

The Cine-Workers Welfare Cess Rules, 1984

UNION OF INDIA

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Rule THE-CINE-WORKERS-WELFARE-CESS-RULES-1984 of 1984

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The Cine-Workers Welfare Cess Rules, 1984Published vide G.S.R. 887(E), dated 14.12.1983.

368.

In exercise of the powers conferred under section 10 of the Cine-Workers Welfare Cess Act, 1981 (30 of 1981), the Central Government hereby makes the following rules, namely:-

1. Short title and commencement .-(1) These rules may be called The Cine-Workers Welfare Cess Rules, 1984.

(2)They shall come into force on 1st day of January, 1984.

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

(1)"Act" means the Cine-Workers Welfare Cess Act, 1981;(2)"Cess" means the cess levied and collected under section 3 of the Act;(3)"Applicant" means a person applying for a film to be certified for public exhibition;(4)"Board" means the Board of Film Certification constituted under section 3 of the Cinematograph Act, 1952 (37 of 1952);(5)"Chairman" means the Chairman of the Board of Film Certification.(6)"Regional officer" means the regional officer appointed under Cinematograph Act (Censorship Rules);(7)"Fund" means the Cine-Workers Welfare Fund;(8)"Producer" means the producer of a film or a person making an application under section 4 of the Cinematograph Act, 1952 (37 of 1952) for a certificate.

3. Levy and Collection of Cess .-(1) Every application for a certificate under section 4 of the Cinematograph Act, 1952 (37 of 1952) shall be accompanied by a crossed demand draft drawn in favour of the Chairman, Central Board of Film Certification and payable at the station at which he is stationed for an amount of [cess levied under sub-section (1) of section 3 of Cine-Workers Welfare Cess Act, 1981] towards payment of duty of excise under section 3(1) of the Act:

[Provided that this sub-rule shall not apply to an application for re-certification made under section 5-A of the Cinematograph Act, 1952 (37 of 1952), read with sub-rule (2) of rule 29 of the Cinematograph (Certification Rules, 1983.) [Substituted by G.S.R. 588(E), dated 4.8.1984.](2)The Chairman, Central Board of Film Certification and in his absence whoever is discharging the duties and functions of the Chairman, Central Board of Film Certification, shall in addition to his duties specified in the Cinematograph Act, 1952 (37 of 1952), collect the cess referred to in section 3(1) of the Act.(3)The Chairman will be assisted by a supporting staff in the collection of cess and in the maintenance of the records and accounts.

4. Duties of the Chairman .-(1) The Chairman, in addition to the duties prescribed under the Cinematograph (Censorship) Rules, 1958 shall have the following responsibilities:-

(a)collection of the cess on or before the date of which the producer of a feature film makes an application;(b)submit the account of the collection of cess on each financial year to the Central Government;(c)prescribe the manner in which the register, records and accounts on the collection of cess should be maintained;(d)credit the duty of excise levied to the Consolidated Fund of India.

5. Manner of Assessment and Collection .-(1) The duty of excise referred to in section 3 of the Act shall be collected by the regional offices of the Central Board of Film Certification on or before the date on which the producer makes an application for a certificate under the Cinematograph Act, 1952 (37 of 1952). The application shall be addressed to the Board and delivered to the regional office concerned.

(2)An amount of [cess levied under sub-section (1) of section 3 of Cine-Workers Welfare Cess Act, 1981] shall be paid by the producer alongwith an application for a certificate under the Cinematograph Act, 1952 (37 of 1952) in the prescribed proforma set out in the Schedule.

6. Refund and Recovery of the Duty of Cess .-(1) Where a producer decides to withdraw the film before its certification or the film has been refused a certificate and he does not intend to appeal against or seek revision of such

order, or as the case may be, that the said order has been confirmed on appeal or revision under the Cinematograph Act, 1952 (37 of 1952), he may make an application in the prescribed proforma set out in the Schedule to the Chairman of the Board for refund of the amount paid by him towards the cess.

(2) Any refund under sub-rule (i) shall be made by the Chairman, Central Board of Film Certification by crossed cheque or demand draft by drawing the amount from the concerned pay and accounts office, on an ordinary contingent bill on which shall be specified the name and address of the applicant and name of the film and the amount and date of challan with which the deposit was made by him in the State Bank of India or its subsidiary.

7. Authority for imposition of penalty for non-payment of duty of excise .-Penalty not exceeding rupees fifty under section 7 of the Act shall be imposed by the Chairman, Central Board of Film Certification.

Schedule

FORM I(See sub-rule (2) of rule 5)FORM OF APPLICATION FOR PAYMENT OF CESS UNDER THE CINE-WORKERS WELFARE CESS ACT, 1981(to be submitted at the time of making an application for a certificate for public exhibition of a film).No. and date (to be entered by the Board's office)ToThe Central Board of Film Certification (through the Regional Officer)(i)Name and address of the applicant:(ii)Name of the film:(iii)Language of the film:(iv)Name and address of producer:(v)Number and date of the crossed cheque or demand draft for Rs. 1000:(vi)Has any previous application been made to certify the film for public exhibition.YES/NO(a)If yes, to whom the application was made:(b)The result of such application:I declare that the statement recorded above is true and correct to the best of my knowledge and belief.....Signature of the ApplicantTel No.Dated:FORM II(See sub-rule (1) of rule 6)FORM OF APPLICATION FOR THE REFUND OF CESS PAID BY A PRODUCERNo. and date of the application (to be entered by the Board's office)ToThe Central Board of Film Certification (through the Regional Officer)

1. Name and address of the applicant:

2. Name of the film:

3. Language of the film:

4. Name and address of the producer:

5. The reasons for applying for refund:

6. Has a certificate been issued by the Board for exhibition in India:

YES/NO(a)If yes, the number and date of the certificate:(b)Category of certificate:

7. Has certificate been refused to the film:

YES/NO(a)If yes, the reason for refusing:(b)Whether the producer has preferred appeal against the decision of the Board and details thereof:

8. Whether payment of the cess was made at the time of application for certificate:

YES/NO(a)If yes, the date of such application;(b)The number and date of receipt acknowledging the payment.....Signature of the ApplicantTel No.Dated: