its
Registered Office at in the town of Calcutta, herein-
after called the "Distributor" (which expression shall unless excluded by or
repugnant to the context be deemed to include its successors and assigns) of
the Second Part AND The Governor of the State of West Bengal hereinafter
called the "Governor" of the Third Part.

WHEREAS the Producer has undertaken the production of sound
motion picture in 35 mm in Bengali version tentatively titled
..... based on the story written by
..... featuring amongst others the artistes with music by
..... and under the directions of

AND WHEREAS the Producer is the sole and absolute owner of the
copyright of the script and shall also be the sole and absolute owner of the

said picture when produced namely (hereinafter referred to as the "picture").

AND WHEREAS the Producer and the Distributor have jointly agreed to make arrangements as between themselves for exhibition and exploitation of the said picture with due intimation to and confirmation from the Government of West Bengal (hereinafter referred to as the "Government").

AND WHEREAS the Producer and the Distributor have agreed to invest on their own the sum of Rs. 50,000 and Rs. 1,50,000 respectively towards production, preparation of prints, publicity and exhibition of the said picture.

AND WHEREAS the Producer and the Distributor are in need of additional funds for the completion of the said picture in all respect and for preparation of prints and arranging for publicity for and exhibition of the said picture.

AND WHEREAS the Producer and the Distributor submitted to the Government their statements of estimated expenditure on their respective accounts to the Government and the Government has duly approved of the same.

AND WHEREAS the Producer and the Distributor have agreed to abide by the terms and conditions for receiving financial assistance for the said picture as hereinafter mentioned.

AND WHEREAS the Producer and the Distributor have agreed not to transfer any right and copy-right in respect of the said picture without prior permission of the Government in writing which may be granted to them after full recovery of the amount of financial assistance agreed to be granted with interest and charges as per terms and conditions hereinafter mentioned.

AND WHEREAS the Producer has agreed to assign transfer charge and hypothecation and picture to and up to the Governor and all other rights in the said picture absolutely and forever subject however to the same to be reassigned and reconveyed to the Producer upon the Producer paying to the Governor, entire amount of the loan agreed to be advanced by the Government with interest accrued thereon.

WITNESSETH AND IT IS HEREBY AGREED AND DECLARED BY AND BETWEEN THE PARTIES HERETO AS FOLLOWS:

1. Subject to the terms and conditions hereinafter mentioned, the Producer shall undertake full responsibility for completion of the production of the said picture in all respects and censoring of the same for exhibition within a period not exceeding two years.
2. The Producer shall submit to the Government fortnightly reports in respect of the progress of the production of the film.
3. The Producer shall allow and afford all facilities to the authorised

representative of the Government to inspect the progress of the production work and also the accounts and records in respect of production of the film.

4. The Producer shall submit to the Government the copies of script layout, details of participating artistes and technicians and others as would be required by the Government. The Producer shall upon the completion of the production of the said picture arrange for a projection show of the complete picture to the authorised representative of the Govt. upon making a previous appointment for such projection at the convenience of the representatives concerned.
5. The Producer shall invest and utilise the amount to be received by him as financial assistance from the Govt. only for the production of the film and for no other purpose whatsoever. In case of breach of this condition the amount so to be advanced as financial assistance with the interest thereon shall forthwith become payable and the Producer shall also be liable to any loss or damages as may be suffered by the Government and all costs as may be incurred by the Government in connection thereto.
6. The Distributor shall arrange for preparation of prints sufficient number of the said picture required for exhibition and shall be responsible for any negligence whatsoever in this respect.
7. The Distributor will pay to the Producer a sum of Rs. 50,000/- (Rupees fifty thousand) only during production of the said film and will invest a further sum of Rs. 1,00,000/- (Rupees one lakh) only for preparation of at least fifteen prints of the said picture and for meeting the expenses on account of publicity of the film.
8. The Distributor shall afford all facilities to the Govt. or its officers appointed for the purpose to inspect the publicity programme and account in that respect.
9. The Distributor shall afford all facilities to the authorised representative of the Government to inspect the statement of booking in respect of the said picture and all accounts and records thereof at any time.
10. The Distributor shall be bound to pay all duties and impositions if any be payable in case of exploitation of the said picture outside the Union of India.
11. The Distributor shall from the date of the release of the said picture regularly submit to the Government a fortnightly statement of account of receipts and disbursement of the exhibition of the said picture.
12. The Distributor shall pay to the Government the amount due in such manner as to be decided upon by the Government.
13. Without prejudice to any other remedies and rights the

Government may have against the Distributor and Producer for breach or non-performance or non-observance of any of the terms and conditions covenants herein, the Government shall have the right to terminate forthwith this agreement and further to hold the Producer and the Distributor liable for all losses and damages as may be suffered by the Government.

14. Nothing herein contained shall be construed as in any sense creating a Partnership between the parties concerned and the Government to be liable for any commitment made by the Producer and the Distributor.
15. If, for any unforeseeable circumstances which may cause exceptional hardship to the Producer and/or Distributor, the Government have to extend any indulgence or accommodation to the party or parties concerned, such action on the part of the Government shall not be deemed to be a waiver of any of the terms and conditions herein contained or to be a ground for modification or alteration of the terms and conditions of these presents which shall remain in full force regardless of the indulgence shown or accommodation afforded as the case may be but any modification or alteration occasioned by circumstances shall be expressly agreed and recorded in writing.
16. In consideration of these presents the Government shall advance financial assistance to the Producer, of the amount hereinafter mentioned with due regard to the terms and conditions laid down in clause 17 of these presents:
 - (a) That the Government shall pay to the Producer a sum of Rs.....only as advance for production of the film in three instalments in the following manner:
 - (i) One-third of the total advance shall be paid in the first instalment on completion of 25% of the production work.
 - (ii) On successful progress of the prouction work, another one-third of the advance shall be paid after production of documents showing that at least 50 per cent of the production has been completed and that payment in full or part has been made to Studio, Technicians, Artistes etc. engaged in connection with production of the film.
 - (iii) The remaining one-third of the advance shall be paid after completion of 75 per cent of the production of the film and after production of an account showing expenditure of the three-fourth amount of the estimated expenditure in respect of the production of the said film.

17. The terms and conditions herein mentioned earlier shall be as follows:

- (a) The producer shall submit estimated account of expenditure for production of the film.
- (b) The Producer shall invest Rs. 50,000/- of his own for the production and the audited statement of expenditure therefore should be submitted along with the application in an approved proforma for financial assistance.
- (c) The financial assistance would be granted and paid mostly for meeting the expenditure like cost of raw stock, laboratory charges and others and in no case the cash instalments should exceed Rs. 50,000/- at a time on production of the Producer's audited statement of account up to the time for granting such cash instalments.
- (d) Interest at the rate of six per cent per annum shall be payable by the Producer to the Government for all sums so agreed to be advanced by the Government as aforesaid for any purpose whatsoever.
- (e) The Distributor will be responsible for making repayment of advance paid to the Producer by the Government together with the interest accrued thereon as per clauses 16 and 17(d) of these presents. The Distributor should agree to make payment of Government dues every month of the year commencing from the inaugural date of exhibition of the said film in cinema houses or in any place in the following manner:
 - (i) 10% of the sale proceeds of the films shall be taken by the Distributor as Commission.
 - (ii) 12½% of the remaining sale proceeds shall be paid to the Producer by the Distributor.
 - (iii) The remaining balance of the sale proceeds shall be divided equally between the Distributor and the Government till full recovery of the Government dues on account of advance paid to the producer together with the interest accrued thereon.

In case of default in due payment of the sums aforesaid the whole of the amount for the time being remaining due and payable and the interest aforesaid will forthwith become due and payable and apart from other remedies available to the Government for recovery of sums the same shall be realisable as a Public demand under the Bengal Public Demands Recovery Act or any statutory modification thereof for the time being in force.

- (f) After full recovery of Government dues, the sale proceeds of the film shall be shared between the Producer and the Distributor in terms of a bi-partite agreement that may be executed between them, in proportionate amount according to the normal trade practice obtaining in the film industry.

IN WITNESS WHEREOF the parties hereto have hereunto set and subscribed their respective hands and seals the day month and year first above written.

The common seal of the Producer
has been affixed hereto by.....
.....and the
Director hereof who have also
affixed their signatures hereto as
such in the presence of;

The common seal of the Distributor
has been affixed hereto by
and the Directors hereof who
have affixed their signatures
hereto as such in the presence
of;

Signed for and on behalf of the
Governor of the State of West
Bengal by Assistant Secretary,
Information and Public Relations
Dept., Govt. of West
Bengal.

ANNEXURE—'F'

Deed of Hypothecation

THIS INDENTURE made this.....day of.....
.....one thousand nine hundred and seventyfive BETWEEN.....
.....registered under the Companies Act having its registered
office atwithin the municipal limits of Calcutta
in the District of 24-Parganas hereinafter called the "Producer" (which
expression shall include its successors and assigns) of the One Part and
THE GOVERNOR OF THE STATE OF WEST BENGAL hereinafter

referred to as the "Governor" (which expression shall include his successors in office and assigns) of the OTHER PART.

WHEREAS the Producer under the Film Financing Scheme applied to the Government of West Bengal in its Information and Public Relations Department for a loan of.....only with a view to medet the exprnses for production of the film entitled.....(hereinafter called the film) and the Governor has agreed to grant the loan to the Producer upon his agreeing to make repayment of the loan with interest and other charges in respect of the said loan so advanced by the Governor.

AND WHEREAS the said Producer entered into an Agreement with the Governor dated theday of.....1975 regarding the said loan ofwhereby the Governor agreed to advance the said sum upon the sureties guaranteeing the same.

AND WHEREAS on theday of1975 an agreement was entered into between the Producer, the Distributor of the said film and the Governor whereby the Producer inter alia agreed as soon as the Producer produces the said film the Producer shall forthwith pledge the film so produced in favour of the Governor by way of hypothecation and charge of for the due repayment of the amount that shall become payable to the Governor under the agreement aforesaid.

AND WHEREAS the Governor has required the said Producer to assign the charges, pledge and hypothecate the said film as security for the repayment of the amount which the Governor agreed to grant as loan with interest thereon to the Producer and the Producer has agreed to the same.

NOW THIS INDENTURE WITNESSETH as follows:

1. The Producer do hereby assign transfer charge and hypothecate the said film.....to and unto a the Governor and all other rights of the Producer in the said film absolutely and for ever subject however to the same to be re-assigned and reconveyed to the Producer upon payment to the Governor, entire amount of loan with interest accrued thereon.

All sums that might have to be paid by the Governor to the said producer under the said guarantee and also all costs and charges which the Governor might have to incur in connection therewith and shall apart from the other remedies available to the Governor shall be realisable as a Public demand under the Bengal Public Demand Recovery Act or any other modifications thereof for the time being in force.

2. In case of any breach of the terms and defaults on the part of the Producer the Governor shall have the right and liberty to exhibit the said film and letting out or licensing the same to such Producer as he may think fit on such terms as the Governor shall think fit and realise and receive the net profits or income out of such exploitation and letting out and licensing of the said film and

appropriate the same in re-payment or in part repayments of the amount that shall be due to the Governor by the Producer for all payments made by the Governor.

3. That the Governor shall have the right to call for and verify statements of accounts of the Producer and shall have the right to make his comments on same and the Producer shall not be entitled to raise any question or objections to the said verifications of accounts. The Producer shall carry out any instruction that may be given by the Governor after verification of such accounts.

Should any dispute or difference arise between the parties for the construction of the terms herein or anything in relation to this agreement the same should be referred to the Secretary, Information & Public Relations Department, Government of West Bengal, whose decision shall be final.

IN WITNESS WHEREOF the parties to these presents have hereunto set and subscribed their respective hands and seals the day month and year first above written.

The common Seal of the.....
.....has been affixed hereto by
.....and its Directors
who have also affixed their signatures
hereto as such in the presence of
.....

Singed for and on behalf of the Governor of the State of West Bengal by the Asstt. Secretary, Information & Public Relations Department, Govt. of West Bengal in the presence of
.....

GOVERNMENT OF WEST BENGAL

Department of Information & Public Relations

No 10543-IPR

From : Shri D. K. Banerjee,
Deputy Secretary

To : The Pay & Accounts Officer,
Calcutta Pay & Accounts Office,
81/2/2, Phears Lane, Calcutta-12.

Calcutta, the 5th June, 1978

Sub : Scheme on sanctioning Grant-in-aid to private film Producer for production of film in West Bengal.

Sir,

I am directed to say that on the recommendations of the Film Development Board reconstituted under Resolution No. 18767-IPR dated 14-7-77, the question of adopting a scheme on sanctioning Grant-in-aid to the private Producers of films as a measure towards improvement of the film-industry in West Bengal, was under active consideration of the Government for sometime past.

2. I am now directed by order of the Governor to say that the Governor has been pleased to approve the scheme of sanctioning Grant-in-aid to the private film Producers for production of films in West Bengal on the terms and conditions setforth hereunder:

(a) *Admissibility of the Grant:*

- (i) The grant will be admissible to a film Producer for production of a sound motion picture in West Bengal.
- (ii) Every year applications will be invited twice in a year from intending Producers of films for consideration of their cases for sanction of such grant.
- (iii) The Working Group of the Film Development Board will consider the applications on their merit having regard to the experience and reputations of the Producers and Directors of the films, the theme of the story to be filmed, cost of production of the film and such other matters as the Film Development Board may decide to consider and on the recommendations of the Group the Government will

consider sanction of grant. Other things being equal, genuine technicians in the industry will be given preference in selection of producers for this purpose.

- (iv) The producer must have a capacity to invest 25% of the estimated cost of production.

(b) *Amount of the Grant:*

- (i) The minimum amounts of grant to be advanced in each case should be Rs. 1 lakh for Black & White film and Rs. 1.50 lakhs for colour film subject to a maximum of Rs. 2 lakhs for Black & White and Rs. 3 lakhs for colour films and in no case the amount of grant shall exceed 75% of the estimated cost of production. The actual amount of grant to be sanctioned in each case will depend upon the recommendations of Film Development Board/Working Group.

(c) *Mode of Payment:*

The mode of payment of the grant shall be in the following manner:

- (i) The Producer must invest at least 25% of the estimated cost of production before the grant is sanctioned by the Government.
- (ii) The grant will be released in suitable instalments as may be decided by the Working Group of the Film Development Board in each case, on the basis of the progress of production work in physical as well as in financial terms. To determine the progress in terms of expenditure incurred towards production, actual payment made by the producer to the workers, technicians, artists, studios, laboratories etc. engaged for the production may also be considered.
- (iii) The producer will submit a utilisation certificate in respect of the entire grant in due course stating that the grant was utilised for the purpose for which it was sanctioned.
- (iv) The producer will enter into an agreement with the Government before sanction of the Grant-wherein he will have to give a guarantee that he will utilise the money for production and release of the film at the earliest possible opportunity so that the purpose for which the grant is sanctioned is served and in case of failure of the producer

to produce the film after having obtained grant from Government wholly or in part, he will be liable to refund the entire amount of grant with such cost as may be determined under the Public Demands Recovery Act. The Producer will also be required to hypothecate the film to the Government by a deed of hypothecation.

3. The Governor has further, been pleased to delegate full power to sanction the above grant to the Information & Public Relations Department, who will furnish a certificate as to the fulfilment of the conditions set forth herein and those mentioned in the agreement at the time of sanctioning the grant to the producer.

4. The financial power delegated in para 3 above will remain valid for the year 1978-79. The specific budget head will be opened in due course.

5. This order issued with concurrence of the Finance Department vide Unofficial No. Group G-511 dated 22-5-78.

Yours faithfully,

Sd/-
(D. K. BANERJEE)
Deputy Secretary

GOVERNMENT OF WEST BENGAL

Department of Information & Cultural Affairs

From : Shri S. R. Bhowmick
Deputy Secretary

To : The Pay & Accounts Officer
Calcutta Pay & Accounts Office
81/2/2, Phears Lane
Calcutta-12

No. 31778-ICA

Dated, Calcutta, the 27th December, '84

Subject: Revised scheme of sanctioning Grant-in-aid to private film producers towards production of films in West Bengal.

Sir,

I am directed to refer to this Department letter No. 10543-IPR dated 5.6.78 (copy enclosed) sanctioning a scheme for providing grant to private film producers for production of films on certain terms and conditions which include the following among others:

"The amount of grant will be released in suitable instalments on the basis of the progress of production work in physical as well as in financial terms before the film is censored."

It has been the experience of the State Government that by releasing the instalments of grants before the film is censored, completion of the film cannot be ensured and, therefore, the purpose of the aforesaid scheme which is to encourage production of films is not suitably served. In view of this, the question of adopting a new scheme in modification of the existing one, as a measure towards improvement of the film industry in West Bengal, was under consideration of the State Government for quite sometime. It has now been decided to sanction grant-in-aid to private producers for production of films after the film is completed and censored.

2. I am, accordingly, directed by order of the Governor to say that the Governor has been pleased to modify the Grant-in-aid scheme sanctioned in letter No. 10543-IPR dt. 5.6.78 for providing grant to private film Producers for production of films in West Bengal for a period of two years, for the present, i.e. 1984-85 and 1985-86, on terms and conditions setforth hereunder:

(a) *Admissibility of grant*

- (i) Grant will be admissible to a film Producer who has already completed production of a sound motion picture and got it censored in order to enable him to liquidate production cost. The producers will be selected in consideration of the extent of their financial liabilities towards production of films.
- (ii) In the matter of selection, merit of the film will be taken into consideration.
- (iii) Grant will be sanctioned only after the film is censored. Only those films which have been censored in the preceding calendar year will be eligible for consideration.
- (iv) The prayer for grant will be considered by the Government on the basis of the recommendation of Film Production Sub-Committee of the Film Development Board.
- (v) Preference will be given to those Producers who have utilised the available infrastructure of the Government owned/managed studio.
- (vi) Those producers who have incurred major part of expenditure by way of payment to local artistes, technicians and laboratories, will be given preference.
- (vii) Those who have received financial assistance in the form of grant from any other Department/Ministry or institution of the State or Central Government, will not be eligible for grant.

(b) *Mode of application*

- (i) Application of grant is to be made in prescribed form.
- (ii) The applicant will be required to submit an audited statement of accounts in respect of the expenditure incurred towards production of the film.

(c) *Amount of grant*

- (i) The maximum ceiling of grant to be released in each case will be Rs. 1 lakh for black and white, and Rs. 2 lakhs for colour film. The actual amount of grant to be sanctioned in each case will depend on the recommendation of the Film Production Sub-Committee of the Film Development Board.

(d) *Mode of payment*

- (i) Grant will be sanctioned and released in one lump.
- (ii) The recipient of grant will enter into an agreement with the Government before release of the grant wherein he will give a guarantee that he will utilise the money for the purpose for which the grant is sanctioned and that he will make the film ready for release in commercial circuit in case it has not been released.

3. The Governor has further been pleased to delegate full power to sanction the aforesaid grant to the Information and Cultural Affairs Department who will furnish a certificate as to the fulfilment of the conditions set forth therein and those mentioned in the agreement at the time of sanctioning the grant to the Producer. The financial power delegated as above will remain in force during the year 1984-85 and 1985-86. The expenditure to be incurred under the scheme is debitible to head "285-Information and Publicity-Films (Non-Plan)-Film Development Board-Grant-in-aid/Contributions" in the current year's budget wherein necessary provision exists for the purpose.

4. The scheme as modified above will take immediate effect subject to the condition that only new cases will be considered under the modified scheme. Those films in respect of which sanction of grant has already been made and those for which certain instalments of grant have already been released will be considered on terms and conditions as envisaged in letter No. 10543-IPR dt. 5.6.78 sanctioning the existing scheme.

5. This order issues with the concurrence of the Finance Department in terms of their Un-official No. Group G-924 dated 24.10.1984.

6. The Accountant General, West Bengal, has been informed.

Yours faithfully,

Sd/- S. R. Bhowmick
Deputy Secretary

No. 31778/1 (40)-ICA

Copy forwarded for information to:

- (1) Accountant General, West Bengal, Poddar Court, 18, Rabindra Sarani, Calcutta-1.
- (2) Finance (Budget) Department of this Government.
- (3) Accounts Officer, West Bengal Secretariat, Writers' Buildings, Calcutta in continuation of this Deptt. endorsement No. 10543/1(3)-IPR dated 5.6.78.
- (4) Member,
Film Production Sub-Committee.

Calcutta,
December 27, 1984

Sd/- (S. R. Bhowmick)
Deputy Secretary

3. The Governor has further been pleased to delegate full power to sanction the aforesaid grant to the Information and Cultural Affairs Department who will furnish a certificate as to the fulfilment of the conditions set forth therein and those mentioned in the agreement at the time of sanctioning the grant to the Producer. The financial power delegated as above will remain in force during the year 1984-85 and 1985-86. The expenditure to be incurred under the scheme is debitable to head "285-Information and Publicity-Films (Non-Plan)-Film Development Board-Grant-in-aid/Contributions" in the current year's budget wherein necessary provision exists for the purpose.

4. The scheme as modified above will take immediate effect subject to the condition that only new cases will be considered under the modified scheme. Those films in respect of which sanction of grant has already been made and those for which certain instalments of grant have already been released will be considered on terms and conditions as envisaged in letter No. 10543-IPR dt. 5.6.78 sanctioning the existing scheme.

5. This order issues with the concurrence of the Finance Department in terms of their Un-official No. Group G-924 dated 24.10.1984.

6. The Accountant General, West Bengal, has been informed.

Yours faithfully,

Sd/- S. R. Bhowmick
Deputy Secretary

No. 31778/1 (40)-ICA

Copy forwarded for information to:

- (1) Accountant General, West Bengal, Poddar Court, 18, Rabindra Sarani, Calcutta-1.
- (2) Finance (Budget) Department of this Government.
- (3) Accounts Officer, West Bengal Secretariat, Writers' Buildings, Calcutta in continuation of this Deptt. endorsement No. 10543/1(3)-IPR dated 5.6.78.
- (4) Member,
Film Production Sub-Committee.

Calcutta,
December 27, 1984

Sd/- (S. R. Bhowmick)
Deputy Secretary

- (iv) One member representing the interest of artistes.
- (v) One member representing the producers of film.
- (vi) One member representing the distributors of film.
- (vii) One member representing the exhibitors of film.

(b) The Chairman and the Member-Secretary of the Board shall be appointed by the State Government, subject to the provision that one of the nominees of the State Government in the Board shall be appointed as Secretary.

5. The Board shall be entrusted with the following functions:

- (i) To draw up programmes for welfare activities of the Fund.
- (ii) To raise fund by organising film shows and dramatic performances and other cultural programmes.
- (iii) To prepare lists of distressed film technicians, artistes and workers of the film industry eligible for financial assistance and to fix up quantum of such assistance and the norms of disbursement.
- (iv) To discharge any other functions that may be assigned to it by the State Government, or that may be considered expedient by the Board to take up, in connection with general welfare of the film technicians, artistes and workers.

6. The Board shall meet, at least, once within a period of two months, to transact the business enumerated in para (5).

7. The Chairman of the Board shall preside over the meetings of the Board and in his absence the members present in a particular meeting shall elect one amongst them to preside over that particular meeting.

8. One-third of the total members of the Board shall form quorum for holding a meeting of the Board.

9. The Board shall prepare its rules and regulations for carrying its activities and maintenance of its accounts subject to the approval of the State Government.

The accounts of the Fund shall be audited regularly, as per normal Audit Rules in force.

10. In the event of any vacancy in the Board caused by retirement or resignation or otherwise, such vacancy shall be reported to the State Government who will fill up the same by appointment of another member from the category in which the vacancy has occurred.

11. The Board shall prepare annual budget outlining its activities and indicating the estimated receipts and expenditure during the year.

12. All expenses incurred for maintenance of an office or staff for the Board, as may be necessary, shall be borne by the Board with the approval of the State Government.

13. On the request from the Board for grant of adequate fund to carry on the welfare activities as hereinbefore expressed, the State Government in the Information and Cultural Affairs Department shall consider the requirement and sanction grant for the purpose and the Department may indicate what portion of such grant shall be kept in Fixed Deposit and what portion in Savings Bank A/c. The Department may also, indicate the manner in which the grant sanctioned by them shall be utilised by the Board.

14. The Board shall open accounts with any nationalised bank in Calcutta and all the transactions carried on by the Board shall be made through the bank.

15. The bank accounts of the Fund shall be operated jointly by the Secretary of the Board and Chairman of the Board, or any other member as may be authorised by the Board for the purpose.

16. The Secretary shall be responsible for proper maintenance of accounts of all receipts and payments of the Fund and shall submit periodical reports for consideration of the Board at its meeting. Copy of such report shall, also, be submitted to the State Government in the I.C.A. Department.

17. The Secretary shall, also, be responsible for day-to-day functions of the Board and act as the executive head.

18. The Govt. in the I.C.A. Department may issue from time to time, directions, instructions and guidance to the Board and may frame rules and regulations as may be considered necessary for smooth and proper functioning of the Board.

By Order of the Governor

Sd/- P. Chaudhuri
Secretary to the Govt. of West Bengal

ORDER

Ordered that the Resolution be published in the Calcutta Gazette and copies forwarded to all concerned.

By Order of the Governor

Sd/- P. Chaudhuri
Secretary to the Govt. of West Bengal

GOVERNMENT OF WEST BENGAL

Department of Information and Cultural Affairs

No. 16458-ICA

Dated, Calcutta, the 24th August, 1981

RESOLUTION

In terms of paras (3) and (4) of the Resolution No. 13571-ICA dated 20.7.81 constituting "Film Workers' Welfare Fund" (hereinafter referred to as "the Fund") it is further resolved that a Board of Management (hereinafter referred to as the said Board) be constituted for the purpose of smooth and proper management and operation of the Fund and the following persons be appointed to act as the member of the said Board:

1.	Secretary, Information & Cultural Affairs Deptt.	... Member
2.	Director of Films, Information & Cultural Affairs Dept.	.. "
3.	Production Officer, Information & Cultural Affairs Dept.	" "
4.	Shri Pranab Chaudhuri	.. "
5.	Shri Subrata Sen Sharma	.. "
6.	Shri Pranab Mukherjee	.. "
7.	Shri Satyen Chatterjee	.. "
8.	Shri Ramesh Joshi	.. "
9.	Shri Pantu Nag	.. "
10.	Shri Niranjan Roy	.. "
11 to 13.	Three representatives of the Eastern India Motion Picture Association	.. "

Secretary, Information and Cultural Affairs Department will act as the Chairman and Production Officer, Information and Cultural Affairs Department will act as Secretary of the said Board.

2. All appointments made herein are on honorary basis.
3. The said Board will function with reference to the terms and conditions laid down in Resolution No. 13571-ICA dated 20.7.81.

By Order of the Governor

Sd/- P. Chaudhuri

Secretary to the Government of West Bengal

ORDER

Ordered that the Resolution be published in the Calcutta Gazette (Extraordinary).

Calcutta,
August, 24, 1981

Sd/- P. Chaudhuri
Secretary to the Government of West Bengal

No. 1649(18)-ICA

Copy with a copy of the Resolution No. 13571-ICA dt. 20.7.81 forwarded for information to:

1. Cine Technicians' and Workers' Union of Eastern India, 2A, Chandi Ghosh Road, Calcutta-700 040.
2. Federation of Film Technicians and Workers of Eastern India, 30, Chandi Ghosh Road, Calcutta-40.
3. All Members of the Board.
4. Secretary, Eastern India Motion Pictures Association, 98E, Chowringhee Square, Calcutta-13.

Three members representing three sections of your Association may be nominated immediately for further action in the matter.

Calcutta,
August 24, 1981

Sd/- P. Chaudhuri
Secretary to the Government of West Bengal

GOVERNMENT OF WEST BENGAL

Finance Department

TAXATION

NOTIFICATION

No. 3423-F.T.—21st October 1986.—In exercise of the power conferred by sub-section (1) of section 12 of the Bengal Amusements Tax Act, 1922 (Ben. Act V of 1922), the Governor is pleased hereby to make the following amendment in the rules for securing the payment of the entertainments tax (and surcharge) in respect of entertainments other than race-meetings, published under Government of Bengal notification No. 2928-Mis., dated the 16th September 1922, as subsequently amended (hereinafter referred to as the said rules):

AMENDMENT

In the said rules, after rule 26, *insert* the following rule:

"26A. (1) Where a proprietor of a new and permanent cinema hall which has been commissioned on or after the first day of April 1986, desires to avail himself of the benefit of retention by way of subsidy the amount of the entertainments tax collected under section 8B of the Bengal Amusements Tax Act, 1922 (Ben. Act V of 1922), he shall submit an application for that purpose in the form appended to this rule to the State Government represented by the Secretary to the Government of West Bengal, Finance Department, Taxation Branch, ordinarily ninety days before the date of first cinematograph exhibition in the said hall.

(2) (a) A proprietor who submits an application under sub-rule (1), shall simultaneously submit two copies of such application to the authority specified in column (1) of the Schedule below in respect of areas within which the cinema hall is situated as described in column (2) thereof:

THE SCHEDULE

(1)	(2)
1. Commissioner of Commercial Areas—	
Taxes, West Bengal	(a) described in Schedule I to the Calcutta Municipal Corporation Act, 1980 (West Ben. Act LIX of 1980);

1	2
	<p>(b) mentioned in sub-clauses (i) and (iii) of clause (b) of sub-section (3) of section 1 of the Bengal Amusements Tax Act, 1922 (Ben. Act V of 1922); and</p> <p>(c) within the municipalities of Baranagore, Dum Dum and South Dum Dum.</p>
2. Collector of Districts	Respective district excluding the areas mentioned against item 1 above.

(b) On receipt of copies of the application, such authority shall enquire about the correctness of the details given therein and send a copy thereof to the authority mentioned in sub-rule (1) with his recommendations within fifteen days from the date of receipt of such application.

(3) On receipt of the application referred to in sub-rule (1), the State Government, after making any enquiry there it may think necessary and on considering the recommendation if received from the authority referred to in sub-rule (2) and on being satisfied that the applicant has correctly given all the requisite information and that the application is in order, may, by an order in writing, permit the proprietor of the chima hall to collect entertainments tax, leviable and payable under the Bengal Amusement Tax Act, 1922 (Ben. Act V of 1922), wholly in cash and to retain by way of subsidy the amount of entertainments tax so collected in cash for a period of one year from the first day of cinematograph exhibition in the said hall or from the date of order according to permission under this sub-rule, whichever is later, subject to the compliance by the said proprietor of the conditions laid down in sub-rules (4) and (6):

Provided that for good and sufficient reasons the permission accorded under this sub-rule may be withdrawn from a prospective date by the State Government after allowing the said proprietor an opportunity of being heard.

(4) The proprietor to whom permission has been accorded under sub-rule (3) shall submit to the State Government the accounts, audited by a chartered accountant within the meaning of the Chartered Accountants Act, 1949 (28 of 1949), showing separately the receipts on account of admission to cinematograph exhibition and entertainments tax retained by way of subsidy in respect of the said cinema hall for each quarter within thirty days from the end thereof for a total period of one year beginning from the first day of cinematograph exhibition or from the date of order according to permission under sub-rule (3), whichever is later, and shall

send simultaneously a copy of such accounts to the authority referred to in sub-rule (2) informing him of the date of such submission:

Provided that the accounts for the first quarter shall cover the period from the first day of first cinematograph exhibition in the said cinema hall or from the date of order according to permission under sub-rule (3) to the last day of that quarter and that the accounts for the quarter in which such permission terminates shall cover the period from the first day of that quarter to the date of such termination and that the audited accounts in respect of the latter period shall be submitted within thirty days from the date of such termination.

Explanation.—For the purpose of sub-rule (4), the expression—

- (a) "quarter" means a quarter reckoned according to English Calendar year, and
- (b) "date of such submission" means, where accounts are sent by the proprietor to the State Government by registered post, the date of registration and, in other cases, the date of receipts of the said accounts by the State Government.

(5) The State Government may examine the audited accounts referred to in sub-rule (4) and may also direct the proprietor to produce his books of accounts for that purpose.

(6) Where there is a breach of condition laid down in sub-rule (4) in respect of submission of accounts to the State Government, the permission accorded under sub-rule (3) shall stand withdrawn from the thirty-first day from the end of the quarter in respect of which there has been breach of such condition to the date prior to the date when the audited accounts are so submitted:

Provided that the State Government may, in any case where it is satisfied on considering the application made by the proprietor of a cinema hall in this behalf that the failure of the said proprietor to comply with the condition laid down in sub-rule (4) was due to the reasons beyond his control, order that the provisions of this sub-rule shall not apply to the proprietor of such cinema hall for such period as may be specified in the order.

(7) The State Government shall send copies of orders under sub-rule (3) and sub-rule (6) to the appropriate authority referred to in sub-rule (2).

Form of application for permission to retain entertainments tax collected by the proprietor of a new and permanent cinema hall

To

The Secretary to the Government of West Bengal
Finance Department
Taxation Branch

I, son of
....., proprietor of a new and permanent cinema hall commissioned on do hereby apply for the permission to collect entertainments tax and retain it as subsidy under section 8B of the Bengal Amusements Tax Act, 1922 (Ben. Act V of 1922), for a period of one year from the date of first cinematograph exhibition in my cinema hall or the date of such permission, whichever is later. All the particulars relating to the cinema hall are given below:

1. Name of the cinema hall :
2. (a) Location of the cinema hall :
- (b) Particulars of licence granted under the West Bengal Cinemas (Regulation) Act, 1954 (West Ben. Act XXXIX of 1954) including licence No., date, etc. :
- (c) Total investment as capital asset in the cinema hall as on the date of application :
- (d) Estimated total investment as capital asset in the cinema hall up to the first date of first cinematograph exhibition :
3. Name(s), address(es) and status of owner(s) of the cinema hall :
4. Office address of the business :
5. Approximate date of first cinematograph exhibition in the cinema hall :

I, do hereby declare and state that the particulars given above are true to the best of my knowledge and belief. I undertake to submit audited accounts showing separately receipts on account of admission to cinematograph exhibition and entertainments

tax retained by way of subsidy in respect of the cinema hall within thirty days from the end of each quarter as required under sub-rule (4) of rule 26A of the rules published under Government of Bengal notification No. 2928-Mis., dated the 16th September 1922, as subsequently amended. I further declare that two copies of this application have been submitted to.....the appropriate authority referred to in the Schedule to sub-rule (2) of the said rule 26A.

Signature

Status

*Signed in my presence

The statements made are true to my knowledge and belief.

Signature

Full address

*To be signed in the presence of a respectable person, e.g. Member of Parliament/Member of the Legislative Assembly/Member of a *Zilla Parishad/Sabhapati* of a *Panchayat Samiti*/an owner of a permanent cinema hall.

By Order of the Governor

Sd/ P. K. Sarkar
Secty. to the Govt. of West Bengal

GOVERNMENT OF WEST BENGAL

Information & Cultural Affairs Department

Writers' Buildings, Calcutta

RESOLUTION

No. 22385-ICA

Date 19.12.87

The Governor is pleased to appoint a Cinema Enquiry Committee comprising the following:—

- | | |
|---|---------------------------------|
| (i) Dr. Prabuddha Roy, Member,
State Planning Board,
6, Camac Street, Calcutta-700 017 | .. <i>Chairman</i> |
| (ii) Shri Dilip Gupta,
52, Serpentine Lane, Calcutta-700 014 | .. <i>Member</i> |
| (iii) Shri Pradip Dey,
Chairman, Exhibitors' Section,
Eastern India Motion Picture Association,
98E, Chowringhee Square, Calcutta-700 072 | .. <i>Member</i> |
| (iv) Shri Arabinda Roy,
2, Royd Street, Calcutta-700 016 | .. <i>Member</i> |
| (v) Joint Director, Small Scale Industries,
Directorate of Cottage and Small Scale Industries
Govt. of West Bengal
New Secretariat Buildings, Calcutta | .. <i>Member</i> |
| (vi) Shri Haridas Chakraborty,
Deputy Secretary, Finance Dep'tt. (Taxn.)
Writers' Buildings, Calcutta | .. <i>Member</i> |
| (vii) Shri H. Manna,
Jt. Director of Films,
Information & Cultural Affairs Dep'tt.
Writers' Buildings, Calcutta | .. <i>Member-
Secretary</i> |

2. The terms of reference of the Committee will be:

- (a) to enquire into the conditions of the cinema houses of the State;
- (b) to examine the existing tax structures under the Government and local bodies relating to cinema houses and cinema shows;
- (c) to examine the adequacy of different incentive schemes introduced by the Government;
- (d) to examine the question of declaring cinema as an industry;
- (e) to suggest remedial measures for exhibition sector; and

(f) to examine the service conditions, wage, etc. of employees of cinema houses.

3. The Committee will devise their own procedures for the conduct of their business and shall elicit information from all relevant sources by such means as the Committee may think proper.

4. The Committee shall submit their report to the Government within a period of three months from the date of issue of this resolution.

Ordered that the resolution be published in the Calcutta Gazette and copies thereof forwarded to the Chairman and Members of the Committee.

By Order of the Governor

Sd/- D. Bhattacharya
Secretary

GOVERNMENT OF WEST BENGAL

**Department of Information and Cultural Affairs
Writers' Buildings, Calcutta-700 001**

From : Shri S. R. Bhowmick
Deputy Secretary (Films)

To : The Pay & Accounts Officer
Calcutta Pay & Accounts Office
81/2/2, Phears Lane
Calcutta-12

No. 2379-ICA

Calcutta, the 9th February, 1988

Subject: Scheme of subsidy to film producers for availing of the facilities at the Cine Laboratory Complex (Rupayan) of West Bengal Film Development Corporation Ltd.

Sir,

I am directed by order of the Governor to say that the question of providing incentive to the film Producers for availing of the facilities created by the West Bengal Film Development Corporation, hereinafter referred to as "the Corporation", an undertaking fully owned by the Government of West Bengal, at the Cine Laboratory Complex (Rupayan) at Salt Lake has been under the active consideration of the Government for some time. After careful consideration, the Governor is pleased to sanction a scheme for providing subsidy to film Producers in the manner and on the terms and conditions setforth hereunder.

(a) Admissibility of subsidy

(i) The subsidy will be available to all feature films in colour hereinafter referred to as 'films' in the making of which the facilities available at Rupayan have been fully utilised up to and including the stage of striking release prints:

Provided that the above condition regarding full utilisation of all facilities available at Rupayan may be relaxed if the Corporation is satisfied that such non-utilization in any particular case was unavoidable and caused by reasons beyond the control of the producer.

Note: A feature film is a film which is certified as a feature film by any Board of Film Certification.

(ii) The subsidy will not be available to a film produced by the Government, State or Central, or by any Government undertaking or agency or to a film produced with financial assistance in the form of grant from any Government, State or Central, or any Government institution or undertaking.

(iii) The subsidy will be admissible also to films in the making of which some of the facilities available elsewhere have already been utilised at the initial stage provided that the facilities of Rupayan are availed of for the remaining part of the work up to and including the stage of striking release prints.

(iv) The subsidy will not be available to a film more than once.

(v) The benefit of the scheme will be available if the work in respect of a film in Rupayan is completed in a period of 12 months. Delay may be condoned if the Corporation is satisfied that it was due to circumstances beyond the control of the producer.

(vi) The subsidy will be admissible to the person whose name is recorded as producer in the bill/debit note prepared by the Corporation for striking release prints.

(b) Amount of subsidy

The subsidy available will be 50% of the total laboratory charges payable to the Corporation subject to a maximum of Rs. 50,000/- Laboratory charges will not include dormitory charges, preview charges and cost of rawstock, if any, included in the bill.

(c) Date of effect

The benefit of the scheme will be available to all the films contracted with at Rupayan on or after 1.4.87.

(d) Mode of payment

(i) The subsidy will be in the form of a rebate to be allowed by the Corporation on the final bill to be prepared after the striking of the release prints;

(ii) Nothing contained in this scheme will affect the usual terms and conditions of the contractual agreement between the Corporation and the producer and the normal rules of business of the Corporation.

The Governor is also pleased to decide that funds subject to a maximum Rs. 2 lakhs will be released at a time to the Corporation by the Department on receipt of requisition to be submitted by the Corporation on the basis of actual booking of films for work at Rupayan.

The Governor has further been pleased to delegate full power to sanction the aforesaid funds to the Information & Cultural Affairs Department. The expenditure to be incurred under the scheme is debitible to the head "2220-Information and Publicity-01 Films-800-Other expenditure (non-plan)-1 Film Development Board-Grant-in-aid/contribution" in the current year's budget wherein necessary provision exists for the purpose. This order issues with the concurrence of the Finance Department in terms of their u.o.no. G151 dated 4.2.88.

Accountant General, West Bengal has been informed.

Yours faithfully

Sd/- S. R. Bhowmik
Deputy Secretary (Films)

No. 2379/1(5)-ICA

Copy forwarded to:

1. The Managing Director, West Bengal Film Development Corporation Ltd., Salt Lake, Sector-IV, Near Jhilmil, Calcutta-91, for information and necessary action;
2. The Accountant General, West Bengal, Poddar Court, 18, Rabindra Sarani, Calcutta-1, for information;
3. The Finance (Budget) Department, for information;
4. The Accounts Officer, West Bengal Secretariat, for information;
5. The Deputy Secretary (Administration Branch) (for Budget Section), for information.

Calcutta,
The 9th February, 1988

Sd/- S. R. Bhowmik
Deputy Secretary (Films)

ANNEXURE A

No. 20840-ICA

Dated, Calcutta, the 3rd December, 1988

NOTIFICATION

In exercise of the power conferred by section 13 of the West Bengal (Compulsory Censorship of Films Publicity Materials) Act, 1974 (West Ben. Act XXX of 1974), the Governor is pleased hereby to make the following amendments in the West Bengal (Compulsory Censorship Film Publicity Materials) Rules, 1975, published under this Department Notification No. 18662 IPR., dated the 25th June, 1975, (hereinafter referred to as the said rules):

Amendments

In the said rules,—

- (1) after rule 16, *insert* the following rules:—

“16A. Application for enrolment as producer, distributor, or exhibitor. Every producer, distributor or exhibitor, before applying for certification of film publicity materials, shall apply to the Board for enrolment as producer, distributor or exhibitor, as the case may be, in the prescribed form as set out in Schedule AA.”:

- (2) after rule 17, *insert* the following rule:—

“17A. Mark of censorship: (1) Every producer, distributor or exhibitor shall display a mark of censorship on the approved film publicity materials. The mark of censorship to be affixed on the approved film publicity materials shall be a circle with the abbreviation WBBC and the year of censorship noted within as indicated below:

WBBC

—
88

- (2) The mark shall be displayed in different kinds of publicity materials in the following manner:—

(a) For photographs of any size, the diameter of the circle of the mark to be affixed on the reverse shall be 10 centimetres.

(b) In case of single sheet of posters of the size 75 cms × 100 cms or less, the diameter of the circle shall be 10 centimetres.

- (c) In case of two-sheet/four-sheet/six-sheet posters, panel and light box, the diameter of the circle shall be 15 centimetres.
 - (d) In case of 24-sheet poster, banner and hoarding, the diameter of the circle shall be 30 centimetres.
 - (e) For all other publicity materials, the diameter of the circle shall be 10 centimetres.
- (3) For publicity in newspapers, periodicals, etc., only the abbreviation WBBC and the year of censorship shall be exhibited."

By Order of the Governor,

Sd/-

Secretary to the Govt. of West Bengal

SCHEDULE AA

(Rule 16A)

Form of application for enrolment as producer/distributor/exhibitor

No..... Dated of application (to be entered by Board's Office)

To

The Chairman
The West Bengal Board of Censorship
Government of West Bengal

Address.....

(Through the Censor Officer)

1. (a) Name of the applicant and nature of business.
(b) Full address with Telephone No.

2. (a) Name of the proprietor/partners/managing director in case it is a firm.
(b) Full address with Telephone No.
3. Address(es) of any branch office(s), if any, of the applicant.
4. If the applicant has any other business connected with the film industry, the particulars of such business.
5. In case of a firm, the name of the person authorised to represent the same.
6. Trade Licence No. and date.
7. In case of an exhibitor, Cinema Hall Licence No. and date.
8. Registration No., in case the applicant of the firm is registered with any association of the film industry.
9. Area of operation/business.
10. Name(s) of some of the films produced/distributed/exhibited in the last 5 years.

Declaration

I/We hereby declare that the particulars mentioned above are true to the best of my/our knowledge and belief.

Date.....

.....
(Signature of applicant)

Official seal (if any)