

28

**STANDING COMMITTEE
ON COMMUNICATIONS
(1995-96)**

TENTH LOK SABHA

**MINISTRY OF INFORMATION
AND BROADCASTING**

*(Action Taken by Government on the Recommendations contained
in the Eighth Report of Standing Committee on Communications
on Central Board of Film Certification)*

TWENTY-EIGHTH REPORT



सत्यमेव जयते

**LOK SABHA SECRETARIAT
NEW DELHI**

March, 1996/Phalguna, 1917 (Saka)

TWENTY-EIGHTH REPORT
STANDING COMMITTEE ON
COMMUNICATIONS
(1995-96)

(TENTH LOK SABHA)

CENTRAL BOARD OF FILM CERTIFICATION
MINISTRY OF INFORMATION & BROADCASTING

*[Action Taken by Government on the Recommendations contained in the
Eighth Report of Standing Committee on Communications on
Central Board of Film Certification]*

*Presented to Lok Sabha on 12.3.96
Laid in Rajya Sabha on 11.3.96*



LOK SABHA SECRETARIAT
NEW DELHI

March, 1996/Phalgun, 1917 (Saka)

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C O R R I G E N D A

Corrigenda to Twenty-eighth Report of the Standing
Committee on Communications on Central Board of film
Certification.

Page	Para	Line	For	Read
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(iii)	Put a * mark against the name of Shri Pawan Kumar Bansal - Chairman			
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COMPOSITION OF STANDING COMMITTEE
ON COMMUNICATIONS
(1995-96)

Shri Pawan Kumar Bansal — *Chairman*

MEMBERS

Lok Sabha

2. Shri R. Jeevarathinam
3. Shri Shravan Kumar Patel
4. Shri Laeta Umbrey
5. Shri Surajbhanu Solanki
6. Shri N. Dennis
7. Shri Jagmeet Singh Brar
8. Shri Kodikkunnil Suresh
9. Shri B. Devarajan
10. Shri R. Anbarasu
11. Dr. B.G. Jawali
12. Shri Somjibhai Damor
13. Shri Mohan Lal Jhikram
14. Shri Mahesh Kumar Kanodia
15. Smt. Dipika H. Topiwala
16. Dr. Sakshiji Maharaj Swami
17. Shri Lalit Oraon
- @18. Vacant
- @@19. Vacant
- @@@20. Vacant

* Appointed Chairman w.e.f. 22.9.95 *Vice* Kumari Vimla Verma who ceased to be Member and Chairperson of the Committee on her appointment as Minister.

@ Vacancy caused due to resignation of Shri Lal Krishna Advani from Lok Sabha w.e.f. 17.1.1996.

@@ Vacancy caused due to resignation of Shri Sharad Yadav from Lok Sabha w.e.f. 29.1.1996.

@@@ Vacancy caused due to resignation of Shri Ram Pujan Patel from Lok Sabha w.e.f. 15.1.1996.

21. Shri Shivsharan Verma
22. Shri Rupchand Pal
23. Shri Satyagopal Misra
24. Shri A. Asokaraj
25. Shri G.M.C. Balayogi
26. Shri Raj Kishore Mahato
27. Shri Sanat Kumar Mandal
28. Shri Sultan Salahuddin Owaisi
29. Shri Chandrajeet Yadav

Rajya Sabha

30. Shri Prakash Yashwant Ambedkar
31. Shri Jalaludin Ansari
32. Shri M.A. Baby
33. Shri Virendra Kataria
34. Shri Aas Mohammad
35. Shri O. Rajagopal
36. Shri Mohammed Afzal
37. Smt. Jayanthi Natarajan
38. Smt. Anandiben J. Patel
39. Shri G. Prathapa Reddy
40. Smt. Sushma Swaraj
41. Shri Vizol
42. Shri V. Kishore Chandra Deo
43. Shri Janeshwar Mishra
44. Smt. Veena Verma

SECRETARIAT

- | | |
|-----------------------|------------------------|
| 1. Dr. A.K. Pandey | — Additional Secretary |
| 2. Shri G.C. Malhotra | — Joint Secretary |
| 3. Shri Ram Autar Ram | — Deputy Secretary |
| 4. Shri S.K. Sharma | — Under Secretary |

INTRODUCTION

I, the Chairman of the Standing Committee on Communications (1995-96) having been authorised by the Committee to submit the Report on its behalf, present this Twenty-Eighth Report on action Taken by Government on the recommendations contained in Eighth Report of the Standing Committee on Communications (Tenth Lok Sabha) on Central Board of Film Certification relating to the Ministry of Information and Broadcasting.

2. The Eighth Report was rpesented to Lok Sabha on 15 December, 1994 and was also laid in Rajya Sabha the same day. The Government furnished replies indicating Action Taken on the Recommendations contained in the Report on 13 October, 1995.

3. The Twenty-Eighth Report was considered and adopted by the Committee at its sitting held on 8 March, 1996.

4. For facility of reference and convenience, the observations and recommendations of the Committee have been printed in bold letters in the body of the Report.

5. An analysis of Action Taken by Government on the Recommendations contained in the Eighth Report of Standing Committee on Communications (Tenth Lok Sabha) is given in Appendix-II.

NEW DELHI;
March 8, 1996
Phalgun 18, 1917 (Saka)

PAWAN KUMAR BANSAL,
Chairman,
Standing Committee on Communications.

CHAPTER I

REPORT

This Report of the Standing Committee on Communications deals with the action taken by Government on the recommendations contained in its Eighth Report (Tenth Lok Sabha) on Central Board of Film Certification, Ministry of Information and Broadcasting.

2. The Eighth Report was presented to Lok Sabha on 15 December, 1994 and was laid on the Table of Rajya Sabha the same day. It contained 40 observations/recommendations of the Committee.

3. Action taken notes in respect of all the 40 observations/recommendations contained in the Report of the Committee have been received and have been categorised as follows :

- (i) Recommendations/Observations which have been accepted by the Government :

Sl. Nos. 1 (1.8), 4(1.13), 9(2.12), 10(2.13), 13(3.10), 14(3.11), 15(3.14), 16(3.16), 19(3.19), 20(3.20), 21(3.21), 24(3.24), 25(3.28), 26(3.29), 31(3.45), 32(3.46), 35(3.49), 36(3.50), 37(3.51).

Total 19

Chapter II

- (ii) Recommendations/Observations which the Committee does not desire to pursue in view of the Government reply :

Sl. Nos. 5(1.22), 8(2.11), 11(3.5), 12(3.9), 17(3.17), 18(3.18), 22(3.22), 27(3.35), 28(3.36), 29(3.37), 30(3.38), 33(3.47), 34(3.48)

Total 13

Chapter III

- (iii) Recommendations/Observations in respect of which the Government replies have not been accepted by the Committee and which require reiteration :

Sl. Nos. 6(2.9), 7(2.10), 38(3.52)

Total 3

Chapter IV

- (iv) Recommendations/Observations in respect of which Government have furnished interim replies.

*Sl. No. 2(1.9), 3(1.12), 23(3.23), 39(3.57), 40(4.4)

Total 5
Chapter V

4. The Committee will not deal with action taken by Government on some of the recommendations.

Formulation of National Film Policy

Recommendation Sl. No. 2 (Para No. 1.9)

5. The Committee in the Eighth Report (Tenth Lok Sabha) felt that there was a need to formulate a comprehensive National Film Policy and that films even as entertainment medium should contribute to refining sensibility, elevating standards and ennobling values. Further, the high cost of film production should not be allowed to become an alibi for lowering and debasing standards and tastes.

6. In their Action Taken Note dated 13 October, 1995, the Ministry of Information and Broadcasting has stated that a Sub-Committee of the Consultative Committee attached to the Ministry is already working out the details of the national media policy including films and appropriate action will be taken on receipt of the report of the said Committee.

7. The Committee would like to be apprised about the terms of reference of the Sub-Committee of the Consultative Committee attached to the Ministry. A copy of its report, when finalised, may also be transmitted to this Committee. In the meanwhile, the Committee trust that the Ministry will adopt appropriate measures in the light of the recommendation made by this Committee in its Eighth Report (Tenth Lok Sabha). The Committee will also like to be apprised of the action so taken.

Review of existing Infrastructure for Film Certification

Recommendation Sl. No. 3 (Para No. 1.12)

8. The Committee in the Eighth Report had opined that a system of voluntary censorship or code of conduct by the Film Industry itself would have been ideal. However, considering the recent trends in Indian Cinema, the Committee opined that system of voluntary censorship or code of conduct by Film Industry by itself was unlikely to yield results. In view

of these trends and sudden expansion of satellite television, scrapping of official censorship could have dangerous consequences. The Committee was at loss to understand why the film certification machinery could not stimulate growth of clean entertainment that adheres to basic social and cultural norms and felt that it would be worthwhile to review the existing infrastructure for film certification and analyse the factors that had rendered it ineffective. Though piecemeal attempts had been made in the past to resolve various issues pertaining to Indian films/Film Industry, the Committee felt the need of adopting a holistic approach to the entire gamut of the matter.

9. The Ministry of Information and Broadcasting in the Action Taken Note has stated that the observation of the Committee were noted and the staff requirements of the Central Board of Film Certification were being looked into by the Internal Work Study Unit of the Ministry. Appropriate action is also stated to be in hand for providing necessary equipment to the Board.

10. The Ministry has further stated that a Sub-Committee of the Consultative Committee attached to the Ministry of Information and Broadcasting was already working out the details of the National Media Policy including films and appropriate action would be taken on receipt of the report of the Sub-Committee.

11. The Committee does not find the reply to be satisfactory and desires to be informed in detail of the concrete steps taken/proposed to be taken by the Ministry in pursuance of the recommendation made by the Committee in this regard in their original Report.

To identify the power of Film Media

Recommendation Sl. No. 4 (Para No. 1.13)

12. With regard to portrayal of sex and violence in films the Committee in the Eighth Report had desired that both theme as well as picturisation should be taken into account at the time of certification. It strongly felt that the obligations of the producers/artistes of the films should be properly enforced by Central Board of Film Certification so that the quality of films could be maintained and their influence not abused. The Committee had desired that Central Board of Film Certification should bring about greater professional efficiency and improvement in the quality of performance of this medium, harmonising it with public aspirations and requirements of a pluralistic society.

The unique power of film media to shape perception, develop taste and influence attitudes in the opinion of the Committee required adequate recognition.

13. The Ministry in its reply has stated that the Chairman C.B.F.C. has been requested to take appropriate action to implement the recommendation of the Committee.

14. The Committee regret to observe that though over one year has elapsed since the Eighth Report was presented to the Parliament, no tangible steps have been reported to be taken to improve the situation. The Committee would like to be apprised of the details of the action taken by Central Board of Film Certification in pursuance of the recommendation of the Committee.

Criteria for the Constitution of Advisory Panels and CBFC

Recommendation Sl. Nos. 6 and 7 (Para Nos. 2.9 and 2.10)

15. The Committee in its earlier Report had observed that a large number of members on CBFC and Advisory Panels were persons who belonged to and who might have vested interest in Film Industry. The representatives of the Ministry and also the Chairman of CBFC had conceded that those in Film Industry, were there basically for monetary considerations. The Committee, therefore, had concluded that at times they may not be able to discharge their functions with total impartiality and may unwittingly become susceptible to the influence of their colleagues. Therefore, the Committee had recommended that the yardsticks followed for constituting the Advisory Panels and Board should be reviewed. Representation should be given on such Panels and Board to eminent social workers and peoples associated with art and culture and that fifty percent of them must be women. The Committee had further recommended that no person who was directly involved with the Film Industry should be allowed to be a member of the Advisory Panels and in case of the Board, as a rule the members should not be from the Film Industry and the criteria for appointment of the Chairman and members of the CBFC should be specified in the Act itself.

16. The Ministry in its Action Taken Note has stated that as provided in sub-section (1) of section 5 of the Cinematograph Act, 1952, persons who are qualified, in the opinion of the Central Government to judge the effect of the films on the public, are appointed as members of the Advisory panels and the C.B.F.C.

17. It has further been informed that the Cinematograph (Certification) Rules, 1983 have been amended to provide for due representation to women on the Board and its Advisory Panels and also for at least 50% representation to women in Examining Committees and Revising Committees which are involved in actual examination of films.

18. It has also been stated that there is no legal bar to the appointment of persons from Film Industry as members of the CBFC and its Advisory Panels. It has been further contended that examination of films was done by the CBFC through committees and the authority approving the composition of the committees can always constitute than with a judicious mix of persons from various walks of life including Film Industry. It has also been stated that the Committee members are expected to follow a code of conduct prescribed by Government while discharging their duties. However, it has also been stated that the CBFC will keep in view the recommendation of the Committee while constituting the examining committees for examination of films. The Ministry has further stated that the present provisions of the law for appointment of members of Board and its Advisory Panels have been in existence for more than 40 years and have stood the test of time and thus the balance of convenience lies in not having any further additional provisions in the law regarding criteria for appointment of Chairman and members of the Board.

19. The Committee is not convinced with the reply of the Government that the provisions of law have stood the test of time or that the balance of convenience lies in not having any further additional provisions in the laws regarding criteria for appointment of Chairman and members of the Board. The Committee rather feels that the standards have deteriorated over the years and with increasing portrayal of violence and sex primarily because of the reasons that the existing provisions of law had not been effective enough in checking such tendencies as at times vested interests do find place on such bodies. The Committee reiterates its opinion that the appointment of persons from the Film Industry as members of Central Board of Film Certification and Advisory Panels needs consideration. The fact that those in Film Industry may at times, be unable to discharge their functions with total impartiality and may unwittingly become susceptible to influence of their colleagues was also acknowledged by the representatives of the Ministry and the Chairman of C.B.F.C.

The Committee regret to note that despite this official acknowledgement and the specific recommendation of the Committee to this effect, in the newly constituted Central Board of Film Certification the Chairman and some members have again been nominated from the Film Industry. The Committee, reiterates that as far as the Advisory Panels are concerned, no person who is directly involved with the Film Industry should be allowed to be its member. In the case of the C.B.F.C. also, as a rule no member should be from the Film Industry. The Committee, accordingly, reiterates its earlier recommendation that the criteria for appointment of the Chairman and the members of the CBFC should be specified in the Act itself.

Sitting Fee to CBFC and Regional Panel Members

Recommendation Sl. No. 23 (Para No. 3.23)

20. The Committee in its Eighth Report had recommended that the amount of "Sitting Fee" paid to the CBFC and Regional Panel members who work in honorary capacity, should be suitably increased so as to give some incentives to them to attend the meetings of these Committees.

21. The Ministry of Information and Broadcasting in the Action Taken Note has stated that revision of sitting fee in lieu of TA/DA to the CBFC and Regional Panel Members would require the approval of the Ministry of Finance. The recommendation is stated to be under consideration of the Government.

22. The Committee would like to be informed of the details of the decision taken by Government in regard to enhancement of 'Sitting Fee' to the CBFC and Regional Panel members.

Audience Research and Scientific Studies in Films

Recommendation Sl. No. 25 (Para No. 3.28)

23. In the Eighth Report, the Committee had recommended that the long term behavioural and scientific studies and audience research should be undertaken to gauge the impact of screen images and messages on different sections of society, particularly on children and youth. "Film studies" should be encouraged and the findings of such studies should also be made available to the members of the CBFC and its Advisory Panels.

24. The Ministry has stated in their Action Taken Note that Central Board of Film Certification has been instructed to work out the details and take further action for implementation of the recommendation.

25. The Committee would like to be apprised of the steps taken or proposed to be taken by C.B.F.C. in pursuance of the recommendation of the Committee.

Periodic Training of CBFC and its Advisory Panels' Members

Recommendation Sl. No. 26 (Para No. 3.29)

26. In order to cultivate an attitude for discouraging blind imitation of the western culture/values which are not in tune with the Indian way of life, and to promote awareness of their social responsibility, the Committee in the earlier Report had observed that periodic training of

the members of Central Board for Film Certification and also of its Advisory Panels might be undertaken.

27. In the Action Taken Note, the Ministry have stated that the CBFC has been advised to organise orientation courses for the members of the Board and its Advisory Panels at the various regional centres.

28. The Committee would like to be informed of the number of orientation courses organised by Central Board for Film Certification so far, their duration and content as also the number of participants thereof.

Code of Conduct for Film Producers

Recommendation Sl. No. 38 (Para No. 3.52)

29. In view of the fact that production of good quality films depends largely on the conduct of people who are associated with the films, the Committee had recommended earlier that a Film Council on the lines of Press Council might be set up to oversee and regulate the code of conduct for film producers, directors, artists in tune with Indian value system.

30. In the Action Taken Reply the Ministry has agreed that there is a need for some sort of regulation of Film Industry. However, it has submitted that production of feature films being largely in the private sector self-discipline would be more appropriate. The Ministry has further stated that a Sub-Committee of the Consultative Committee attached to the Ministry is already working out the details of a National Media Policy, including films and appropriate action would be taken on receipt of the report of Sub-Committee.

31. The Committee is not convinced with the reply of the Government that though there is the need for some sort of regulation of film industry, yet self-discipline would be more appropriate since production of feature films has been largely in private sector. The Committee is of the view that like the Press Council which has been set up to oversee and regulate the code of conduct for the Press which is also in private sector, there should not be much difficulty in setting up of the Film Council. Moreover, the Committee in para 1.12 of its earlier Report had held the view that ordinarily self-regulation by Film Industry would have been ideal but considering the recent trends in Indian Cinema and sudden proliferation of satellite television, voluntary code of conduct by itself is unlikely to yield results. The Committee therefore reiterates that somewhat on the lines of Press Council, Film Council may be set up to oversee and regulate the code of conduct for the film producers, directors, artistes.

Certification of Imported Films

Recommendation Sl. No. 39 (Para No. 3.57)

32. In its Eighth Report the Committee had recommended that the imported films should not be released to the importers till certification was over so that the reported practice of making dupe negatives before certification is curbed. The films could be brought under customs escort to the Board for examination and certification.

33. The Ministry in the Action Taken Note has stated that the feasibility of bringing the imported films to the censors under customs escort is being examined by the Central Board of Film Certification in consultation with the customs authorities.

34. The Committee would like to be apprised of the decision taken by Central Board of Film Certification in bringing the imported films under Custom escort for examination and certification.

Increase in Certification Fee

Recommendation Sl. No. 40 (Para No. 4.4)

35. The Committee in its earlier Report had recommended that certification fee should be increased suitably, commensurate with the services rendered and that the CBFC must be made financially self-supporting.

36. The Ministry of Information and Broadcasting in its Action Taken Note has stated that the recommendation of the Committee was under consideration of the Government.

37. The Committee would like the Ministry of Information and Broadcasting to expedite decision with regard to enhancing of the certification fee which should be commensurate with the services rendered. The decision taken in this regard be communicated to the Committee.

CHAPTER II

RECOMMENDATIONS/OBSERVATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT

Recommendation Sl. No. 1 (Para 1.8)

Some of the members of the Film Industry, in course of evidence tendered before the Committee argued that if 'sex' and 'violence' can be shown through foreign television networks, Indian networks should not be barred to do so. The Committee are unable to accept the contention of a section of the Film Industry that Indian films should also be allowed to show sex and violence like foreign films and television network. Its acceptance would mean allowing competition in vulgarity. The Committee feel that some of the scenes, particularly the dance sequences in several recent films are extremely vulgar and repulsive. In India, trends are being set which do not reflect the realities of Indian society. Box Office success of a film cannot be taken as an index of popular demand and popular demand by itself cannot confer justification on something which is patently pernicious. In the name of modernisation, one is today witnessing erosion of traditional Indian values, folk art and culture. The Committee are strongly of the view that the basic moral values of our rich Indian tradition should not be allowed to be compromised, eroded or diluted at any cost. With the opening off the skies and unrestricted beaming of TV programmes from different parts of the world, the challenge that Indian Film Industry faces today is how to blend the changing realities all around the world with the imperatives of Indian cultural values and traditions. There is also a larger question as how to guard against films which may pose a danger to the social fabric and communal harmony and encourage films which foster and harness the edifice of a pluralistic society. The task is also for checking against films which have a baneful influence on children and adolescents.

Action Taken by Government

The observations of the Committee have been noted for compliance.

2. Government have taken steps for improving the quality of Indian films in the following ways :—

(1) *Assistance for production and exhibition of films :—*

National Film Development Corporation Ltd. has been set up with the objective of bringing improvement in the quality of cinema in

India and increasing its access. The Corporation promotes the concept of low-budget. Yet high quality films by granting loans for production of films on good scripts. It also undertakes production of films based on good scripts directed by well-known directors. Loans for construction of cinema theaters are also given by the Corporation.

(2) *National Film Awards:*

Annual national awards have been instituted for according recognition to excellence in cinema and its various disciplines.

(3) *Film Festivals:*

Film festivals provide an opportunity to the Indian film-makers to see outstanding films and understand the latest trends in film-making. Film festivals are organised by the following offices:

- (i) Directorate of Film Festivals holds the annual national film festival. The Directorate also selects outstanding Indian films for participation in international film festivals and sponsors the same. It organises expositions of Indian films in foreign countries and of foreign films in India through the Cultural Exchange Programmes. Further, it organises an annual International Film Festival in India including an Indian Panorama Section.
- (ii) National Film Development Corporation Ltd. holds Indian Panorama film festivals at major centres of the country and organises a number of retrospectives and other mini-festivals in collaboration with various consulates and Directorate of Film Festivals.
- (iii) Films Division conducts Bombay International Film Festival for documentary, short and animation films, once in two years.
- (iv) National Centre of Films for Children and Young People (NCYP) holds an international children's film festival, once in two years.

(4) *Preservation of Cinema:*

The National Film Archive of India, Pune, has been set up with the objective of tracing, acquiring and preserving for the use of posterity the heritage of national cinema and a representative collection of world cinema including films, film music, discs, scripts and other film artifacts.

(5) *Children's Films:*

National Centre of Films for Children and Young People (NCYP) produces children's films, imports such films from abroad and

undertakes their distribution and exhibition. It organises children's film festivals.

(6) Training:

- (i) Film and Television Institute of India has been set up at Pune for providing training to students in direction, cinematography, should recording and sound engineering and film editing. It also provides inservice training to the staff of Doordarshan.
- (ii) Satyajit Ray Film and Television Institute is being set up at Calcutta on the lines of Film and Television Institute of India. Pune.

810/89/94/F (C)

Recommendation Sl. No. 4 (Para 1.13)

With regard to portrayal of violence and sex in films, both the theme as well as the picturisation should be taken into account at the time of certification. The Committee strongly feel that the obligations of the producers/artists of the films should be properly enforced by the Central Board of Film Certification so that the quality of films is maintained and the influence of film media is not abused. Film is a combined team effort involving the talent and skills of the director, the script writers, the cinematographers, the editors creative artists and host of other technicians. It is only a concerted effort which would restore to the Indian cinema some of the lustre lost by neglecting values of quality and excellence. It is, therefore, desirable on the part of Central Board of Film Certification to bring about greater professional efficiency and improvement in the quality of performance of this medium, harmonizing it with public aspiration and requirements of a pluralistic society. The unique power of the film media to shape perception, develop taste and influence attitudes and actions needs adequate recognition.

Action Taken by Government

The recommendation has been accepted by Government and the Chairman C.B.F.C. requested to take appropriate action to implement the same.

810/89/94/F (C)

Comments of the Committee

Please see chapter I (Para No. 14)

Recommendation Sl. No. 9 (Para 2.12)

During course of evidence, the Committee learnt that at times persons were also selected for Advisory Panels who were not resident of that area

or region. The Committee strongly feel that immediately this practice should be done away with. It should be made mandatory that only the local residents or residents of same State/Region should be allowed to be members of a particular regional Advisory Panel.

Action Taken by Government

The observation of the committee has been noted for compliance. Accordingly Central Board of Film Certification (CBFC) has been instructed to keep in view the observation of the committee while recommending names for Advisory Panels.

810/89/94/F (C)

Recommendation Sl. No. 10 (Para 2.13)

The Committee note that the Regional Centre at Delhi has certified only one film during the year 1993, whereas the strength of Delhi Advisory Panel is 63. The Committee recommended that the number of members on such panels should be commensurate with the expected workloads at various centres.

Action Taken by Government

The recommendation of the Committee has been noted for compliance. Accordingly, the Delhi Advisory Panel has since been reconstituted with a strength of 21 members.

810/89/94/F (C)

Recommendation Sl. No. 13 (Para 3.10)

A number of film songs with dual meaning and sexual innuendos, particularly those which have been released of late, have evoked protest from the people. The Satellite Channels particularly Zee TV, Star TV and even Doordarshan on its Metro Channel have been dishing out such songs/dance sequences, during prime time almost regularly.

Action Taken by Government

The preview procedure for programmes to be telecast on Doordarshan have been tightened. Doordharshan has also decided not to accept any film-based material including film songs for telecast unless it bears a certificate from the Central Board of Film Certification. Regarding satellite

channels like Star TV, Zee TV etc., the Cable Television Networks (Regulation) Act, 1995 which has already come into force is expected to take care of the situation.

810/89/94/F (C)

Recommendation Sl. No. 14 (Para 3.11)

Asked about the criteria followed for clearing some undesirable film songs with dual meanings, the Chairman, CBFC, stated during the evidence before the Committee that these songs and dance sequences from films were shown on television even before the respective films were certified by the CBFC. According to him, by the time films with these undesirable songs reached the Central Board of Film Certification, and its Regional Panels for mandatory film certification, the songs had already been telecast and had also established their popularity in programmes like "Super Hit Muquabala", etc. Therefore, no necessity was felt to delete these songs and dance sequences at the time of certification. This argument is not acceptable to the Committee.

Action Taken by Government

The observations of the Committee are noted. The Chairman, C.B.F.C., has already issued instructions to all the Regional Officers of the Board to apply the guidelines strictly, without taking into account the factor of prior telecast by any agency. A copy of these instructions is enclosed.

810/89/94/F (C)

No. M/23

Government of India

Ministry of Information and Broadcasting

Central Board of Film Certification

Bombay, dated March 7, 1994

The R.O., C.B.F.C.	Bombay
The R.O., C.B.F.C.	Calcutta
The R.O., C.B.F.C.	Madras
The R.O., C.B.F.C.	Bangalore
The R.O., C.B.F.C.	Tiruvananthapuram
The R.O., C.B.F.C.	Hyderabad
The R.O., C.B.F.C.	Delhi
The R.O., C.B.F.C.	Cuttack

Dear Sir,

From time to time, complaints have been received in the Ministry of Information and Broadcasting and in the Central Board of Film Certification from various quarters in respect of films which are publicly exhibited after certification. The main focus of the complaints is in the realm of violence, vulgarity, obscenity, sexual assault on women like molestation, rape etc. Of late, these complaints are growing in number. The complaints also are directed against the lyrics of the songs and their picturisation.

2. It is often found from many reports of Examining/Revising Committees that the description of the cuts ordered is not adequate. For instance, some of the deletions read "reduce by 50% the scene of molestation/rape of.....by.....". This is not a specific cut. It leaves certain ambiguity and if an applicant reduces the sequences by 50% removing only the innocuous shots and retaining the more objectionable portions, the work of verification of the cuts becomes a difficult job. Therefore, it should be essential for the committees to describe in detail the portions of the sequences which should be deleted/reduced.

3. In case of sexual violence against women, guidelines 2 (x) is clear. It says that "scenes involving sexual violence against women like attempt to rape, rape or any form of molestation or scenes of a similar nature are avoided, and if such incidents are germane to the theme, they shall be reduced to the minimum and no details are shown. Therefore, it becomes incumbent upon the members or the Examining Committees/Revising Committees to keep this in mind while considering sequences in the films presented for certification.

4. Likewise the guidelines relating to scenes of violence are also unambiguous.

5. An argument is put forward that since the song/dance sequences in a film have already been shown on Zee TV and/or on Superhit Muquabala on TV. Metro, it will not be correct for C.B.F.C. to cut such song/dance sequences. It is to be noted that since the films are examined in the light of the guidelines issued by the Central Government under Sec. 5B(2) of the Act, the Examining/Revising Committees will be within their competence to order deletions in such sequences if they consider them to be violative of the said guidelines.

6. It is requested that the contents of this letter may please be brought in a suitable manner to the notice of all examining officers and members engaged in the examination of films for certification.

7. Receipt of this letter my please be acknowledged.

With best wishes,

Yours faithfully,

Sd/-

(Shakti Samanta)
Chairman

Copy forwarded to:

1. All Board Members.

2. Shri K.S. Venkataraman, Deputy Secretary (Films, Ministry of I & B, Shastri Bhavan, New Delhi - 110 001.

3. Shri M.S. Sethi, Desk Officer (FC), Ministry of I & B, Shastri Bhavan, New Delhi - 110 001.

Sd/-

(Shakti Samanta)
Chairman

Recommendation Sl. No. 15 (Para 3.14)

Today more and more films whose themes are primarily dominated by "unrelated sex" and "excessive violence" are being churned out and circulated. Crime is increasingly becoming the main theme of the story of the films. It is projected in a manner giving the impression that violence, theft, robbery etc. are normal incidents in ordinary life. Further, vice is shown in a heroic form, even though retribution follows. The Committee are not impressed by this reasoning and regret to find that the Examining Officers have not been paying required attention to the stipulations and conditions (para 1.21) for clearing a film. It has come out from the evidence that films are not judged by the touchstone of each of the 19 elaborately explicit conditions but only subjectively according to the declining standards of morality. This seems to have sent a message amongst some producers that they can get away with only minor cuts or excisions. Determination and firm action is necessary to reverse this trend and create an environment where producers do not succumb to the temptation of making films that violate the guidelines hoping little resistance from the CBFC.

Action Taken by Government

All the Regional Officers of the C.B.F.C. have been instructed to strictly adhere to the guidelines while certifying films.

810/89/94/F (C)

Recommendation Sl. No. 16 (Para 3.16)

Considering the fact that films play a vital role in moulding public opinion, attitudes, in imparting knowledge and in understanding of our culture and traditions, the Committee strongly recommend that the CBFC should strictly adhere to the guidelines/objectives with regard to projection of violence and sex in films and do not certify films/songs on the grounds that they have already been shown on various channels like Zee TV etc.

Action Taken by Government

Instructions have been issued by the Chairman, Central Board of Film Certification to the Regional Officers of the Board who have been requested to bring the same to the notice of examining officers and members of advisory panels.

810/89/94/F (C)

Recommendation Sl. No. 19 (Para 3.19)

The Committee were informed that only four meetings of the Central Board of Film Certification have been held since 1990. The names of places of the meetings and the number of members who attend those are given below:

	No. of members attended
1. Bombay (April 1990)	19
2. Bangalore (June, 1990)	16
3. Madras (March, 1992)	20
4. Hyderabad (March, 1993)	14

Recommendation Sl. No. 20 (Para 3.20)

According to Rule 14 of the Cinematograph Rules, 1983, the Board should ordinarily meet once every quarter for the transaction of Business. They regret to note that in clear violation of the rules, only four meetings of the Board were held during the past four years. There Committee

desire that the provision in the rules should be strictly adhered to in future. Further, the Committee note that majority of the members who attended such meetings were the persons from Film Industry only [See Annexures-III (A), (B), (C) and (D)].

Action Taken by Government

The recommendation of the Committee has been noted for compliance. The Chairman, (CBFC) has been advised to make every effort for holding meetings of the Board as regularly as possible.

810/89/94/F (C)

Recommendation Sl. No. 21 (Para 3.21)

(Certification) Rules, 1983 that at least seven clear days notice for all meetings of the Board is to be given to each member but an urgent meeting can be called by the Chairman at three clear days' notice. The Committee strongly feel that notice of 7 days is inadequate. About three weeks notice should be given for convening a meeting to ensure greater participation.

Action Taken by Government

The recommendation is accepted. Rule 16 of the Cinematograph (Certification) Rules, 1983 will be amended.

810/89/94/F (C)

Recommendation Sl. No. 24 (Para 3.24)

The Committee note that quite a good numbers of films of one region get certification from the other Regional Centres (*See Annexure-IV*). A Member of Parliament in a written note to the Committee stated, "I remember once a lady member on the Board from North, not knowing Tamil was viewing a Tamil film, only by inquiring about the film from her fellow members. I do not know what justice she could have done to this invaluable job". Keeping in view the multi-lingual, multi-cultural realities of Indian Society, the Committee felt that the social/cultural implication of the films on the Society can best be judged and assessed by the people who understand the language of that film. It may therefore be ensured that majority of the members of the Examining Committee or the Revising Committee who examine or review a film must understand the language of that film.

Action Taken by Government

The observation of the committee has been noted for compliance. Accordingly, Central Board of Film Certification has been advised to

keep in view the directions of the committee while referring films to the Examining Committees for the Revising Committees for examination.

810/89/94/F (C)

Recommendation Sl. No. 25 (Para 3.28)

The Committee strongly recommend to undertake long term behavioural and scientific studies and audience research to gauge the impact of screen images and messages on different sections of society and in particular on children and youth. "Film studies" should be encouraged. Findings of such studies should also be made available to the members of the CBFC and its Advisory Panels.

Action Taken by Government

The recommendation of the Committee has been accepted for implementation. CBFC has been instructed to work out the details and take further action for implementation of the recommendation.

810/89/94/F (C)

Comments of the Committee

Please See Chapter I (Para No. 25)

Recommendation Sl. No. 26 (Para 3.29)

Periodic training of the members of the Central Board and Advisory Panels may be undertaken to promote awareness of their social responsibility. An attitude has to be cultivated for discouraging blind imitation of the western culture/values which are not in tune with the Indian way of life.

Action Taken by Government

The recommendation is accepted. The CBFC has been advised to organise orientation courses for the members of the Board and its advisory panels, at the various regional centres.

Comments of the Committee

Please See Chapter I (Para No. 28)

Recommendation Sl. No. 31 (Para 3.45)

The Committee were told that video copy of the censored version of each film is obtained by the Board as one of the pre-conditions for issue

of censor certificate. The Committee recommend that the labs must be made legally enjoined that except for the print required for certification no other prints of a film are prepared until the film has been certified.

Action Taken by Government

The Cinematograph (Amendment) Bill, 1992, which has been introduced in the Rajya Sabha on 18.8.92, makes provision for placing legal liability on film processing laboratories.

Recommendation Sl. No. 32 (Para 3.46)

The Committee note that the problem of violation of film certification and of interpolation has been very serious in some of the States; worst affected being Kerala. The problems are particularly acute in case of dubbed films. The Committee strongly recommend enactment of stringent laws to deal firmly with producers, artists, distributors and exhibitors who violate the law.

Action Taken by Government

Interpolation in films is punishable under section 7 of the Cinematograph Act, 1952 (37 of 1952). This section reads as follows :

"7. (1) If any person—

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

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 tempered with in any way since such mark was affixed thereto.

xxx

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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

xxx

xxx

xxx

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 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 :

xxx

xxx

xxx

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

The penalties provided in section 7 are proposed to be enhanced for which the Cinematograph (Amendment) Bill 1992 has been introduced in the Rajya Sabha on 18.8.92. Clause 6 of the Bill reads as follows :

"6. In section 7 of the principal Act, in sub-section (1).

xxx

xxx

xxx

(ii) in the long paragraph, for the words "three years, or with fine which may extend to one lakh rupees", the words "five years, or with fine which may extend to five lakh rupees" shall be substituted;

(iii) for the first and second provisos, the following provisos shall be substituted, namely :

"Provided that a person who exhibits or permits to be exhibited in any place a film in contravention of the provisions of sub-clause (i) of clause (a) shall be punishable—

(a) with imprisonment for a term which shall not be less than three months, but which may extend to five years and with fine which shall not be less than fifty thousand rupees, but which may extend to five 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 :

- (b) in case the film is interpolated with a blue film or any portion thereof, notwithstanding anything contained in clause (a), with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine which shall not be less than one lakh rupees but which may extend to five 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.

xxx

xxx

xxx

Recommendation Sl. No. 35 (Para 3.49)

The Committee were apprised during course of evidence that the legal process involved in obtaining conviction even after detecting interpolation is quite lengthy and cumbersome. The Committee notice that for an offence with such social dimension, only a nominal fine is imposed. Therefore, the unscrupulous elements in the trade take undue advantage of this. The Committee strongly recommend that the law be amended to enhance penalties for such violations.

Action Taken by Government

The Cinematograph (Amendment) Bill, 1992, which has been introduced in the Rajya Sabha on 18.8.92, seeks to enhance the penalties provided in section 7 of the Cinematograph Act, 1952 (37 of 1952).

Recommendation Sl. No. 36 (Para 3.50)

The Committee are of the strong view that pending the decision on cases of interpolation in a court, some deterrent action such as suspension of the licence of the concerned cinema house for a specified period of time or imposition of deterrent penalties on defaulters may be considered. The Committee recommend that all the State Governments/UTs should be asked to nominate one officer each to coordinate in the matters relating to cases of interpolation with there CBFC.

Action Taken by Government

The recommendation of the Committee has been brought to the notice of the State Governments and Union Territory Administrations. They have been requested to take action regarding suspension of licence, as recommended by the Committee. They have also been requested to nominate an officer to coordinate matters with the CBFC. Also kindly see reply to para 3.51.

Recommendation Sl. No. 37 (Para 3.51)

Further, the State authorities should be impressed upon to take stringent measures in case a cinema house exhibits an 'A' film to non-adults or exhibits a 'S' film to audiences who are not members of a group or a profession for whom the film has been certified and take actions against the exhibitors in both these cases. State authorities should take measures against non-display of censor certificates at prominent places in the cinema houses. etc.

Action Taken by Government

The recommendation of the Committee has been brought to the notice of the State Governments and Union Territory Administrations for taking appropriate action. A copy of the letter sent to the Chief Secretaries of State Governments and Union Territory Administrations is enclosed.

No. 810/89 (31)/94-F (C)

GOVERNMENT OF INDIA

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, dated 11.10.95.

To

The Chief Secretaries of all State Governments/
Union Territory Administrations.

SUBJECT : *Recommendations of the Standing Committee on Communications (1994-95) (Tenth Lok Sabha) in its Eighth Report regarding steps taken to curb violation of film certification.*

Sir,

I am directed to say that as the State Governments/Union Territory Administrations are aware, the Central Board of Film Certification, a statutory body created under the provisions of the Cinematograph Act, 1952 (37 of 1952) is responsible for certification of cinematograph films for public exhibition. The Board issues the following certificates :

- (i) 'U' for films for unrestricted public exhibition;
- (ii) 'A' for films for public exhibition restricted to adults only;
- (iii) 'UA' for films for unrestricted public exhibition subject to parental guidance for children below the age of twelve; and

- (iv) 'S' for films for public exhibition to specialised audiences such as doctors etc.

2. The violations of the provisions of the Act in exhibition of films have reportedly been on the increase and are a cause of great concern. It is reported that certified films are not exhibited in the same form in which they are certified by the Board. Violations normally noticed are as follows :

- (i) Interpolation in certified films, i.e. portions which are disallowed by the Board or which were not shown to the Board during certification are exhibited as portions of certified films. In addition, 'bits' of blue films are shown along with certified films.
- (ii) Exhibition of a film which was not presented for certification at all.
- (iii) Exhibition of a decertified film. This relates to cases of films which were "uncertified" by Government under section 6 of that Act.
- (iv) Exhibition of 'A' certificate films to non-adults.
- (v) Exhibition of 'S' certificate films to those for whom the films are not meant.
- (vi) Non-display of the censor certificate in the cinema house for the public.
- (vii) Advertising the film with a title other than the one for which the certificate is issued.

Most of the cases of violations relate to interpolations. Under the Cinematograph Act, neither the Board nor the Central Government has power to enforce the Board's decisions at the time of public exhibition of films.

3. It may be stated that offences under Part II of the Cinematograph Act, 1952 are cognizable and non-available. Section 7 of the Act provides for penalties for contravention of the provisions of the Act. Section 7A of the Act deals with powers of seizures of the film in question. As any other Act in the statute book, the provisions of the Cinematograph Act, 1952 are only as effective as they are implemented. It is, therefore, requested that the law enforcing agencies may be instructed to use the provisions of the law vigorously for dealing with interpolations in films.

4. The Standing Committee on Communications (1994-95) (Tenth Lok Sabha) has examined the problem in detail. The Committee has, in its Eighth Report, recommended, *inter-alia*, as follows :

"3.50 The Committee are of the strong view that pending the decision on cases of interpolation in a Court, some deterrent action such as suspension of the licence of the concerned cinema house for a specified period of time or imposition of deterrent penalties on defaulters may be considered. The Committee recommend that all the State Governments/Union Territory Administrations should be asked to nominate one officer each to coordinate in the matters relating to cases of interpolation with the CBFC."

"3.51 Further, the State authorities should be impressed upon to take stringent measures in case a cinema house exhibits an 'A' film to non-adults or exhibits an 'S' film to audiences who are not members of a group or a profession for whom the film has been certified and take actions against the exhibitors in both these cases. State authorities should take measures against non-display of censor certificates at prominent places in the cinema houses etc."

5. The State Governments and Union Territory Administrations have powers of cancelling or suspending the cinema licence of the exhibitors under their cinema laws in case they violate the conditions of licence. It is suggested that deterrent action such as suspension of licence or imposition of penalties may be taken against the offenders, as recommended by the Committee.

6. It is requested that the State Governments/Union Territory Administrations may nominate one officer each to coordinate matters relating to cases of interpolations with the Central Board of Film Certification. The name, address and telephone number of the officer nominated may please be intimated to this Ministry as well as the Chairman, Central Board of Film Certification, 91, Walkeshwar Road, Bombay 400006.

7. According to rule 30 (3) of the Cinematograph (Certification) Rules, 1983, the duplicate copy of the censor certificate (containing both parts I & II) shall be prominently exhibited in the theatre on all days on which the film is exhibited therein. Further, according to rule 38 of the said rules "any person advertising a film granted 'UA', 'A' or 'S' certificate or the exhibition of such film 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."

8. It is felt that the above rules are not strictly being followed by the exhibitors of films. Again, as pointed out by the Committee, non-adults

gain entry in theatres showing 'A' film. So also, 'S' certified films are shown to persons who are not members of a group or a profession for whom the film has been certified. It is requested that the law enforcing agencies may be instructed to take appropriate action in this regard also.

Yours faithfully,

Sd/-

(RAGHU MENON)

Joint Secretary to the Government of India

Tele : 3382597

Copy to All Regional Officers/Additional Regional Officers of Central Board of Film Certification.

Sd/-

(R.C. Shahdadpuri)

Desk Officer

Tele : 3386769

CHAPTER III

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

Recommendation Sl. No. 5 (Para 1.22)

As far as the film publicity material is concerned, the Committee were informed that Publicity Screening Committees had been set up by the Film Industry to scrutinise film posters or film advertisements and other publicity material on voluntary basis. Such a mechanism comes under the common law of the land relating to obscenity, particularly section 292 of the Indian Penal Code. The Committee note that the responsibility for enforcement of these provisions rests with the State Governments and Union Territories. The Indecent Representation of Women (Prohibition) Act, 1986 is administered by the Department of Women and Child Development, but the responsibility of enforcement is with the local authorities including police. The Committee gather that the West Bengal Government have enacted the "West Bengal (Compulsory Censorship of Film Publicity Materials) Act, 1974" to deal with obscene and indecent film posters. The Committee feel that the Government should initiate steps including necessary legislation to ensure that the increasing practice of using obscene posters to publicise films is curbed.

Action taken by Government

The Central Government has no legislative competence to pass any legislation regarding film posters which subject falls within the domain of the State Governments. A copy of the West Bengal Act has been sent to the State Governments/Union Territory Administrations with the request that they may take action to have legislation passed on the West Bengal model.

Recommendation Sl. No. 8 (Para 2.11)

The Committee strongly feel that the CBFC needs a full time Chairman to do justice to the enormous work load.

Action taken by Government

Under sub-section (2) of section 3 of the Cinematograph Act, 1952, "the Chairman of the Board shall receive such salary and allowances as may be determined by the Central Government". Thus the Legislature

has left it to Government to decide whether a Chairman should receive any salary and if so, how much. Therefore, the Central Government has the discretion to make appointment as Chairman on full-time or part-time basis as the situation demands. Such flexibility is considered necessary and desirable as Government should be free to appoint the best person available on such terms as may be considered appropriate. The objective is to ensure the appointment of a person of standing in his own field as Chairman of the Board provided he commands the confidence of the Government, the film industry and the public and this will be irrespective of whether he works on a full-time basis or part-time basis so long as he is able to discharge his duties efficiently.

Government have over the years, been finding it difficult to get a professionally competent person for appointment as a full-time incumbent. That is why part-time appointment was resorted to for some time past. Professional expertise is one of the main considerations for this appointment, as production of films is in the private sector and anybody is free to produce any film and the only check is the clearance from the Central Board of Film Certification. Therefore, even if a person with professional expertise is available for appointment on a part-time basis, he should be considered adequate for the purpose. However, as the existing provision in the Act is worded, Government has the discretion to appoint a full-time incumbent if a person of eminence is available for such appointment. The observations of the Committee will be kept in view while making appointment to the post of Chairman in future.

Recommendation Sl. No. 11 (Para 3.5)

The Committee are surprised to learn that despite the stipulation of law to this effect, the Chairman CBFC, never attended any meeting of the First Revising Committees or the Second Revising Committees. During evidence, the Chairman, CBFC informed the Committee that after the Examining Committee had viewed the film and recommended for its certification, he simply signed the documents, without watching the film himself. He also stated that it was not possible for him to personally watch around 800 films every year before their certification. On an average almost 40% films were being referred to the Revising Committee every year. While explaining the procedure, he stated:—

“When there is no unanimous decision (at EC level), the Chairman sends it to the Revising Committee. If there is again some difference of opinion then we are told to send it to the Second Revising Committee to reassess and present it again.”

On being asked whether he ever felt it necessary to personally watch at least such films which had been referred to the Revising Committees,

the Chairman, CBFC replied in the negative and stated that if he did so in case of one film, he would be flooded with such requests in regard to other films. The Committee are of the opinion that atleast when the Board refers the examination of the film to a Second Revising Committee, the Chairman, CBFC must preside over the meeting.

Action taken by Government

The Chairman, CBFC has the power to refer a film to a Revising Committee (i) at the request of the applicant and (ii) on his own motion. The applicant may ask for a Revising Committee, if the recommendation of the Examining Committee is for refusal of a certificate or grant of 'A', 'UA' or 'S' certificate with or without cuts or 'U' with cuts. In case of *suo motu* reference to a Revising Committee, the powers of the Chairman have been restricted by a decision of the Bombay High Court in the Case of film Class of 84 (Re-revised) (English) in that any unanimous decision of the Examining Committee has necessarily to be accepted by the Chairman. If the examining officer is in the minority and reports that there will be infraction of guidelines in case the majority recommendation is accepted, then only can the Chairman refer a film to a Revising Committee. Further, as per decision of Bombay High Court in the case of film KOWLOON ASSIGNMENT (English), any unanimous decision of a Revising Committee has necessarily to be accepted by the Chairman. Only if the Chairman does not agree with the majority decision, he can refer the film to a second Revising Committee. Again, as per decision of the Bombay High Court in the case of film Class of 84 (Re-revised) (English), if the Chairman has himself referred a film to a Revising Committee, he cannot be the presiding authority of the Revising Committee, as otherwise he would be a judge of his own cause.

To sum up, whenever the Chairman of the Board refers a film to a Revising Committee or a Second Revising Committee in exercise of his discretionary powers, normally he does not preside over the Revising Committee as otherwise *mala fide* or bias may be attributed to him. However, whenever Revising Committees are held at the request of the applicant, the recommendations of the Standing Committee would be kept in view by the Chairman.

Recommendation Sl. No. 12 (Para 3.9)

The objectives of Film Certification is to serve laudable public objectives. However, the Committee are of the opinion that the CBFC has proved to be ineffective to meet the above objectives of film certification.

Action taken by Government

The Committee has made the above observations particularly in the wake of criticism of the telecast of songs on Doordarshan as well as

satellite channels like Star TV, Zee TV etc. The preview procedures for programmes to be telecast on Doordarshan have since been tightened. Doordarshan has also decided not to accept any film-based material including film songs for telecast unless it bears a certificate from the Central Board of Film Certification. Regarding satellite channels like Star TV, ZEE TV etc., the Cable Television Networks (Regulation) Act, 1995 which has already come into force empowers State Governments to tackle the situation.

2. It is submitted that the guidelines issued by Government and the objectives of film certification themselves are matters of subjective interpretation and that various perceptions *vis-a-vis* certification standards do naturally arise from time to time. Considering the very large number of films certified by the C.B.F.C., it may be stated that the Board has tried to do its job as effectively as possible. However, the observations of the Committee are noted.

Recommendation Sl. No. 17 (Para 3.17)

The Committee strongly recommend that the display of such vulgar scenes and dual meaning songs by Doordarshan should be immediately banned and such songs should also not be played on All India Radio. The Government should also call for the record of the proceedings CBFC, if any and its Advisory Panels meetings which gave clearance for these controversial film songs. The Committee hope that after examining these records, the Government will take appropriate action to ensure that slip of this nature.

Action taken by Government

All units of Doordarshan have been directed not to accept any film-based material for telecast unless it bears the certification by the Central Board of Film Certification. The preview procedures in respect of programmes on DD-II and DD-I have been tightened so that even where CBFC certificates are produced, scenes which offend public decency or are not in conformity with the broadcast code are deleted before telecast. In the case of All India Radio also, songs which offend public decency or are not in conformity with the broadcast code are not broadcast.

The Standing Committee has, in para 3.13 of its Report, referred to six Hindi films, *viz.* Khalnayak, Rajababu, Mohra, Ladla, Anjaam and Andaaz. The film Andaaz was certified at the Hyderabad regional office of the Board, while the other films were certified by the Bombay regional office of the Board.

Since these films have already had their run, it is felt that any action at this stage would be counter-productive and would only give undue publicity to the films which are not in circulation.

The Central Board of Film Certification functions through committees for examination and certification of films. An Examining Committee consists of four members of the Advisory panel and one examining officer. A film is referred to a Revising Committee by the Chairman of the Board on his own motion or at the request of the applicant (producer). The Revising Committee consists of a Chairman and nine members who are members of the Board or its advisory panels. Thus, certification of a film is a collective decision of the Committee and no single individual alone can be held responsible.

However, it is submitted that the Hyderabad advisory panel and the Bombay advisory panel have been reconstituted with the result that most of the advisory panel members who certified the above films have ceased to be members of the advisory panels. A circular has been issued to all the Regional Officers of the Board bringing the recommendation of the Committee to their notice and asking them to adhere to the guidelines issued by Government for certification of films, while examining films for certification. A copy of the circular is enclosed.

CONFIDENTIAL

D.O. No. 810/89 (16-A)/94-F (C)
GOVERNMENT OF INDIA
MINISTRY OF INFORMATION AND BROADCASTING

New Delhi 1, Dated the 11.10.95

Raghu Menon
Joint Secretary
Tele. 338 25 97

Dear

Last year there have been complaints that a few films with vulgar song and dance sequences and objectionable visuals have been certified by the Board. In this connection, the Standing Committee on Communications (1994-95) (Tenth Lok Sabha) has, in para 3.13 of its Eighth Report, referred to the Hindi Films Khalnayak, Rajababu, Mohra,

Ladla, Anjaam and Andaaz. The Committee has, in para 3.17 *ibid*, recommended as follows in this regard :—

“3.17 The Committee strongly recommend that the display of such vulgar scenes and dual meaning songs by Doordarshan should be immediately banned and such songs should also not be played on All India Radio. The government should also call for the record of the proceedings of the CBFC, if any, and its Advisory Panels meetings which gave clearance for these controversial film songs. The Committee hope that after examining these records, the Government will take appropriate action to ensure that slip-ups of this nature.”
(do not recur)

As you know, objectionable song and dance sequences have an adverse impact on the audience. Detailed guidelines exist for dealing with such sequences. It is the duty of every officer in the Central Board of Film Certification to see that the guidelines are strictly followed. In fact, sub-rule (13) of rule 22 of the Cinematograph (Certification) Rules, 1983 makes it amply clear that “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”. It is, therefore, reiterated that while examining films the guidelines should be strictly adhered to. Any deviation will be taken serious notice of and the Government will be obliged to take appropriate action against the officer concerned.

With regards,

Yours sincerely,
Sd/-

(RAGHU MENON)

To all the R.O. CBFC

Copy for information/appropriate follow-up action to Shri Shakti Samanta, Chairman CBFC, Bombay.

Recommendation Sl. No. 18 (Para 3.18)

The representative of the Film Industry Associations in their evidence before the Committee expressed their resentment and stated that a policy of double standard was being followed by the CBFC with regard to certification of Indian *vis-a-vis* foreign films. It manifested most in case of dubbed films, they said. The Committee strongly feel that same standard should be applied for certification of both the Indian and foreign films, as the viewers of the films are the same.

Action taken by Government

The guidelines issued by Government for certification of films are applicable to both Indian and foreign films. There are no separate guidelines for foreign films. Guideline 3 thereof reads as follows :

“3. The Board of Film Certification shall also ensure that the film—

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

Thus, while examining foreign films, the Board ensures that the film does not deprave the morality of the audience. In so far as foreign films dubbed in Indian languages are concerned, they are treated as fresh films for purposes of certification and are examined afresh by the Board in the light of the guidelines issued by Government for certification of films.

Recommendation Sl. No. 22 (Para 3.22)

The Committee observe that in a large number of cases the film certifications are awarded without even any member of the CBFC having seen the film. The Regional Officer who is a government officer constitutes the Examining Committee and in practice the entire powers of the CBFC are exercised by him. Therefore, more than the Chairman or any other members of the Board, the opinion of the CBFC is controlled by a government officer appointed as the Regional Officer. The Committee strongly feel that this practice needs to be improved with a view to make members of the Board and Advisory Panels more active and accountable for their decisions. The Committee, therefore, recommend a radical overhaul of the Rules so as to ensure that the Central Figure responsible for setting up of the Examining and Revising Committees is some member of the CBFC.

Action taken by Government

Revising Committees are constituted by the Chairman of the Central Board of Film Certification or a member of the Board who has been delegated with the powers of the Board, *vide* rule 24(2) of the Cinematograph (Certification) Rules, 1983 and delegation orders dated 11.10.91 (copy enclosed).

Under rule 22(1) of the Cinematograph (Certification) Rules, 1983 examining committees are constituted by the Regional Officers. It is

submitted that examining committees are constituted not just for feature films but for all the films. The Board issues more than 3,000 certificates every year and an equal number of examining committees are constituted each year. This is a full-time job. Due to urgency members are contacted on telephone for confirmation of attendance and many a time last minute replacements are to be found also on telephone. This calls for the presence of the decision taking authority in the office premises. The members of the Board are working in an honorary capacity and it is not possible for them to devote so much time on each working day. Further, the Regional Officers are senior Group A officers with a lot of experience of human resource management. Therefore, it is felt that the balance of convenience lies in having the status quo.

To make the members of the Board and its advisory panels feel more responsible and accountable, it has been decided to amend the censor certificate forms to include the names of persons who have examined the films and taken the decision to certify the films.

No. 809/1/91-F (C)
GOVERNMENT OF INDIA
MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 11th October, 1991

ORDER

In exercise of the powers conferred by Section 7B of the Cinematograph Act, 1952 (37 of 1952) (hereinafter referred to as the said Act) and in super session of the earlier orders on the subject, the Central Government hereby directs that any power, authority or jurisdiction exercisable by the Board of Film Certification (hereinafter referred to as the Board) in relation to matters specified in Section 4, sub-section (3) and (4) of Section 5. Section 5A and Section 7C of the said Act shall also be exercisable subject to the conditions given below, by the following members of the Board at the regional office indicated against each with immediate effect and until further orders :—

- | | |
|--------------------------------|--------------|
| 1. Shri A.V.M. Balasubramaniam | — Madras |
| 2. Shri Seababrata Gupta | — Calcutta |
| 3. Smt. Polly Ayappa | — Bangalore |
| 4. Shri Basheer M. Picha | — Trivandrum |
| 5. Shri T. Subbarami Reddy | — Hyderabad |
| 6. Smt. Kamala Mankekar | — Delhi |
| 7. Prof. B.B. Das | — Cuttack |

(a) The member of the Board mentioned above shall have the power to take decisions only on the *unanimous* recommendation of the Examining Committee or the Revising Committee, as the case may be, in the case of films presented for certification at the regional office concerned.

(b) A report about the recommendation of the Examining Committee or the Revising Committee and grant of certificate etc. shall be made to the Chairman of the Board and the Central Government within a week.

(c) The records in respect of films dealing with all or any of the matters impinging upon the sovereignty and integrity of India, the security of the State and friendly relations with foreign States shall be sent to the Chairman of the Board for orders before the decision on the Board is communicated to the applicant after the film has been examined by the Examining Committee or the Revising Committee as the case may be.

(d) In case where the member of the Board to whom powers have been delegated does not accept the unanimous recommendation of the Examining Committee or where the applicant makes a request for reconsideration of the decision of the Examining Committee he shall refer the film to a Revising Committee. In such a case, an intimation shall be sent to the Chairman of the Board simultaneously for his information. The member of the Board shall also constitute the Revising Committee with the assistance of the officer in charge of the regional office of the Board.

(e) All cases where there is a difference of opinion among the members of the Examining Committee or the Revising Committee shall be referred to the Chairman of the Board for a decision.

Sd/-

(N.A. Viswanathan)
Director (Films)
Tele. 381043

To

1. The Chairman, Central Board of Film Certification, 91, Walkeshwar Road, Bombay-400 006.
2. The members of the Board mentioned above.
3. All Regional and Additional Regional Officers of the Board.

Sd/-

(N.A. Viswanathan)
Director (Films)

Recommendation Sl. No. 27 (Para 3.35)

Concept of film censorship was started in an era where there was no television, satellite, video, cable or anything of that kind. Cinema was the only audio-visual medium existing at that time. Therefore perhaps a purely negative role for film censorship was envisaged. The need today is also to introduce a positive role of the CBFC. The concept of censorship of Indian films and foreign films entering India and whole concept of the film certification need to be redefined and re-examined in a changing environment, where all types of programmes around the world are coming to us through satellite. The Committee strongly feel that despite the fact that production of films in India is primarily in private sector and Government have no control over it, the films which are of good quality or healthy entertainment could be encouraged by the Government. The Government should find ways and means as how to give financial help to the producers of such films.

Action taken by Government

The National Film Development Corporation Limited has been set up by Government with the prime objective of bringing improvement in the quality of cinema in India and of increasing its access. The Corporation promotes the concept of low-budget, good quality films by giving loans to film-makers producing such films. The Corporation also undertakes production of films on good scripts.

[810/89/94/F(C)]

Recommendation Sl. No. 28 (Para 3.36)

The Committee appreciate the Khosla Committee recommendation that the Censor Board should also give "outstanding merit certificate to films having outstanding, artistic, aesthetic, cultural and educative qualities". The Committee feel that Quality (Q) certificates may be given to the films which have definite artistic, aesthetic or educative value, promote national objectives and offer wholesome entertainment. Producers of the films which portray freedom struggle or promote national integration, moral values as also of good children films should be given tax benefits. One of the ways which could be experimented with is to rotate back at least 50% of the entertainment tax earned from a "Q" film to the producer of that film so that he may be encouraged further to produce more of such kinds of films. However, the Committee strongly feel that "Q" certificates may be given judiciously to films which actually show excellence in all respects. Such films may also be given preference by Doordarshan for telecasting.

Action taken by Government

The 'quality' rating is not part of the Cinematograph Act, 1952. If introduced, it is likely to be a controversial issue, as all films certified for public exhibition may not qualify for "Q" certification and films fit for 'Q' classification may offend some of the guidelines issued by Government for certification of films.

2. The Central Board of Film Certification is of the view that while deciding about the certification of a film, it is guided by the guidelines issued by the Central Government for certification of films and that these guidelines are based upon the reasonable restrictions' enumerated in Article 19(2) of the Constitution. Thus, the Board is performing a negative role. The 'quality' certification will be a sort of positive encouragement to film-makers to make good films. According to the Board, the negative and the positive functions cannot be combined and given to one authority. The Board feels that if the 'quality' rating is to be introduced, the job should be given to some other authority.

3. The 'Q' rating cannot be introduced unless the CBFC, the Film Certification Appellate Tribunal and the film industry agree to it.

4. The observations of the Committee regarding incentives to makers of quality films will be kept in mind while taking a decision on 'Q' certification.

[810/89/94/F(C)]

Recommendation Sl. No. 29 (Para 3.37)

The Committee note that the purview of the Central Government is only confined to certifying cinematograph films for public exhibition. The grant of licences of cinema theatres and levy of entertainment tax on the exhibition of films falls within the purview of the State Governments. Keeping in view the limitations of the Central Board of Film Certification with regard to the levy of entertainment tax, the Committee recommend that the Ministry of Information and Broadcasting may issue clear cut guidelines to the State with regard to incidence of entertainment tax on "Q" certified films.

Action taken by Government

The observations will be kept in view as and when it is decided to introduce 'Q' certification to films.

[810/89/94/F(C)]

Recommendation Sl. No. 30 (Para 3.38)

The Committee feel that the loss in revenue to the Government on account of sharing entertainment tax on "Q" certified films and children films with the producers of such films would be nominal in comparison to cultural enrichment of society.

Action Taken by Government

The observations of the Committee will be kept in mind when the 'Q' certification is introduced.

[810/89/94/F(C)]

Recommendation Sl. No. 33 (Para 3.47)

The Ministry have contended that from time to time they have been bringing this practice to the notice of the State Governments. The Committee feel that there is no adequate machinery to detect interpolations in films. The CBFC has no personnel at its disposal to go from cinema halls to video parlours to detect such interpolations. Most of the offenders get away with their acts because the existing machinery simply cannot keep pace with them.

Action taken by Government

The responsibility for enforcing the penal provisions of the Cinematograph Act, 1952 (37 of 1952) rests with the State Governments and Union Territory Administrations. For reasons of potential vastness and variety of work as well as economy, it is not possible to augment the staff of the Central Board of Film Certification to exclusively deal with interpolations in films. Every effort will however, be made by the CBFC to detect interpolations and report to the police authorities, with the existing staff. From time to time, the Board and the Central Government have brought the growing problem of interpolations to the notice of the State Governments and Union Territory Administrations. Also kindly see the reply in respect of para 3.51.

[810/89/94/F(C)]

Recommendation Sl. No. 34 (Para 3.48)

The Committee note that with the mushrooming of video parlours which also run a brisk trade in pirated films, blue films, etc. detection of interpolation in films has become a formidable task. Moreover, the law enforcing agencies are preoccupied in grappling with more basic and urgent law and order problems.

Action taken by Government

The responsibility for enforcing the penal provisions of the Cinematograph Act, 1952 (37 of 1952) rests with the State Governments and Union Territory Administrations. From time to time, the Board and the Central Government have brought the growing problem of interpolations to the notice of the State Governments and Union Territory Administrations. Also kindly see the reply in respect of para 3.51.

[810/89/94/F(C)]

CHAPTER IV

RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH REPLIES OF GOVERNMENT HAVE NOT BEEN ACCEPTED BY THE COMMITTEE AND WHICH REQUIRE REITERATION

Recommendation Sl. No. 6 (Para 2.9)

The Committee note that no specific qualifications have been laid down in the Cinematography Act for the Chairman and the members of the CBFC Advisory Panels. The Ministry however, informed that eminent persons from different walks of life, such as social science, law, teaching, art film production/direction, etc. who in the opinion of the Central Government are qualified to judge the effect of films on the public mind are appointed as Board members. A list of members of the Central Board of Film Certifications alongwith their background, for the last five years is given at Annexure-I. The Committee find that a large number of members on the CBFC and the Advisory Panels are the persons who belong to and who may, therefore, have a vested interest in Film Industry. During evidence, both the representatives of Ministry and Chairman of CBFC acknowledged the fact that those in Film Industry (like any other industry) are basically for monetary consideration. With that background, they may at time, be unable to discharge their functions with total impartiality and may unwittingly become susceptible to influence their colleagues. The adage — ‘no one should be a judge in his own cause’ applies equally in case of censor of films.

Action taken by Government

There is no legal bar to the appointment of persons from the film industry as members of the Central Board of Film Certification and its advisory panels. Persons from the film industry have been appointed to the Board in the past also.

2. The examination of films is done by the Board through committees. The Examining Committee consists of five members (including one officer of the Board). The Revising Committee consists of a Chairman and not more than nine members, being members of the Board or its advisory panels. The authority approving the composition of the Committees can always constitute them with a judicious mix of persons from various walks of life, including the film industry. Further, the Committee members are expected to follow a code of conduct prescribed by Government while

discharging their duties. However, the observations of the Committee will be kept in view by the Board while constituting the committees.

[810/89/94/F(C)]

Comments of the Committee

Please *see* Chapter I (Para No. 1.9)

Recommendation Sl. No. 7 (Para 2.10)

The Committee recommend review of the yardsticks followed for constituting the Advisory Panels and the Board, Representation should be given to eminent social workers, and people associated with art and culture on the Advisory Panels and the Board. Fifty per-cent of them must be women. As far as the Advisory Panels are concerned, no person who is directly involved with the Film Industry should be allowed to be member. In case of the Board, the Committee are of the opinion that as a rule the members should not be from the Film Industry. The criteria for appointment of the Chairman and members of the CBFC should be specified in the Act itself.

Action taken by Government

As provided in sub-section (i) of section 5 of the Cinematograph Act, 1952, persons who are qualified, in the opinion of the Central Government, to judge the effect of films on the public, are appointed as members of the advisory panels. The same criterion is applied in respect of the members of the Board also. Only persons from a cross section of the society are included in the Board and its advisory panels. Representation is thus given to eminent persons of the categories mentioned by the Standing Committee.

The Cinematograph (Certification) Rules, 1983 have been amended to provide for due representation to women on the Board and its advisory panels and also for at least 50% representation to women in Examining Committees and Revising Committees which are involved in the actual examination of films.

There is no legal bar to the appointment of persons from the film industry as members of the Board and its advisory panels.

The examination of films is done by the Board through committees. The Examining Committee consists of five members (including one officer of the Board). The Revising Committee consists of a Chairman and not

more than nine members, being members of the Board or its advisory panels. The authority approving the composition of the committees can always constitute them with a judicious mix of persons from various walks of life, including the film industry. Further, the members of the Board and its advisory panels are expected to follow a code of conduct prescribed by Government while discharging their duties. However, the observations of the Committee regarding persons from the film industry will be kept in view by the Board while constituting the committees.

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

Censorship and its related issues are matters of continuous, ever-evolving, changing social and ethical mores. It will be unfair to bind the Government down in the matter to too clear a prescription of the qualifications or criteria of either the Chairman or the members. It is felt that any Government of the day having regard to the compulsions of the time should feel free to evolve an approach in this matter. Furthermore, the present provisions in the law have been in existence for more than 40 years and have stood the test of time. Thus the balance of convenience lies in not having any further additional provisions in the law regarding criteria for appointment of Chairman and members of the Board.

[810/89/94/F(C)]

Comments of the Committee

Please see Chapter I (Para No. 19)

Recommendation Sl. No. 38 (Para 3.52)

Acknowledging the fact that production of good quality films depends largely on the conduct of the people who are associated with the films, the Committee recommend that a Film Council somewhat on the lines of Press Council may be set up to oversee and regulate the code of conduct for the film producers, directors, artists on the basis of Indian value systems.

Action taken by Government

Government agree that there is a need for some sort of regulation of film industry, as recommended by the Committee. However, it is submitted that production of feature films being largely in the private sector, self-discipline would be more appropriate.

A Sub-Committee of the Consultative Committee attached to the Ministry of Information and Broadcasting under the Chairmanship of Shri Ram Vilas Paswan, M.P., is already working out the details of a National Media Policy, including films. Appropriate action will be taken on receipt of the report of the Sub-Committee.

[810/89/94/F(C)]

Comments of the Committee

Please *see* Chapter I (Para No. 31)

CHAPTER V

RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH GOVERNMENT HAVE FURNISHED INTERIM REPLIES

Recommendation Sl. No. 2 (Para 1.9)

The Committee feel that there is a need to formulate a comprehensive National Film Policy. Films even as entertainment medium must contribute to refining sensibility, elevating standards and ennobling values. The high cost of film production should not be allowed to become an alibi for lowering and debasing standards and tastes. The basic thrust of the proposed policy may well be summarised in the following words of Gandhiji :

"I do not want my house to be walled in on all sides and my windows to be stuffed. I want the cultures of all lands to be blown about my houses as freely as possible but I refuse to be blown off my feet by any."

Action taken by Government

A sub-committee of the Consultative Committee attached to the Ministry of Information and Broadcasting, under the Chairmanship of Shri Ram Vilas Paswan, M.P., is already working out the details of the national media policy including films. Appropriate action will be taken on the recommendation of the Standing Committee, on receipt of the report of the Shri Paswan Committee.

[810/89/94/F(C)]

Comments of the Committee

Please see Chapter I (Para No. 7)

Recommendation Sl. No. 3 (Para 1.12)

The Committee are of the view that ordinarily self-regulation by the Film Industry would have been ideal. A section of the Film Industry does appreciate that some level of self-discipline needs to be brought in, if the films are to improve qualitatively. However, considering the recent trends in Indian Cinema, the Committee are of the opinion that a system of voluntary censorship or code of conduct by the Film Industry by itself is unlikely to yield results. In fact, taking into account these trends and also the sudden proliferation of satellite television, scrapping of official

ensorship can have dangerous consequences. The purpose of state controlled film certification, therefore continues to be important. The question to be pondered upon is why has the film certification machinery not been able to stimulate growth of clean entertainment that adheres to basic social and cultural norms. In this context it is worth while to review the existing infrastructure for film certification and analyse the factors that have rendered it ineffective. Piecemeal attempts have been made in the past to resolve various issues pertaining to Indian films/Film Industry, but a holistic approach is required at this juncture.

Action taken by Government

The observations of the Committee are noted : The staff requirements of the CBFC are being looked into by the internal Work Study Unit of the Ministry. Appropriate action is also in hand for providing necessary equipment to the Board.

A Sub-Committee of the Consultative Committee attached to the Ministry of Information and Broadcasting under the Chairmanship of Shri Ram Vilas Paswan, MP, is already working out the details of the National Media Policy including films. Appropriate action will be taken on receipt of the report of the Sub-Committee.

[810/89/94/F(C)]

Comments of the Committee

Please see Chapter I (Para No. 11)

Recommendation Sl. No. 23 (Para 3.23)

During the course of evidence, the Committee were informed that the CBFC and Regional Panel members work in an honorary capacity. They are paid a token "Sitting Fee". The amount is insufficient even to cover conveyance expenses. Therefore, there is no attraction for the members to attend the meetings of these Committees. The Committee recommend that the amount of the fees should be suitably increased so as to give some incentives to the members to attend the meetings of these Committees.

Action taken by Government

Revision of the sitting fees in lieu of TA/DA to the CBFC and Regional Panel Members would require the approval of the Ministry of Finance. The recommendation is under consideration of Government.

[810/89/94/F(C)]

Comments of the Committee

Please see Chapter I (Para No. 22)

Recommendation Sl. No. 39 (Para 3.57)

The Committee recommend that imported films should not be released to the importers till certification is over so that the reported practices of making dupe negatives before certification are curbed. The films could be brought under customs escort to the Board for examination and certification.

Action taken by Government

The feasibility of bringing the imported films to the censors under customs escort is being examined by the C.B.F.C. in consultation with the customs authorities.

[810/89/94/F(C)]

Comments of the Committee

Please see Chapter I (Para No. 34)

Recommendation Sl. No. 40 (Para 4.4)

The Committee note that the CBFC receives grants from the Ministry of Information and Broadcasting under non-plan and plan-schemes. The Committee feel that the certification fee charged by the Board both for Indian films and imported foreign feature films is very nominal and is not related to the total expenditure incurred and service rendered. The Committee feel that CBFC must be a self-supporting body and its expenses must be met from the collection of previewing fees. The Committee recommend that certification fees should be increased suitably, commensurate with the services rendered and CBFC must be made financially self supporting.

Action taken by Government

This is under consideration.

[810/89/94/F(C)]

Comments of the Committee

Please see Chapter I (Para No. 37)

NEW DELHI;
March 8, 1996
Phalgun 18, 1917 (Saka)

PAWAN KUMAR BANSAL,
Chairman,
Standing Committee on Communications.

APPENDIX I

MINUTES OF THE TWENTIETH SITTING OF THE STANDING COMMITTEE ON COMMUNICATIONS (1995-96)

The Committee sat on Thursday, the 29 February 1996 from 15.00 to 15.30 hrs. in Committee Room 'E', Parliament House Annexe, New Delhi.

PRESENT

Smt. Veena Verma — *In the Chair*

MEMBERS

Lok Sabha

2. Shri N. Dennis

3. Shri Mahesh Kumar Kanodia

Rajya Sabha

4. Shri Virendra Kataria

SECRETARIAT

1. Shri Ram Autar Ram — *Deputy Secretary*

2. Shri S.K. Sharma — *Under Secretary*

2. In the absence of the Chairman, the Members present at the sitting chose Shrimati Veena Verma under rule 258(3) of Rules of Procedure and Conduct of Business in Lok Sabha to preside over the sitting.

The Chairman adjourned the sitting without transacting any business for lack of quorum.

MINUTES OF THE TWENTY-FIRST SITTING OF THE
STANDING COMMITTEE ON COMMUNICATIONS
(1995-96)

The Committee sat on Thursday, the 7 March, 1996 from 15.00 to 15.30 hrs. in Committee Room 'B', Parliament House Annexe, New Delhi.

PRESENT

Shri Pawan Kumar Bansal — *Chairman*

MEMBERS

Lok Sabha

2. Shri N. Dennis
3. Shri Mohan Lal Jhikram
4. Shri Sanat Kumar Mandal
5. Shri Shravan Kumar Patel

Rajya Sabha

6. Shri Jalaludin Ansari

SECRETARIAT

1. Shri G.C. Malhotra — *Joint Secretary*
2. Shri Ram Autar Ram — *Deputy Secretary*
3. Shri S.K. Sharma — *Under Secretary*

The Committee was to take up for consideration the Draft Reports on Action Taken by Government on the recommendations contained in the (i) Eighth Report (Tenth Lok Sabha) relating to Central Board of Film Certification and (ii) Fourteenth Report (Tenth Lok Sabha) relating to National Film Development Corporation. The Chairman adjourned the sitting for lack of quorum and decided to hold the sitting of the Committee again on 8 March, 1996 (Friday) at 10.30 hrs. to consider and adopt the above mentioned Reports.

The Committee then adjourned.

MINUTES OF THE TWENTY-SECOND SITTING OF THE
STANDING COMMITTEE ON COMMUNICATIONS
(1995-96)

The Committee sat on Friday, the 8 March, 1996 from 10.30 to 11.00 hrs. in Committee Room No. 63, Parliament House, New Delhi.

PRESENT

Shri Pawan Kumar Bansal — *Chairman*

MEMBERS

Lok Sabha

2. Shri R. Anbarasu
3. Shri Jagmeet Singh Brar
4. Shri N. Dennis
5. Shri Somjibhai Damor
6. Shri Mohan Lal Jhikram
7. Shri Satyagopal Misra
8. Shri Raj Kishore Mahato
9. Shri Sanat Kumar Mandal
10. Shri Shravan Kumar Patel
11. Shri Rupchand Pal
12. Shri Laeta Umbrey
13. Shri Shivsharan Verma

Rajya Sabha

14. Shri Jalaludin Ansari
15. Shri G. Prathapa Reddy
16. Smt. Veena Verma
17. Shri Vizol

SECRETARIAT

1. Shri G.C. Malhotra — *Joint Secretary*
2. Shri Ram Autar Ram — *Deputy Secretary*
3. Shri S.K. Sharma — *Under Secretary*

2. The Committee considered and adopted the following Action Taken Reports :

- (i) Draft Report on Action Taken by the Government on the recommendations contained in the Eighth Report relating to Central Board of Film Certification; and
- (ii) Draft Report on Action Taken by the Government on the recommendations contained in the Fourteenth Report relating to National Film Development Corporation.

Thereafter, the Committee authorised the Chairman to finalise and present the Reports to Lok Sabha, and have them laid on the Table of the Rajya Sabha.

The Committee then adjourned.

APPENDIX II

(Vide para 5 of the Introduction)

Analysis of Action Taken by Government on the Recommendations contained in the Eighth Report of the Committee

I. Total number of Recommendations 40

II. Recommendations/Observations which have been accepted by Government:

Sl. Nos. 1 (Para No. 1.8), 4 (Para No. 1.13), 9 (Para No. 2.12), 10 (Para No. 2.13), 13 (Para No. 3.10), 14 (Para No. 3.11), 15 (Para No. 3.14), 16 (Para No. 3.16), 19 (Para No. 3.19), 20 (Para No. 3.20), 21 (Para No. 3.21), 24 (Para No. 3.24), 25 (Para No. 3.28), 26 (Para No. 3.29), 31 (Para No. 3.45), 32 (Para No. 3.46), 35 (Para No. 3.49), 36 (Para No. 3.50), 37 (Para No. 3.51)

Total 19
Percentage 47.50%

III. Recommendations/Observations which the Committee do not desire to pursue in view of the replies of Government

Sl. Nos. 5 (Para No. 1.22), 8 (Para No. 2.11), 11 (Para No. 3.5), 12 (Para No. 3.9), 17 (Para No. 3.17), 18 (Para No. 3.18), 22 (Para No. 3.22), 27 (Para No. 3.35), 28 (Para No. 3.36), 29 (Para No. 3.37), 30 (Para No. 3.38), 33 (Para No. 3.47) and 34 (Para No. 3.48)

Total 13
Percentage 32.50%

IV. Recommendations/Observations in respect of which the replies of Government have not been accepted by the Committee and which require reiteration :

Sl. No. 6 (Para No. 2.9) and 7 (Para No. 2.10) and 38 (Para No. 3.52)

Total 3
Percentage 7.50%

V. Recommendations/Observations in respect of which the replies of Government are of interim nature:

Sl. No. 2 (Para No. 1.9), 3 (Para No. 1.12), 23 (Para No. 3.23), 39 (Para No. 3.57) and 40 (Para No. 4.4)

Total 5
Percentage 12.5%