

**WORKING OF CENTRAL BOARD OF FILM
CERTIFICATION (CBFC) AND ACADEMIC ACTIVITIES
OF SATYAJIT RAY FILM & TELEVISION INSTITUTE
(SRFTI), KOLKATA FOR THE PERIOD FROM 2010-11
TO 2014-15**

[Action Taken by the Government on the Observations/Recommendations of the Committee
contained in their Ninety-fourth Report (16th Lok Sabha)]

MINISTRY OF INFORMATION & BROADCASTING

**PUBLIC ACCOUNTS COMMITTEE
(2018-19)**

ONE HUNDRED AND TWENTY FIRST REPORT

SIXTEENTH LOK SABHA



**LOK SABHA SECRETARIAT
NEW DELHI**

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PUBLIC ACCOUNTS COMMITTEE (2018-19)

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MINISTRY OF INFORMATION & BROADCASTING



Presented to Lok Sabha on: 18.12.2018

Laid in Rajya Sabha on: 18.12.2018

**LOK SABHA SECRETARIAT
NEW DELHI**

December, 2018 / Agrahayana, 1940 (Saka)

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**COMPOSITION OF THE PUBLIC ACCOUNTS COMMITTEE
(2018-19)**

Shri Mallikarjun Kharge - Chairperson

MEMBERS

LOK SABHA

2. Shri Subhash Chandra Baheria
3. Shri Sudip Bandyopadhyay
4. Shri Prem Singh Chandumajra
5. Shri Gajanan Chandrakant Kirtikar
6. Shri Bhartruhari Mahtab
7. Smt. Riti Pathak
8. Dr. Ramesh Pokhriyal "Nishank"
9. Shri Janardan Singh Sigriwal
10. Shri Abhishek Singh
11. Shri Gopal Shetty
12. Dr. Kirit Somaiya
13. Shri Anurag Singh Thakur
14. Shri Shivkumar Chanabasappa Udasi
15. Dr. Ponnusamy Venugopal

RAJYA SABHA

16. Prof. M. V. Rajeev Gowda
17. Shri Bhubaneswar Kalita
18. Shri Shwait Malik
19. Shri Narayan Lal Panchariya
20. Shri Sukhendu Sekhar Roy
21. Shri Bhupender Yadav
22. Shri C.M. Ramesh

SECRETARIAT

1. Shri A.K. Singh - Additional Secretary
2. Shri Sanjeev Sharma - Director
3. Smt. Bharti S. Tuteja - Deputy Secretary
4. Shri Deepankar Kamble - Committee Officer

INTRODUCTION

I, the Chairperson, Public Accounts Committee (2018-19), having been authorised by the Committee, do present this One Hundred and Twenty First Report (Sixteenth Lok Sabha) on Action Taken by the Government on the Observations/Recommendations of the Committee contained in their Ninety-fourth Report (Sixteenth Lok Sabha) on "**Working of Central Board of Film Certification (CBFC) and Academic Activities of Satyajit Ray Film & Television Institute (SRFTI), Kolkata for the period from 2010-11 to 2014-15**" relating to Ministry of Information & Broadcasting.

2. The Ninety-fourth Report was presented to Lok Sabha/laid in Rajya Sabha on 28th March, 2018. Replies of the Government to the Observations/Recommendations contained in the Report were received on 9th November, 2018. The Public Accounts Committee considered and adopted the One Hundred and Twenty First Report (Sixteenth Lok Sabha) at their Sitting held on 5th December, 2018. Minutes of the sitting are given at *Appendix-I*.

3. For facility of reference and convenience, the Observations and Recommendations of the Committee have been printed in thick type in the body of the Report.

4. The Committee place on record their appreciation of the assistance rendered to them in the matter by the Office of the Comptroller and Auditor General of India.

5. An analysis of the action taken by the Government on the Observations/Recommendations contained in the Ninety-fourth Report (Sixteenth Lok Sabha) is given at *Appendix-II*.

NEW DELHI;
13th December, 2018
22 Agrahayana, 1940 (*Saka*)

MALLIKARJUN KHARGE,
Chairperson,
Public Accounts Committee

CHAPTER - I **R E P O R T**

This Report of the Public Accounts Committee deals with Action Taken by the Government on the Observations/Recommendations of the Committee contained in their Ninety-fourth Report (Sixteenth Lok Sabha) on **"Working of Central Board of Film Certification (CBFC)"** and **"Academic Activities of Satyajit Ray Film & Television Institute (SRFTI), Kolkata for the period from 2010-11 to 2014-15"** based on Para Nos. 11.1 and 11.2 respectively of Chapter 11 of the C&AG's Report No. 11 of 2016 relating to the Ministry of Information and Broadcasting (Mol&B).

2. The Ninety-fourth Report (Sixteenth Lok Sabha), which was presented to Lok Sabha/laid in Rajya Sabha on 28th March, 2018, contained a total of 14 Observations/Recommendations. Observations/Recommendations Nos. 1 to 7 pertained to Para No. 11.1 on "Working of Central Board of Film Certification (CBFC)" and Observations/Recommendations Nos. 8 to 14 pertained to Para No. 11.2 on "Academic Activities of Satyajit Ray Film & Television Institute (SRFTI), Kolkata for the period from 2010-11 to 2014-15". Action Taken Notes in respect of all the Observations/Recommendations have been received from the Mol&B and these have been categorized as under:

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

Paragraph Nos. 1, 7, 8, 9,10 and 14

Total: 06
Chapter- II

- (ii) Observations/Recommendations which the Committee do not desire to pursue in view of the replies received from the Government:

-NIL-

Total: 00
Chapter- III

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

Paragraph Nos. 2, 3, 5, 6 and 13

Total: 05
Chapter- IV

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

Paragraph Nos. 4, 11 and 12

**Total: 03
Chapter- V**

3. The detailed examination of the two subjects by the Committee had revealed certain shortcomings/deficiencies and the Committee had accordingly given Observations/Recommendations in their Ninety-fourth Report. The Committee had recommended on various issues such certification of films on first come first serve basis, explicit provision for re-certification of a films, creation of a database to mitigate the risk of issuance of duplicate certificates, regular updating of syllabus by SRFTI, grant of recognition by UGC, administrative support for timely completion of courses, setting up of a research department and increasing posts to conduct regular short term courses.

4. The Action Taken Notes furnished by the MoI&B on the Observations/Recommendations of the Committee contained in their Ninety-fourth Report (Sixteenth Lok Sabha) have been reproduced in the relevant Chapters of this Report. In the succeeding paragraphs, the Committee have dealt with the Action Taken by the Government on some of their Observations/Recommendations which either need reiteration or merit comments.

5. The Committee desire that the Ministry of Information and Broadcasting to furnish Action Taken Notes in respect of Observations/Recommendations contained in Chapter-I and final/conclusive Action Taken Replies in respect of the Observations/Recommendations contained in Chapter-V for which interim reply has been given by the Government within six months of the presentation of the Report to the House.

I. Recommendation Para No. 2

6. The Committee noted that the Cinematograph (Certification) Rules, 1983 prescribe different time limits for various stages of certification process, totaling to 68 days and all the films are required to be certified on “first come first served” basis. The Regional Officers (ROs) have been given the discretionary powers to alter the order of examination of films, if

a written request from the applicant is received and the RO concerned feels that there are grounds for an early examination, which are to be recorded in file. However, inspection of 175 records by the audit from 1st April, 2013 revealed that in 57 films (32.57 per cent) which had jumped the queue, letters from the applicant requesting for special consideration/ROs justification accepting the request were not found on records and further note that a clear 'U/UA' or clear 'A' certification was done for 135 films. Further, in 49 films (36 per cent) despite completion of certification process, time taken for issue of certificates ranged between 3 to 491 days after recommendation for grant of certificate by Examining Committee (EC). The Committee could not find any tenable reason for not issuing the certificate for months together even after clearance by the EC and desired that in light of a case study by Audit relating to fabrication of documents and favoritism by Secretary to Chairperson, detailed inquiry into the cases of inordinate delay may be conducted and the Committee may be apprised of the findings thereof. The Committee were further concerned to note that while this discrepancy could not be detected by the system it came to light when a complaint was received by the Central Vigilance Commission and, thereof, desired that the Ministry may look into the matter and streamline the system by establishing a control mechanism under which the decision involving relaxations made by Committee/ RO were subjected to review by the Board to ensure transparency in the working of CBFC. The Committee further desired to be apprised of the cases pointed out by the Vigilance wing in the Ministry/CBFC during the last 10 years and punitive action taken against those found guilty.

7. The Ministry in their Action Taken Notes have stated as under:

"The online certification system provides a list of all the applications for certification chronologically, with respect to the date of application and to the date of application approval by the scrutiny officer. By and large, all the films are examined chronologically. However, in certain cases when there is an urgency expressed by the filmmaker, CBFC takes a written request from the filmmaker and places it on record along with some proof that such an urgency is necessary. Only after that, the respective regional officer in accordance with the proviso to Rule 41(3) of the Cinematograph (Certification) Rules, 1983 allots an early screening to the films. A register is also being maintained separately for that purpose. Even in special cases of early certification, CBFC endeavors for a minimum time period of about two weeks so as to avoid any potential misuse of this facility.

As regards delay in issue of certificates, it is submitted that all the pending cases have been disposed of. In the online certification system, the status of each application is visible online in the dashboard of the producer/concerned CBFC official and thus there is effective monitoring & real time progress tracking for both CBFC

Officials and the applicants. The system has inbuilt alerts depending on the pendency of the application, to ensure that time limits prescribed by the Rules are not violated. A completely online system ensures transparency and efficiency at all levels.

However, it is submitted that in accordance with the prescribed process, the Examining Committee after viewing a film recommends certification of a film for public exhibition under any of the prescribed categories with or without excisions/modifications. The recommendation of every member of the Examining Committee is recorded in unambiguous terms and a category (U/UA/A) is arrived at either unanimously or by majority. The recommendation of the Examining Committee is conveyed to the producer/applicant. The producer/applicant is required to convey the acceptance of the Examining Committee's decision and submit final version of the film. The delay on part of producer/applicant to submit the final version of the film also increases the total time taken to issue certificate and is therefore not attributable to CBFC.

In the case of fabrication of documents and favoritism by Secretary to Chairperson, it is informed that after a detailed enquiry, major penalty of removal from service was awarded. In the same case, major penalty proceedings have been initiated against another officer. Prompt action is taken on every complaint/vigilance cases."

8. The Committee had noted that the Cinematograph (Certification) Rules, 1983 prescribe different time limits for various stages of certification process, totaling to 68 days and all the films are required to be certified on "first come first served" basis. The Committee could not find any tenable reason for not issuing the certificate for months together even after clearance by the EC and desired that in light of a case study by Audit relating to fabrication of documents and favoritism by Secretary to Chairperson, detailed inquiry into the cases of inordinate delay may be conducted and the Committee may be apprised of the findings thereof. The Committee were further concerned to note that while this discrepancy could not be detected by the system and came to light when a complaint was received by the Central Vigilance Commission. The Committee had, therefore, desired that the Ministry may look into the matter and streamline the system by establishing a control mechanism under which the decision involving relaxations made by Committee/RO were subjected to review by the Board to ensure transparency in the working of CBFC. The Committee note from the reply of the Ministry that in cases when there is an urgency expressed by the filmmaker, CBFC takes a written request from the filmmaker and places it on record along with some proof that such an urgency is necessary before allotting an early screening to the film. Though the Ministry has outlined the procedure for allotting an early screening, it has not made any effort to establish a control mechanism under which relaxations are subjected to the review of Board. The

Committee are of the considered opinion that a review by a higher authority will act a deterrent and would definitely reduce the cases of delays/favouritism. Further, the Committee observe that all pending cases have been disposed of, however, the Ministry has not undertaken any inquiry into the cases of inordinate delays. The Committee, therefore, reiterate that detailed inquiry into the cases of inordinate delay may be conducted urgently and a control mechanism whereby all relaxations are subjected to the review of a higher authority may be established by the Ministry and the Committee be apprised thereof.

II. Recommendation Para No. 3

9. The Committee were dismayed to note that CBFC, in order to help big film makers who had applied for certification very close to release date, granted certificates to their films ahead of other applicants even when there was no such urgency expressed. The Committee exhorted the Ministry/CBFC to ensure a transparent and disciplined regime by certifying films on first come first serve basis with no favoritism and by encouraging big and small banners alike to apply well before the release date. With regard to out-of-turn preference for the certification of certain films, it was necessary that there should be some sound reasons to justify the exercise of discretionary powers by the RO and which should be recorded in the file. The Ministry/CBFC may prescribe the guidelines under which order of certification may be altered. The power of Regional Officer (RO) to alter the order of examination of the film be exercised only in those cases covered under the guidelines and the reasons may invariably be recorded in each case of deviation. Further, the Committee observed that CBFC had submitted a proposal for enhancement of certification fee for introduction of 'Tatkal charges'. The Committee desired the priority to applicants paying Tatkal charges be given while ensuring that other applicants got certificates within the stipulated period.

(i) The Committee further noted that CBFC had issued certificates to films without verifying the film that was certified earlier by them or any other Regional Office and hence probability of two or more certificates being issued for the same films existed. The Committee understood from the reply of the Ministry/CBFC that ever increasing workload, manpower constraints and when the cuts submitted were contested etc. led to delays in film certification and further dates were given depending on the availability of the Examining Officer and one member who had originally watched the film. The Committee felt that maintenance of systematic records, absence of manpower planning, non adherence to

prescribed timelines, non-existence of internal control framework and lackadaisical attitude led to issue of multiple certificates to the films, delays etc.. The Ministry/CBFC cannot take umbrage of shortage of manpower for the mistakes of issuing certificate twice to the same films by CBFC. They should have increased manpower as per requirement from time to time. The Committee, therefore, desired the Ministry/CBFC to augment its manpower urgently in line with the increasing workload and submit a proposal for recruiting personnel after taking into account the present and future manpower requirements under intimation to the Committee. The Committee were of the view that all existing records be digitized centrally within a prescribed timeframe to avoid any further instances of issuance of duplicate certificate and efforts made to identify films where duplicate certificates were issued and appropriate action taken to rectify the mistake in each such case.

(ii) The Committee noted that the computerization project envisages automation of the entire process of certification including filing of online application, secured online fee payment, integration of relevant data, scheduling of examination, intimation thereof to all concerned, formation of Examination committees, reporting, intimation for cuts, intimations for certificate and identification of any duplicity at the application stage itself. They, therefore, were of the view that timeframes be revised/shortened for every stage taking into account computerization of whole process be scrupulously followed and delays duly accounted for. Further, all producers, copy right holders or those applying for certification of imported films and titles be mandatorily registered and all details regarding applications received, cleared, pending etc be made available online so as to ensure transparency and efficiency in the system.

(iii) The CBFC should develop a robust internal control mechanism followed by regular internal audit of the system to ensure that the same is working properly and effectively.

10. The Ministry in their Action Taken Notes have stated as under:

"It is humbly submitted that CBFC has strived to help all filmmakers without making any discrimination between a big or a small filmmaker. The urgency for out of turn examination is seen on a case to case basis only and CBFC, in order to facilitate such films and help the filmmakers avoid non-release as per the schedule, enabled certification ahead of other applicants where there was no issue of urgency. The online certification system provides a list of all the applications for certification chronologically, with respect to the date of application and to the date of application approval by the scrutiny officer. By and large, all the films are examined chronologically. However, in certain cases when there is an urgency expressed by

the filmmaker, CBFC takes a written request from the filmmaker and places it on record along with some proof that such an urgency is necessary. only after that, the respective regional officer in accordance with the proviso to Rule 4/(3) of the cinematograph (certification) Rules, 1983 allots an early screening to the films. A register is also being maintained separately for that purpose. Even in special cases of early certification, CBFC endeavors for a minimum time period of about two weeks so as to avoid any potential misuse of this facility. The proposal for enhancement of certification fee for introduction of "Tatkal charges" has not been considered as it is felt that introduction of Tatkal charges may further delay the certification for the film makers who do not pay enhanced fee.

(i) Now after the implementation of online certification system, the problem of issuing duplicate certificates has been resolved. New system does not allow duplicate applications. A film which has been certified earlier cannot be reapplied in this new online certification system. The records have been digitized and after the launch of online system, the issue of duplicate certificates have been resolved. Earlier, it was not possible for CBFC to identify films where duplicate certificates were issued, but in the new system, this has been taken care of. CBFC was requested to work out the optimum strength of advisory panel members in respect of each Regional Office of CBFC. CBFC has indicated the desired strength of advisory panel members after carrying out a detailed analysis of work load in each of the regional offices based on the number of feature films, video films and short films certified. Ministry has already initiated the action to appoint the requisite number of advisory panel members at each regional office of CBFC in accordance with Section 5(1) of the cinematograph Act, 1952 read with Rules 7 and 8 of the cinematograph (Certification) Rules, 1983'.

(ii) The time limit in relation to certification of films is prescribed under Rule 41 the Cinematograph (Certification) Rules, 1983 which have been framed in exercise of the powers conferred by Section 8 of the Cinematograph Act, 1952. The online certification system has inbuilt alerts depending on the pendency of the application to ensure that time limits prescribed by the Rules are not violated. After the launch of Online Certification System, the entire film certification process is being done online, viz. from application to printing of certification. Any applicant (producer/authorized representative) applying for certification of a film/video/song/advertisement/trailer/promo (including all producers, copyright holders or those applying for certification of imported films and titles) from CBFC is duly registered under the online certification system. All steps are being recorded under the new system. The details of applications received, cleared, pending, etc. are available to the senior officers of CBFC and an alert is sent to the next higher authority, if there is any delay at any level.

(iii) There is a robust MIS (Management Information System) in the online certification system to track and monitor the performance of CBFC and its regional offices. A daily MIS report is generated which gives the region-wise pendency of the applications at each level of the certification process."

11. The Committee had exhorted the Ministry/CBFC to ensure a transparent and disciplined regime by certifying films on first come first serve basis with no favoritism and by encouraging big and small banners alike to apply well before the release date and desired that the Ministry/CBFC may prescribe the guidelines under which order

of certification may be altered. The Committee had also opined that timeframes be revised/shortened for every stage taking into account computerization of whole process to be scrupulously followed and delays be accounted for. It was further desired that the CBFC should develop a robust internal control mechanism followed by regular internal audit of the system to ensure that the same is working properly and effectively. The Ministry have apprised the Committee regarding steps/measures taken by them to correct the certification process, however, no guidelines have been issued for alteration of the order of certification, as desired by them. The Committee are of the view that clear instructions for alteration of the order of certification is imperative to rule out any favoritism towards big banners. Further, repeated requests for early screening of the film from the same filmmaker should not be entertained as it undermines the relevance of a regulatory organization. The Committee also find that though the Ministry has stated that robust MIS (Management Information System) in the online certification system tracks and monitors the performance of CBFC and its regional offices, it has not responded to the recommendation regarding the need for an internal audit to ensure that systems are working efficiently. The Committee, at this stage has no other option but to reiterate earlier recommendation that the Ministry/CBFC may issue guidelines regarding alteration in the order of certification, carry out yearly internal audit of the system and consider shortening the time limit for film certification process so that films being submitted for certificates are cleared in a defined and prescribed timeline in wake of the computerization of the whole process.

III. Recommendation Para No. 5

12. The Committee noted that as per notification issued by MoI&B in September 1984, the validity of certificates was perpetual instead of 10 years as earlier provisions. However, the CBFC continued to accept films for revalidation of certificates which points to the clear failure of the Ministry in enforcing its own orders.

Further, as per Sub-rule 6 of Rule 21 of the Cinematograph Rules, 1983, the applicant has to furnish the original or a certified copy of the import license together with custom clearance permit for public exhibition of video films imported in India but in many cases as pointed as out by the Audit, CBFC did not obtain the same. The Ministry submitted that since the Department of Commerce vide public notice dated 29th January 2002 had allowed import of cinematograph feature films and other films (including films on video tape,

compact video disc, laser video disc or digital video disc) without a license, the condition could not be complied with.

In view of the above discrepancies, the Committee adjured the Ministry/CBFC to bring out a manual of rules/guidelines incorporating all the relevant notifications and latest instructions issued in connection with certification of films at one place to avoid recurrence of such instances.

13. The Ministry in their Action Taken Notes have stated as under:

"The revalidation of certification was done by the CBFC as per provisions of Rule 29 of the Cinematograph Act. However, as per notification issued by Ministry of I&B, (September 1984) the Central Government had exempted all films in respect of which certification have been or may be granted by the Board, from the validity of 10 years and the validity of such certificates were therefore perpetual. The process of revalidation of certificates has been dispensed with and any such applicant is informed accordingly.

Regarding import license, it is submitted that Ministry of Commerce and Industry, Department of Commerce vide its Public Notice No. 64/1997-2002 dated 29th January, 2002 has exempted from import license the import of cinematograph feature films and other films (including film on video tape, compact video disc, laser video disc or digital video disc). To be in conformity with the said Public Notice, Sub-rule 6 of Rule 21 of the Cinematograph (Certification) Rules, 1983 relating to application procedure in the case of imported films has been deleted vide this Ministry's Notification G.S.R. 357(E) dated 11th April, 2017 published in the Extraordinary Gazette of India. Accordingly, CBFC is not required to ask for import license for a film. However, CBFC at the time of accepting applications for certification of such films, does ask for copies of agreement between the copyright holder/ producer of the film and the person who imports the film and seeks certification, copy of shipping/airway bill or copy of digital download document.

It is submitted that the website of CBFC contains all the rules/guidelines and it is regularly updated with relevant notifications and latest instructions/communications issued in connection with certification of films.

Notification No. G.S.R. 357(E) dated 13th April, 2017 published in the Extraordinary Gazette of India, Part II, Section 3, Sub-section(i) deleting sub-rule (6) of Rule 21 of the Cinematograph (Certification) Rules, 1983, relating to application procedure in the case of imported films, was laid in Lok Sabha on 28.12.2017 and in Rajya Sabha on 02.01.2018."

14. **The Committee had noted that due to lack of awareness about amendments to the Cinematograph (Certification) Rules, 1983 etc., the CBFC continued with the earlier provisions and therefore, had recommended that the Ministry/CBFC may bring out a manual of rules/guidelines incorporating all the relevant notifications and latest instructions issued in connection with certification of films at once place. The Committee note from the reply of the Ministry that the website of the CBFC contains all the rules/guidelines which is regularly updated. The Committee are of the view that**

a compendium/ready reckoner of all the rules and regulations, the amendments thereon, related judgments etc. for internal use by the staff, will go a long way in applying the correct provisions in various situations and, therefore, reiterate that a manual may be brought out for use by the staff for better administration of the Cinematograph Act by the CBFC.

IV. Recommendation Para No. 6

15. The Committee noted that the Cinematograph Act prescribed constitution of a Board to be called the Board of Film Certification consisting of a Chairman and not less than twelve and not more than twenty-five other members to be appointed by the Central Government. As per reply of the Ministry, each state should be represented by at least one or two Board Members as there are different dialects around the country. The Committee hoped that the Government while constituting the CBFC ensured that one or two representatives from each state is/are appointed there. The Committee were unhappy that proper records about agenda of the Board meetings had not been kept and that in 2014-2015 and 2015-2016, the Board met only once a year. The Committee were unable to comprehend the need for a high profile Board when they are not even inclined to meet frequently and discuss the film certification process and its impact on the public at large. The Committee exhorted that the Board be more proactive and a guiding spirit in the healthy working of the institution. The Committee were of the view that number of members of the CBFC be fixed so that each State/region gets a representation in the Board and one/two Board Member/s be attached to every Regional Office to ensure its transparency. The Committee further enjoined that tenure of the members of the Board and the Advisory Panels should only be renewed/extended after analyzing their contribution in the film certification process. The Committee, while noting from the reply of the Ministry that desired strength of the advisory panel members in respect of each Regional Office of CBFC was worked out after carrying out a detailed analysis of work load in each of the Regional Offices based on the number of feature films, video films and short films to be certified desires that an analysis of the involvement/performance of the panel members may be made at the end of tenure to ensure that such numbers as appointed were actually required. The Committee while noting that only three workshops for Advisory Panel Members were conducted during the last five years, were of the considered opinion that such workshops should be a regular feature to enlighten and update the Panel Members about the latest issues involved. Further, the

Committee were surprised to note that not even a single case has been detected and reported for violation of category classification or for not screening certification before the film is actually screened or for not carrying out the cuts as prescribed by the CBFC. The Committee while noting from the reply of the Ministry that since Cinema is a State subject (as Entry 33 of the List-II, subject to the provisions of Entry 60 of List-I), the responsibility for enforcement of category classification on the ground lies primarily with the State Government desired that requisite information be collected from the States and furnished to the Committee.

(ii) The Committee observed that since 1952 when the Cinematograph Act was enacted, there had been many changes/developments in the field of cinema with the proliferation of TV channels, cable network, YouTube and advent of new digital technology making various kinds of contents accessible to all. Further, the CBFC established under the provisions of the Act has been steadily losing its credibility/significance and non-controversial character. The Committee noted that the CBFC had been taking discretionary decisions in absence of any specific rules/provisions. With the advent of new technology in the cinema field and emergence of media as a powerful medium to discuss and form opinions, CBFC needs to keep abreast of latest developments in the field and control its Regional Offices in an effective manner so as to ensure complete transparency in the working of the CBFC. The Committee were also concerned to note lack of control of CBFC over contents available on internet. The Committee, therefore, desired that the Act may be reviewed and amended suitably keeping in view the changing dynamics of film industry and the change in society values.

(iii) The Committee also desired that the film makers be enabled to certify their films themselves and for being eligible for self certification under specific categories, the CBFC may prescribe detailed parameters keeping in view the ethos and traditions of the country to guide the film producers to align with the requirements for certification under that category. In case the CBFC/Examining Committee does not agree with the category under which certification has been applied for, the film may be referred to 'Film Certification Jury' comprising of retired Judges, eminent lawyers, film makers, eminent actors, writers and acclaimed artists for a matured view.

16. The Ministry in their Action Taken Notes have stated as under:

"Meetings of the Board are being held regularly and proper records of all Board Meetings are being kept in the CBFC office. Last year, three Board Meetings were

held. All Board Members are contributing towards the healthy working of CBFC. CBFC periodically conducts workshops for Advisory Panel Members at various regional centers for the benefit of the members of the Advisory Panels and Examining Officers in certification of films. Various issues involved in the examination of the films are discussed at the workshops. The need for observing a code of conduct and discipline is also emphasized. The members of the Board and Advisory Panels have been requested to implement the guidelines strictly. Specific clarifications have been issued about interpretations of some of the guidelines. CBFC shall strive to engage more proactively with workshops and Board meetings.

The screening of visual contents without certification by CBFC is in violation of Section 7 of the Cinematograph Act, 1952. In the recent past it has come to the notice of the Ministry that in some areas of each of the eight North Eastern States, uncertified films/ videos/ advertisements/trailers/ promos/songs and other visual presentation through video projectors both fixed and mobile are being exhibited. Ministry has written to the Chief Secretaries of the North Eastern States to issue necessary instructions/guidelines to the District Magistrates to take cognizance of any violation of the Cinematograph Act, 1952 and the Cinematograph (Certification) Rules, 1983 and to take appropriate action as deterrence to such violation by any individual/group/institution. Copies of D.O. letters dated 28th May, 2018 addressed to the Chief Secretaries of the North Eastern States are at Annexure B.

(ii) CBFC primarily certifies films for theatrical release and TV & satellite in video format in accordance with the Cinematograph Act, 1952, the Cinematograph (Certification) Rules, 1983 and the guidelines issued thereunder. These guidelines are to be observed by CBFC for certification of films for public exhibition and attempt to objectively define the prerogatives of the Board's certification process. The members of the Board and Advisory Panels have been requested to implement the guidelines strictly. Specific clarifications have been issued about interpretations of some of the guidelines.

CBFC has no control over the content available on the internet. India being a diverse heterogeneous country, having numerous different ethos and traditions, it is important to maintain a certain level of propriety with respect to language and visuals which are deemed to be acceptable to the wider audience. The content available over the internet is regulated under the Information Technology Act, 2000 and the Rules framed thereunder. Under Section 79(3)(2) of the rules framed under the IT Act, 2000, intermediaries must observe due diligence as prescribed under Rule 3 in the Information Technology (Intermediaries guidelines) Rules, 2011. Section 79(3) of the Information Technology Act, 2000 provides for removing or disabling access to the material which is being used to commit unlawful acts.

It is relevant to mention that M/o I&B has taken cognizance of pirated film content available on the internet and has requested the Ministry of Electronics and Information Technology to get the issue examined to curb piracy of films or any other copyright violation through pirate websites. MEITY has also been requested to set up a legally mandated mechanism under the provisions of the IT Act 2000.

(iii) Film motivates thoughts and actions and assures a high degree of attention and retention, perhaps compared to the printed word. The combination of act and speech, sight and sound has a strong impact on the minds of the viewers and may affect emotions. The Hon'ble Supreme Court in K.A. Abbas vs Union of India upheld the constitutionality of certifying films within the Ambit of Article 19(2) of the Constitution and added that films have to be treated separately from other forms of

art and expression because a motion picture has the ability of stirring up the emotions more deeply than any other product of art. Considering this kind of sensitivities, self-certification of films has not been considered so far.

Article 19(1)(a) and 19(2) of the Constitution of India lays down that while all citizens shall have the right to freedom of speech and expression, the State can operate any existing law, or make any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the 19(1)(a), in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence.

“Sanctioning of Cinematograph films for exhibition” is included in Entry 60 of the Union List (List I). The Union Government has been entrusted with matters pertaining to sanctioning or certification of films for exhibition in India and accordingly the CBFC certifies films for public exhibition under the provisions of Cinematograph Act.

Appointment of Chairperson and Members of the CBFC is in accordance with Section 3(1) of the Cinematograph Act, 1952 read with rule 3 of the Cinematograph (Certification) Rules, 1983. The Board consists of a Chairman and not less than 12 and not more than 25 other members. The present Board consists of 12 Members to represent each region.

Workshops are held for Advisory Panel Members at various regional centers such as Mumbai, Kolkata, Hyderabad, Delhi and Chennai for the benefit of the members of the Advisory Panels and Examining Officers in certification of films. The workshop module for newly inducted Advisory Panel members sensitizes them to the guiding principles for certification of films. Various issues involved in the examination of the films are discussed at the workshops. The need for observing a code of conduct and discipline is also emphasized. Details of Meetings/Workshops held during the last year are given below:

- i) The 142nd Board Meeting-cum-workshop was held at Thiruvananthapuram on 28th July, 2017.
- ii) The 143rd Board Meeting-cum-workshop was held at Mumbai on 11th September, 2017. The Board meeting was presided over by newly appointed Chairman, Shri Prasoon Joshi.
- iii) A Regional Officers' Meeting was held on 24th October, 2017 at Films Division Complex, Mumbai.
- iv) A workshop for advisory panel members and an interaction with representatives of film industry was held at Mumbai on 20th September, 2018.
- v) The 144th Board meeting held on 21st September, 2018. A meeting of Board Members and Regional Officers was also conducted.

Regulation of exhibition by means of cinematograph is under Part III of the Cinematograph Act, 1952 and the power of Central Government extends to Union Territories only. No information regarding enforcement of category classification collected from State Governments.

Department of Industrial Policy and Promotion (DIPP) under Ministry of Commerce and Industry, which oversees implementation of the National IPR Policy, allotted the following Action Point to the M/o I&B - “3.7 – Indian Cinematograph Act, 1952 may be suitably amended to provide for penal provisions for illegal duplication of films”.

A joint meeting of officials of MIB, MEITY and DIPP was held under the chairmanship of Joint Secretary (Films) on 01.10.2018 to discuss the issue of piracy. The need for inclusion of penal provisions in the Cinematograph Act was discussed in detail to tackle the menace of film piracy effectively. It was observed that the onus of ensuring these provisions should lie with the State Governments and District machinery. Accordingly, it has been decided to amend the Cinematograph Act, 1952 to include penal provisions for unauthorized duplication of a film (anti-camcording provisions)."

17. The Committee had exhorted the CBFC Board to be proactive and a guiding spirit in the healthy working of CBFC as an institution. The Committee had desired that each state/region may be represented in the Board and one/two Board members may be attached to every regional office to ensure transparency and accountability and that the tenure of the members of the Board and the Advisory Panel be renewed only after analyzing their contribution in certifying films. Further, the Committee had desired that film makers be allowed to certify their films themselves for which detailed parameters may be prescribed by the CBFC. The Committee find that the Ministry instead of replying specifically on the issues raised by them has given a general and vague submission. The Committee find that the Ministry has not responded to the Committee's recommendation regarding steps taken for attachment of one/ two members from the Board to the Regional office, analyzing the contribution of the Board members and organizing regular workshops for Advisory panel members, analysis of work load of each regional office and collection of information regarding enforcement of category classification by the State Governments. The Committee are aghast to note the callous approach of the Ministry while replying to their recommendation and desire that information covering all the points may be furnished to them within one month of the presentation of this Report to the House. The Committee further note that though Ministry has been deliberating upon the amendments needed in the Cinematograph Act for a long time, nothing concrete has emerged so far and, therefore, desire that long pending amendment to the Act in line with the changing dynamics of the film industry and the change in societal values may be brought to finality at the earliest. While amending the Act, the recommendation of the Committee enabling self certification of the films may also be considered.

V. Recommendation Para No. 13

18. Audit had pointed out that most of the Assistant Professors and Associate Professors did not achieve the core load per week as stipulated in the Bye-laws as the teachers of SRFTI were engaged in additional activities like conducting festivals, holding additional charge of Dean & Director, attending meetings, holding enquiries etc apart from their regular teaching job. The Committee noted that since SRFTI is an internationally renowned institute, many miscellaneous activities took place on campus as part of the learning process. However, the calculation of teaching hours based on the duration of academic programmes of faculties including both theory and practical sessions presented a very different picture. The Committee, therefore, desired that planned teaching hours may depict hours to be devoted to formal teaching and mentoring separately so as to ensure that the faculty members devote minimum time to each area.

(i) Audit scrutiny highlighted various irregularities in the evaluation process and promotion of students in contravention of Bye-laws of the Institute. The Committee while opining that uniform and strict parameters ensure competitiveness and sense of discipline amongst students expect a premier Institute like SRFTI to invariably adhere to the norms to assure students of transparent evaluation process. The Committee desired that variations may only be made in exceptional circumstances which should be duly recorded and approved by the competent authority.

(ii) The Committee while opining that the teaching and evaluation process may have serious implications regarding the quality of education being imparted and that of the students passing out of the Institute, exhorted the Ministry to constitute a sub-committee to review whole gamut of issues plaguing the Institute and give suggestions for improving the quality of teaching and techniques adopted.

19. The Ministry in their Action Taken Notes have stated as under:

" The faculty of SRFTI is not only involved in taking theory classes (in the classrooms) but also teaching students outside classrooms. Most of the student activities in the campus happen in the studio floors and campus premises (practical exercises like actuality, camera practice, sound recording etc.) and the faculties are constantly engaged in guiding and mentoring students and giving their practical lessons of film making. Added to this there are workshops by industry experts that keep on happening round the year in all the departments. Faculties are rigorously involved in arranging these workshops and co-ordinating them by communicating with the guest faculty, arranging their travel, stay, food and facilitating the students with all the requisite resources to make sure to create a conducive environment for the student-

expert interaction and solid practical learning. These activities from the side of the faculty also are a part of nurturing a student and giving them much required hands-on inputs and prepare them for the cut-throat film making world. Also, the curriculum of SRFTI is project based and since their second semester, they start making their films which require continuous inputs and interaction with the faculty members in the process of writing, visualising, conceptualizing, story-boarding and pre-planning their ideas and shoots for which the faculty members give a lot of time from their schedule in interacting with students on one-to-one basis and mentor them and mould them based on their individual personalities. This is a rigorous activity that keeps the faculty members busy throughout their day in the campus. As the number of students are increasing due to the newly started short term courses and TV wing, mentoring activity is and going to take a large space from a faculty's academic hours.

In order to track down the faculty academic activities the institute has developed a centralized computer based digital Academic Management System (AMS) which keeps track of the scheduling of the classes, practical, administrative work, workshop co-ordination, student mentoring, students' attendance publication of results.

AMS also tracks down the student attendance. This allows the faculty members and the students to keep a regular check on their attendance, scheduled classes, practical and workshops. Modifications are under process to digitally upload the results and marks-sheets of the students on the AMS.

SRFTI has developed a very systematic evaluation process from the first semester itself. Evaluation happens through various methods, viz., (a) written examinations, (b) Cumulative evaluation based on students' involvement in various exercises, practicals and demonstration workshops, (c) Assessment of different projects is done by various departments both by faculty members and external experts based on content, narrative flow, script, cinematography, editing and sound and production docket and the final result is obtained as a weighted mean with one external expert for each department deliberating and assessing based on the different criteria for different departments, (d) In the workshops taken by guest faculties, students are assessed individually, based on their involvement, response and interaction, (e) The evaluation for the final Dissertation film is done wholly by external experts after deliberation and discussion with the faculty members.

It may be mentioned here that Academic Council(AC), constituted by GC, consists of six domain specialists in addition to Dean and six HODs of the Institute and representatives of students and alumni. AC is mandated to oversee all the academic and pedagogy-related issues. Academic Council has representations from many institutes/organizations viz. FTII, Doordarshan, WWI etc. Further, AC as per Academic Bye laws of SRFTI undertake periodic review of —academic programmes including training schedules, methods & procedures of examination, exchange programme. In line with the recommendations of AC, steps taken by SRFTI for improving the quality of education in the Institute may be seen at Annexure-A."

20. The Committee had desired the faculty members of SRFTI to devote minimum prescribed time to each area and planned teaching hours may depict hours to be devoted to formal teaching and mentoring separately as most of the Assistant Professors and Associate Professors could not achieve the core load per week. The

Ministry has in its reply only outlined the need for field/practical/mentoring exercise. The Committee had appreciated the need for the mentoring part while making their original recommendation and had therefore recommended that the planned teaching hours may depict minimum hours to be devoted to both theory and practical as the relevance of theory part is well established. Further, the Committee had desired that norms for evaluation and promotion of students may be invariably followed to assure a transparent evaluation process. The Committee note from the reply of the Ministry that a very detailed systematic evaluation process has been provided for and are shocked at the irregularities noticed by the Audit, despite, the same. The Committee desire that inquiry be conducted into the irregularities in the evaluation process noticed by the Audit for fixing the responsibility and urgent action taken against those found responsible. The Committee, therefore, reiterate their earlier recommendation that a sub-committee may be constituted to look into such issues urgently under intimation to the Committee.

CHAPTER - II

OBSERVATIONS/RECOMMENDATIONS THAT HAVE BEEN ACCEPTED BY THE GOVERNMENT

Observation/Recommendation

1. The Committee while scrutinizing the Audit Report on the working of Central Board of Film Certification noted many systematic deficiencies such as unjustifiable delays beyond prescribed period in certification process; altering of order of films for examination; conversion of certified films from 'A' to 'UA/A' category, etc. Also, they noticed lack of internal controls within the CBFC for tracking the records of film certification which carried a risk of issue of duplicate certificates for the same film to different individuals not holding copyrights. The scrutiny of the subject by the PAC (2016-17) and PAC (2017-18) further revealed various other shortcomings. The observations/ recommendations of the Committee have been detailed in the succeeding paragraphs.

**(Para 1 of the Ninety-fourth)
Report of the Public Accounts Committee
(16th Lok Sabha)**

Action Taken

These deficiencies have been adequately covered through the new online certification system. Now there are no unjustifiable delays beyond prescribed period in certification process; the order of films is changed only in rare cases and conversion of certified films from 'A' to 'UA/A' category has been upheld by the Hon'ble High Court of Delhi. Issue regarding duplicate certificates for the same film by different individuals has also been covered in the new online certification system.

Audit Comments

Introductory.

Ministry's Comments

No comments.

Observation/Recommendation

2. The Committee note that Indian film industry is the largest in the world with nearly one thousand feature films and fifteen hundred short films being made every year. The Committee observe that films are one of the most appreciated art forms where the viewers receive knowledge, understanding of the lives and traditions of the people and these films influence their own ideas consciously or sub consciously, their way of life and their relationships. The Committee further observe that the film makers put their own insights into their films to find the most effective form to engage the viewers. The Committee note the judgment given by the Hon'ble Supreme Court in 1989 in which it had observed that "...the movie has unique capacity to disturb and arouse feelings. It has as much potential for evil as it has for good. It has an equal potential to instill or cultivate violent or good behavior. With

these qualities and since it caters for mass audience who are generally not selective about what they watch, the movie cannot be equated with other modes of communication.”. Since India is a diverse and heterogeneous country, the Committee are of the opinion that filmmakers should maintain a certain level of propriety with respect to contents of their films. The Committee find that recent controversies have given rise to numerous debates on extent of freedom of expression vis-à-vis censorship and public feelings. The Committee opine that wide reach and deep impact of films make intervention by the Government desirable as the public opinion tends to be divided between those arguing for freedom of expression, those for restrictions and others who argue for balanced approach. The Committee are of the considered view that though control by Government is needed to check divisive influences, in order not to offend any particular group, the events must be depicted in a manner that no one suffers at the expense of others. The Committee expect the film makers to exercise self restraint with respect to religion, historical facts, culture, ethos, tradition and profession so that people do not get exposed to damaging content and their moral and culture heritage is effectively safeguarded. The Committee also desire that the cinema should be the guiding, binding and enlightening medium.

**(Para 7 of the Ninety-fourth)
Report of the Public Accounts Committee
(16th Lok Sabha)**

Action Taken

A large part of the film industry in India is under the private sector and the Government does not interfere so far as film production is concerned. However, “*Sanctioning of Cinematograph films for exhibition*” is included in Entry 60 of the Union List (List I) of the Seventh Schedule of the Constitution of India. The CBFC setup under the Cinematograph Act, 1952 performs the statutory function of certifying films for public exhibition. All films, music videos and documentaries, irrespective of their length and media type (Celluloid, video, CD or DVD) require mandatory certification from the CBFC for public exhibition in India. CBFC certifies films for public exhibition in accordance with the Cinematograph Act, 1952 read along with the Cinematograph (Certification) Rules, 1983 and the Central Government guidelines of 1991. CBFC has a well-defined process for examining every film as per the guidelines framed under the Cinematograph Act, 1952.

Audit Comments

Action taken by the Ministry to ensure that “the Cinema should be the guiding, binding and enlightening medium as well as no one suffers at the expense of other” may be stated to PAC.

Ministry’s Comments

The guidelines for certification of films stipulate that the objectives of film certification will be, inter-alia, to ensure that the medium of film remains responsible and sensitive to the values and standards of society. Also, it is to be ensured that artistic expression and creative freedom are not unduly curbed. CBFC strives to adhere to the guidelines of certification and periodically conducts workshops for Advisory Panel Members at various regional centers for the benefit of the members of the Advisory Panels and Examining Officers in certification of

films. Various issues involved in the examination of the films are discussed at the workshops. The need for observing a code of conduct and discipline is also emphasized. The members of the Board and Advisory Panels have been requested to implement the guidelines strictly. Specific clarifications have been issued about interpretations of some of the guidelines.

(Ashokkumar R Parmar)
Joint Secretary to the Government of India

(Ministry of Information and Broadcasting O.M. No. M-11013/1/2018DO(FC) dated .11.2018)

Observation/Recommendation

3. The C&AG carried out an audit of the academic activities of Satyajit Ray Film and Television Institute, Kolkata (SRFTI) for the period from 2010-11 to 2014-15 and highlighted that SRFTI had failed to achieve their stated objectives as it could not introduce various courses, viz., undergraduate course for film and television, post graduate diploma courses in television and regular short term courses in films even after 20 years of its establishment. Further, students were not enrolled for two years and a number of seats remained vacant/unutilized due to improper planning. Also, the Institute did not execute academic activities properly as none of the batches were completed in prescribed time, lesser teaching hours by faculty and instances of gap in evaluation of performance of students were noticed in audit. The examination of the subject by the PAC (2016-17) and (2017-18) further highlighted various other shortcomings. The observations recommendations of the Committee have been detailed in the succeeding paragraphs.

(Para 8 of the Ninety-fourth)
Report of the Public Accounts Committee
(16th Lok Sabha)

Action Taken

None.

Audit Comments

Introductory.

Ministry's Comments

No comments.

Observation/Recommendation

4. The Committee noted that SRFTI instead of continuing with the old syllabi did not enroll students for two batches i.e, 2010-13 and 2014-17 pending revision of curricular design and syllabi. The Committee while observing the reply of the SRFTI that with the fast changing technology of film making, it would not have been prudent to continue with old

syllabus & impart education on out-dated skills are unhappy that a premier institute like SRFTI failed to revise syllabi in time. The Committee feel that any Institute that imparts education in any field has to face such challenges/updation i.e. new inventions, rapidly evolving technology, changing values etc. and incorporating these changes into the syllabus should be a continuous and simultaneous exercise. The Committee is of the view that instead of dispensing with admissions, SRFTI should develop a mechanism whereby syllabus may be revised periodically and the updation exercise should start immediately after implementation of a revised curriculum to ensure that neither revenue is lost by the Institute nor any opportunity for learning the art is denied to the prospective students.

**(Para 9 of the Ninety-Fourth
Report of the Public Accounts Committee)
Sixteenth Lok Sabha**

Action Taken

Modification of the course structure and changes in syllabi: With the rapidly changing cinema technology and a speedy transition of the commercial industry from Celluloid to digital format, the syllabus structure needed drastic modifications.

From the 12th Batch onwards, the learning format for the students was changed to digital which called for inclusion of inputs on digital format and exclusion of the obsolete celluloid format. With faster outputs on digital media, there were no more delays in the projects due to dependency on the outside laboratories.

Also, it was found that Short film project in the 2nd year specialization was a studio project which required building a set for each of the student project in one studio space. This required building-dismantling-rebuilding of the set for each project. This process consumed more time which caused delay in starting the 3rd year before finishing the Short film project of the last students' team.

All these anomalies were rectified by a rigorous meeting amongst the Director, Dean and all the faculty members and it was decided that every academic semester would consist of symmetrically 20 weeks instead of 26 weeks through the modular system and the syllabus was re-modified again and there were changes made in the projects, especially the short film project which is now a studio cum outdoor project to save time spent in set dismantling and construction.

An academic calendar was designed for 20 weeks for each semester and the classes and practicals in every department were made in tune with each other for a better collaboration amongst the students. For rationalization of the syllabus, Playback project has been dropped from the syllabus. However inputs are given to the students by the in-house faculty that gets terminated with a workshop conducted by an external expert from the industry. For completion of courses within the scheduled calendar and to put less pressure on infrastructure, the Diploma film project, newly coined as Dissertation films are commissioned outside so that all the projects of the batch can start simultaneously.

The revised and modified course structure was approved in the 5th AC meeting held in April 2017.

Audit Comments

Though the Ministry has cited changes made by SRFTI, Kolkata in syllabus and academic calendar, the reply of the Ministry is silent on development of mechanism to revise the

syllabus periodically without skipping enrolment of students. Hence, reply of the Ministry is not in line with the recommendation of PAC.

Ministry's Comment

The observations of the Audit have been noted for compliance. Instructions being issued to all departments for regularly updating the syllabus in keeping with the changes and ensure that there is no loss of revenue due to the inability of the institute to enrol students pending revision of syllabus.

(Ashokkumar R. Parmar)
Joint Secretary (Films)

(Ministry of Information and Broadcasting O.M. No. M-11013/1/2018DO(FC) dated .11.2018)

Observation/Recommendation

5. The Committee note from the reply of SRFTI that lack of adequate infrastructure and manpower has been responsible for most of the shortcomings pointed out by the C&AG such as non-enrolment of Indian students against foreign students' quota, non-introduction of under-graduate courses, delays in course completion, not undertaking research activities and not conducting short term/refreshers/in services training courses. The Committee is dismayed to note that SRFTI which was established in 1995 is complaining of inadequate infrastructure for providing facilities enshrined in its objectives even after more than 22 years of its establishment. The Committee while noting that Government has provided Rs. 55 crores during the current plan period for infrastructure development in SRFTI are of the view that the Institution should now work urgently towards creating the required infrastructure and fix timelines which must be strictly adhered to. The Committee also desire that the Ministry may look into the issue of providing adequate manpower to the Institute so that it can do justice to the objectives for which it has been established.

**(Para 10 of the Ninety-Fourth
Report of the Public Accounts Committee)
Sixteenth Lok Sabha**

Action Taken

Infrastructure for providing facilities: Six new departments in Electronic & Digital Media (TV) have been started in 2017. SRFTI has hired the faculty members and support staff (total 21) for smooth running of Television/EDM Wing. Further, SRFTI had already initiated the process of procurement of advance equipment and other accessories necessary to provide optimum facilities to students of TV Wing.

Utilization of funds sanctioned, under Infrastructure Development in SRFTI, for the year 2017-18 has been fully achieved for up gradation of infrastructure in the film wing and for acquisition of equipment (phase I) for EDM (TV) wing.

The same is to be continued in the year 2018-19 under the same head out of the sanctioned BE of Rs. 14 Crore (including North-East Component),

Further, the lease agreement and other formalities for running a temporary campus of proposed Film & Television Institute at Itanagar has been completed for a period of three years. SRFTI has already conducted 2 short term courses in temporary campus at Itanagar titled "Short Trip to Cinema" with an intake in 24 students in the first batch followed by 14 students in the second batch for the people of North-East. The third batch with an intake of 13 students has already commenced in April 2018.

Audit Comments

No Comments

Ministry's comments

No Comments

(Ashokkumar R. Parmar)
Joint Secretary (Films)

(Ministry of Information and Broadcasting O.M. No. M-11013/1/2018DO(FC) dated .11.2018)

Observation/Recommendation

6. The Committee noted that activities of the Institute were marred with delay in completion of courses, vacant seats, lesser teaching hours and gap in evaluation of performance of students. The Committee are of the view that lack of monitoring by the Ministry led to violation of the procedures. The Committee, therefore, desires that a mechanism of inspection of the Institute by the Administrative of the Ministry/CVO or by internal audit team may be developed urgently to ensure accountability and transparency in the working of SRFTI.

(Para 14 of the Ninety-Fourth
Report of the Public Accounts Committee)
Sixteenth Lok Sabha

Action Taken

Ministry vide letter dated 07.03.2018 (Annexure-B) had requested O/o Comptroller & Auditor General Of India to carry out special performance and financial audit of SRFTI, Kolkata. O/o CAG was also requested to verify whether SRFTI has taken adequate measures to address the issues highlighted by CAG in its audit report of C&AG for the year ended March 2015 (Report No.11 of 2016, Academic Activities of SRFTI, Kolkata) during regular audit of SRFTI. Further, O/o CAG was requested to look into the following issues also during their next regular audit of SRFTI:

- i. The Institute is utilizing the fund only for the purpose for which it is sanctioned.
- ii. Institute is following all General Financial Rules with regard to financial matters, salary and allowances to its staff, all advances to its staff, deputation and foreign services, procurement of stores, tendering/ contracts etc.

- iii. Review the performance of Institute as per the mandate under their Memoranda of Association.
- iv. Whether objectives for which institute have been set up are being achieved; any shortcomings and reasons thereof.

The Audit vide letter dated 20.03.2018 (Annexure-C) had apprised the Ministry that O/o DGACE, Kolkata has been communicated to look into the working of SRFTI, Kolkata and the issues raised by the Ministry during their regular audit of the Institute.

It is relevant to highlight here that internal audit is already in place and it is being conducted annually by Internal Audit Wing Departmental Accounting Organisation of Ministry of I&B. A copy of Audit report may be seen at Annexure-D. Ministry also continuously monitors the performance of SRFTI by seeking various reports viz. a list of permanent and semi-permanent assets acquired during the year, annual performance cum achievement report for the activities done, Annual and Audit Report of the Institute etc. Further, an expert committee (Annexure-E) has been constituted by Ministry to review the functioning of SRFTI.

Audit Comments

No comments

Ministry comments

No comments

(Ashokkumar R. Parmar)
Joint Secretary (Films)

(Ministry of Information and Broadcasting O.M. No. M-11013/1/2018DO(FC) dated .11.2018)

CHAPTER - III

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

-NIL-

CHAPTER - IV

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

Observation/Recommendation

1. The Committee note that the Cinematograph (Certification) Rules, 1983 prescribe different time limits for various stages of certification process, totaling to 68 days and all the films are required to be certified on “first come first served” basis. The Regional Officers (ROs) have been given the discretionary powers to alter the order of examination of films, if a written request from the applicant is received and the RO concerned feels that there are grounds for an early examination, which are to be recorded in file. However, inspection of 175 records by the audit from 1st April, 2013 revealed that in 57 films (32.57 per cent) which had jumped the queue, letters from the applicant requesting for special consideration/ROs justification accepting the request were not found on records and further note that a clear ‘U/UA’ or clear ‘A’ certification was done for 135 films. Further, in 49 films (36 per cent) despite completion of certification process, time taken for issue of certificates ranged between 3 to 491 days after recommendation for grant of certificate by Examining Committee (EC). The Committee could not find any tenable reason for not issuing the certificate for months together even after clearance by the EC and desire that in light of a case study by Audit relating to fabrication of documents and favoritism by Secretary to Chairperson, detailed inquiry into the cases of inordinate delay may be conducted and the Committee may be apprised of the findings thereof. The Committee are further concerned that while this discrepancy could not be detected by the system it came to light when a complaint was received by the Central Vigilance Commission and, thereof, desire that the Ministry may look into the matter and streamline the system by establishing a control mechanism under which the decision involving relaxations made by Committee / RO are subjected to review by the Board to ensure transparency in the working of CBFC. The Committee further desire to be apprised of the cases pointed out by the Vigilance wing in the Ministry/CBFC during the last 10 years and punitive action taken against those found guilty.

**(Para 2 of the Ninety-fourth)
Report of the Public Accounts Committee
(16th Lok Sabha)**

Action Taken

The online certification system provides a list of all the applications for certification chronologically, with respect to the date of application and to the date of application approval by the scrutiny officer. By and large, all the films are examined chronologically. However, in certain cases when there is an urgency expressed by the filmmaker, CBFC takes a written request from the filmmaker and places it on record along with some proof that such an urgency is necessary. Only after that, the respective regional officer in accordance with the proviso to Rule 41(3) of the Cinematograph (Certification) Rules, 1983 allots an early screening to the films. A register is also being maintained separately for that purpose. Even

in special cases of early certification, CBFC endeavors for a minimum time period of about two weeks so as to avoid any potential misuse of this facility.

As regards delay in issue of certificates, it is submitted that all the pending cases have been disposed of. In the online certification system, the status of each application is visible online in the dashboard of the producer/concerned CBFC official and thus there is effective monitoring & real time progress tracking for both CBFC Officials and the applicants. The system has inbuilt alerts depending on the pendency of the application, to ensure that time limits prescribed by the Rules are not violated. A completely online system ensures transparency and efficiency at all levels.

However, it is submitted that in accordance with the prescribed process, the Examining Committee after viewing a film recommends certification of a film for public exhibition under any of the prescribed categories with or without excisions/modifications. The recommendation of every member of the Examining Committee is recorded in unambiguous terms and a category (U/UA/A) is arrived at either unanimously or by majority. The recommendation of the Examining Committee is conveyed to the producer/applicant. The producer/applicant is required to convey the acceptance of the Examining Committee's decision and submit final version of the film. The delay on part of producer/applicant to submit the final version of the film also increases the total time taken to issue certificate and is therefore not attributable to CBFC. An analysis of the cases referred to by the Audit is placed at **Annexure A**.

In the case of fabrication of documents and favoritism by Secretary to Chairperson, it is informed that after a detailed enquiry, major penalty of removal from service was awarded. In the same case, major penalty proceedings have been initiated against another officer. Prompt action is taken on every complaint/vigilance cases.

Audit Comments

As per Audit, 31 films were found for which delay was noticed. However, the list attached by the Ministry includes 30 films. Same may be verified.

The matter may be taken up with the PAC.

Final outcome in the fabrication / disciplinary case may be intimated to PAC. Steps taken by the Ministry to establish a control mechanism to streamline the system & ensure transparency as desired by PAC may be intimated to the PAC. Also, PAC may be apprised of the punitive action taken against those found guilty in respect of the cases pointed out by the Vigilance Wing during last 10 years.

Ministry's Comments

The Indian Audit & Accounts Department forwarded a draft of Long Paragraph on "Working of Central Board of Film Certification", proposed for inclusion in the Report of the Comptroller and Auditor General of India for the year 2015-16 (Civil), to this Ministry vide their Demi Official Letter No. PDA(C)/MUM/C&AB/DP No.957/2015-16 dated 30th November, 2015. '*Annexure C – List of films delayed for more than 100 days*' contained in the Long Paragraph of Audit lists only 30 films. A copy of the same is placed at **Annexure C**

for reference. Accordingly, an analysis of the 30 cases referred to by the Audit has been provided at **Annexure A**. However, in the Report No. 11 of 2016 of C&AG - 'Para 11.1 Working of CBFC', it is mentioned that in "*31 cases during the period 2013-14 and 2014-15, reasons for delay were not seen recorded on file*".

In the case of fabrication of documents and favoritism by Secretary to Chairperson, it is informed that after a detailed enquiry, major penalty of removal from service was awarded. In the same case, major penalty proceedings have been initiated against an Additional Regional Officer of CBFC, Mumbai.

There is a robust MIS (Management Information System) in the online certification system to track and monitor the performance of CBFC and its regional offices. A daily MIS report is generated which gives the region-wise pendency of the applications at each level of the certification process. A completely online system ensures transparency and efficiency at all levels.

During July, 2015, Regional Officer, CBFC, Hyderabad who was on deputation was placed under suspension and repatriated to his parent cadre based on the report of his arrest by CBI in June, 2015. In August, 2014, the then CEO, CBFC was arrested by CBI and was immediately suspended and repatriated to his parent cadre.

(Ashokkumar R Parmar)
Joint Secretary to the Government of India

(Ministry of Information and Broadcasting O.M. No. M-11013/1/2018-DO(FC) dated .11.2018)

Observation/Recommendation

2. The Committee are dismayed to note that CBFC, in order to help big film makers who had applied for certification very close to release date, granted certificates to their films ahead of other applicants even when there was no such urgency expressed. The Committee exhort the Ministry/CBFC to ensure a transparent and disciplined regime by certifying films on first come first serve basis with no favoritism and by encouraging big and small banners alike to apply well before the release date. With regard to out-of-turn preference for the certification of certain films, it is necessary that there should be some sound reasons to justify the exercise of discretionary powers by the RO and which should be recorded in the file. The Ministry / CBFC may prescribe the guidelines under which order of certification may be altered. The power of Regional Officer (RO) to alter the order of examination of the film be exercised only in those cases covered under the guidelines and the reasons may invariably be recorded in each case of deviation. Further, the Committee observe that CBFC has submitted a proposal for enhancement of certification fee for introduction of 'Tatkal Charges'. The Committee desire the priority to applicants paying Tatkal charges be given while ensuring that other applicants get certificates within the stipulated period.

(i) The Committee further note that CBFC had issued certificates to films without verifying the film was certified earlier by them or any other Regional Office and hence probability of two or more certificates being issued for the same films existed. The Committee understand from the reply of the Ministry / CBFC that ever increasing

workload, manpower constraints and when the cuts submitted were contested etc. led to delays in film certification and further dates were given depending on the availability of the Examining Officer and one member who had originally watched the film. The Committee feel that maintenance of systematic records, absence of manpower planning, non adherence to prescribed timelines, non-existence of internal control framework and lackadaisical attitude led to issue of multiple certificates to the films, delays etc.. The Ministry/CBFC cannot take umbrage of shortage of manpower for the mistakes of issuing certificate twice to the same films by CBFC. They should have increased manpower as per requirement from time to time. The Committee, therefore, desire the Ministry/CBFC to augment its manpower urgently in line with the increasing workload and submit a proposal for recruiting personnel after taking into account the present and future manpower requirements under intimation to the Committee. The Committee are of the view that all existing records be digitized centrally within a prescribed timeframe to avoid any further instances of issuance of duplicate certificate and efforts made to identify films where duplicate certificates were issued and appropriate action taken to rectify the mistake in each such case.

(ii) The Committee note that the computerization project envisages automation of the entire process of certification including filing of online application, secured online fee payment, integration of relevant data, scheduling of examination, intimation thereof to all concerned, formation of Examination Committees, reporting, intimation for cuts, intimations for certificate and identification of any duplicity at the application stage itself. They, therefore, are of the view that timeframes be revised / shortened for every stage taking into account computerization of whole process be scrupulously followed and delays duly accounted for. Further, all producers, copy right holders or those applying for certification of imported films and titles be mandatorily registered and all details regarding applications received, cleared, pending etc be made available online so as to ensure transparency and efficiency in the system

(iii) The CBFC should develop a robust internal control mechanism followed by regular internal audit of the system to ensure that the same is working properly and effectively.

(Para 3 of the Ninety-fourth)
Report of the Public Accounts Committee
(16th Lok Sabha)

Action Taken

3. It is humbly submitted that CBFC has strived to help all filmmakers without making any discrimination between a big or a small filmmaker. The urgency for out of turn examination is seen on a case to case basis only and CBFC, in order to facilitate such films and help the filmmakers avoid non-release as per the schedule, enabled certification ahead of other applicants where there was no issue of urgency.

The online certification system provides a list of all the applications for certification chronologically, with respect to the date of application and to the date of application approval by the scrutiny officer. By and large, all the films are examined chronologically. However, in certain cases when there is an urgency expressed by the filmmaker, CBFC takes a written request from the filmmaker and places it on record along with some proof that such an urgency is necessary. Only after that, the respective regional officer in accordance with the proviso to Rule 41(3) of the Cinematograph (Certification) Rules, 1983 allots an early screening to the films. A register is also being maintained separately for that purpose. Even in special cases of early certification, CBFC endeavors for a minimum time period of about two weeks so as to avoid any potential misuse of this facility.

The proposal for enhancement of certification fee for introduction of "Tatkal charges" has not been considered as it is felt that introduction of Tatkal charges may further delay the certification for the film makers who do not pay enhanced fee.

3 (i) Now after the implementation of online certification system, the problem of issuing duplicate certificates has been resolved. New system does not allow duplicate applications. A film which has been certified earlier cannot be reapplied in this new online certification system. The records have been digitized and after the launch of online system, the issue of duplicate certificates have been resolved. Earlier, it was not possible for CBFC to identify films where duplicate certificates were issued, but in the new system, this has been taken care of.

CBFC was requested to work out the optimum strength of advisory panel members in respect of each Regional Office of CBFC. CBFC has indicated the desired strength of advisory panel members after carrying out a detailed analysis of work load in each of the regional offices based on the number of feature films, video films and short films certified. Ministry has already initiated the action to appoint the requisite number of advisory panel members at each regional office of CBFC in accordance with Section 5(1) of the Cinematograph Act, 1952 read with Rules 7 and 8 of the Cinematograph (Certification) Rules, 1983.

3 (ii) The time limit in relation to certification of films is prescribed under Rule 41 the Cinematograph (Certification) Rules, 1983 which have been framed in exercise of the powers conferred by Section 8 of the Cinematograph Act, 1952. The online certification system has inbuilt alerts depending on the pendency of the application to ensure that time limits prescribed by the Rules are not violated.

After the launch of Online Certification System, the entire film certification process is being done online, viz. from application to printing of certification. Any applicant (producer/authorized representative) applying for certification of a film/ video/ song/ advertisement/ trailer/ promo (including all producers, copyright holders or those applying for certification of imported films and titles) from CBFC is duly registered under the online certification system. All steps are being recorded under the new system. The details of applications received, cleared, pending, etc. are available to the senior officers of CBFC and an alert is sent to the next higher authority, if there is any delay at any level.

3 (iii) There is a robust MIS (Management Information System) in the online certification system to track and monitor the performance of CBFC and its regional offices. A daily MIS report is generated which gives the region-wise pendency of the applications at each level of the certification process.

Audit Comments

The matter may be taken up with the PAC.

Whether Ministry has prescribed any guidelines under which order of certification may be altered? If so, same may be intimated to PAC.

Further progress in the matter of recruitment of advisory panel members and its effect on time frame fixed, if any, on expedite disposal of cases may be intimated to PAC. The extent of digitization of record may also be stated to PAC.

Ministry may state whether any proposal for shortening of time frame (as envisaged in Rule 41 of Cinematograph (Certification) Rule 1983) has been explored in view of Computerization/automation in CBFC.

Will be verified by Audit during next local Audit.

Ministry's Comments

Rule 41(3) of the Cinematographic (Certification) Rules, 1983 provides for the first cum first serve basis to be followed for film certification with exceptions being allowed on the basis of recorded reasons. Ministry of Information and Broadcasting has not prescribed any further guidelines under which order of certification may be altered.

Advisory Panel members have been appointed in all nine regional offices of CBFC vide Ministry's notification dated 5th October, 2018. Copy of the notifications is at **Annexure D**. Requisite number of advisory panel members enable timely processing of applications for certification.

At present, no proposal for shortening the time limits for certification has been explored in view of Computerization/automation in CBFC till now. The online system has inbuilt alerts depending on the pendency of the application to ensure that time limits prescribed by the Rules are not violated. Therefore, an online certification system ensures accountability at all levels. However, actual time taken for examination of any application will still depend on the time required for carrying out each process of certification, viz. scrutiny of application, formation of examination committee (EC), forwarding EC report to Chairperson, communication of the order to applicant, surrender of cuts by applicant, examination of cuts, issue of certificate, etc. Further, the work load at each regional center of CBFC has increased substantially over the years.

(Ashokkumar R Parmar)
Joint Secretary to the Government of India

(Ministry of Information and Broadcasting O.M. No. M-11013/1/2018-DO(FC) dated .11.2018)

Observation/Recommendation

3. The Committee note that as per notification issued by MoI&B in September 1984, the validity of certificates was perpetual instead of 10 years as earlier provisions. However, the CBFC continued to accept films for revalidation of certificates which points to the clear failure of the Ministry in enforcing its own orders.

Further, as per Sub-rule 6 of Rule 21 of the Cinematograph Rules, 1983, the applicant has to furnish the original or a certified copy of the import license together with custom clearance permit for public exhibition of video films imported in India but in many cases as pointed out by the Audit, CBFC did not obtain the same. The Ministry submitted that since the Department of Commerce vide public notice dated 29th January 2002 had allowed import of cinematograph feature films and other films (including films on video tape, compact video disc, laser video disc or digital video disc) without a license, the condition could not be complied with.

In view of the above discrepancies, the Committee adjure the Ministry / CBFC to bring out a manual of rules/guidelines incorporating all the relevant notifications and latest instructions issued in connection with certification of films at one place to avoid recurrence of such instances.

**(Para 5 of the Ninety-fourth)
Report of the Public Accounts Committee
(16th Lok Sabha)**

Action Taken

The revalidation of certification was done by the CBFC as per provisions of Rule 29 of the Cinematograph Act. However, as per notification issued by Ministry of I&B, (September 1984) the Central Government had exempted all films in respect of which certification have been or may be granted by the Board, from the validity of 10 years and the validity of such certificates were therefore perpetual. The process of revalidation of certificates has been dispensed with and any such applicant is informed accordingly.

Regarding import license, it is submitted that Ministry of Commerce and Industry, Department of Commerce vide its Public Notice No. 64/1997-2002 dated 29th January, 2002 has exempted from import license the import of cinematograph feature films and other films (including film on video tape, compact video disc, laser video disc or digital video disc). To be in conformity with the said Public Notice, Sub-rule 6 of Rule 21 of the Cinematograph (Certification) Rules, 1983 relating to application procedure in the case of imported films has been deleted vide this Ministry's Notification G.S.R. 357(E) dated 11th April, 2017 published in the Extraordinary Gazette of India. Accordingly, CBFC is not required to ask for import license for a film. However, CBFC at the time of accepting applications for certification of such films, does ask for copies of agreement between the copyright holder/ producer of the film and the person who imports the film and seeks certification, copy of shipping/airway bill or copy of digital download document.

It is submitted that the website of CBFC contains all the rules/guidelines and it is regularly updated with relevant notifications and latest instructions/communications issued in connection with certification of films.

Audit Comments

The Ministry has not agreed to bring out a manual of rules/guidelines stating that it is available in the website. However, any action taken by the Ministry to link the latest and relevant notifications regarding import and certification of films by way of workshops etc., if any, may be stated to PAC.

Ministry's Comments

Notification No. G.S.R. 357(E) dated 13th April, 2017 published in the Extraordinary Gazette of India, Part II, Section 3, Sub-section(i) deleting sub-rule (6) of Rule 21 of the Cinematograph (Certification) Rules, 1983, relating to application procedure in the case of imported films, was laid in Lok Sabha on 28.12.2017 and in Rajya Sabha on 02.01.2018.

(Ashokkumar R Parmar)

Joint Secretary to the Government of India

(Ministry of Information and Broadcasting O.M. No. M-11013/1/2018DO(FC) dated .11.2018)

Observation/Recommendation

4(i). The Committee note that the Cinematograph Act prescribes constitution of a Board to be called the Board of Film Certification consisting of a Chairman and not less than twelve and not more than twenty-five other members to be appointed by the Central Government. As per reply of the Ministry, each state should be represented by at least one or two Board Members as there are different dialects around the country. The Committee hope that the Government while constituting the CBFC ensure that one or two representatives from each state is/are appointed there. The Committee are unhappy that proper records about agenda of the Board meetings have not been kept and that in 2014-2015 and 2015-2016, the Board met only once a year. The Committee are unable to comprehend the need for a high profile Board when they are not even inclined to meet frequently and discuss the film certification process and its impact on the public at large. The Committee exhort that the Board be more proactive and a guiding spirit in the healthy working of the institution. The Committee are of the view that number of members of the CBFC be fixed so that each State / region gets represented in the Board and one/two Board Member/s be attached to every Regional Office to ensure its transparency. The Committee further enjoin that tenure of the members of the Board and the Advisory Panels should only be renewed / extended after analyzing their contribution in the film certification process. The Committee while noting from the reply of the Ministry that desired strength of the advisory panel members in respect of each Regional Office of CBFC is worked out after carrying out a detailed analysis of work load in each of the Regional Offices based on the number of feature films, video films and short films to be certified desires that an analysis of the involvement/performance of the panel members may be made at the end of tenure to ensure that such numbers as appointed were actually required. The Committee while noting that only three workshops for Advisory Panel Members were conducted during last five years are of the considered opinion that the workshops should be a regular feature to enlighten and update the Panel Members about the latest issues involved in the from time to time. Further, the Committee are amazed to note that not even a single case has been detected and reported for violation of category classification or for not screening certification before the film is actually screened or for not

carrying out the cuts as prescribed by the CBFC. The Committee while noting from the reply of the Ministry that since Cinemas is a State subject (as Entry 33 of the List-II, subject to the provisions of Entry 60 of List-I), the responsibility for enforcement of category classification on the ground lies primarily with the State Government desires that requisite information be collected from the States and furnished to the Committee.

(ii). The Committee observe that since 1952 when the Cinematograph Act was enacted, there have been many changes / developments in the field of cinema with the proliferation of TV channels, cable network, youtube and advent of new digital technology making various kinds of contents accessible to all. Further, the CBFC established under the provisions of the Act has been steadily losing its credibility / significance and non-controversial character. The Committee note that the CBFC has been taking discretionary decisions in absence of any specific rules / provisions. With the advent of new technology in the cinema field and emergence of media as a powerful medium to discuss and form opinions, CBFC needs to keep abreast of latest developments in the field and control its Regional Offices in an effective manner so as to ensure complete transparency in the working of the CBFC. The Committee are also concerned to note lack of control of CBFC over contents available on internet. The Committee, therefore, desire that the Act may be reviewed and amended suitably keeping in view the changing dynamics of film industry and the change in society values.

(iii). The Committee also desire that the film makers be enabled to certify their films themselves and for being eligible for self certification under specific categories, the CBFC may prescribe detailed parameters keeping in view the ethos and traditions of the country to guide the film producers to align with the requirements for certification under that category. In case the CBFC/Examining Committee does not agree with the category under which certification has been applied for, the film may be referred to 'Film Certification Jury' comprising of retired Judges, eminent lawyers, film makers, eminent actors, writers and acclaimed artists for a matured view.

(Para 6 of the Ninety-fourth)
Report of the Public Accounts Committee
(16th Lok Sabha)

Action Taken

Meetings of the Board are being held regularly and proper records of all Board Meetings are being kept in the CBFC office. Last year, three Board Meetings were held. All Board Members are contributing towards the healthy working of CBFC. CBFC periodically conducts workshops for Advisory Panel Members at various regional centers for the benefit of the members of the Advisory Panels and Examining Officers in certification of films. Various issues involved in the examination of the films are discussed at the workshops. The need for observing a code of conduct and discipline is also emphasized. The members of the Board and Advisory Panels have been requested to implement the guidelines strictly. Specific clarifications have been issued about interpretations of some of the guidelines. CBFC shall strive to engage more proactively with workshops and Board meetings.

The screening of visual contents without certification by CBFC is in violation of Section 7 of the Cinematograph Act, 1952. In the recent past it has come to the notice of the Ministry that

in some areas of each of the eight North Eastern States, uncertified films/ videos/ advertisements/trailers/ promos/songs and other visual presentation through video projectors both fixed and mobile are being exhibited. Ministry has written to the Chief Secretaries of the North Eastern States to issue necessary instructions/guidelines to the District Magistrates to take cognizance of any violation of the Cinematograph Act, 1952 and the Cinematograph (Certification) Rules, 1983 and to take appropriate action as deterrence to such violation by any individual/group/institution. Copies of D.O. letters dated 28th May, 2018 addressed to the Chief Secretaries of the North Eastern States are at **Annexure B**.

(ii) CBFC primarily certifies films for theatrical release and TV & satellite in video format in accordance with the Cinematograph Act, 1952, the Cinematograph (Certification) Rules, 1983 and the guidelines issued thereunder. These guidelines are to be observed by CBFC for certification of films for public exhibition and attempt to objectively define the prerogatives of the Board's certification process. The members of the Board and Advisory Panels have been requested to implement the guidelines strictly. Specific clarifications have been issued about interpretations of some of the guidelines.

CBFC has no control over the content available on the internet. India being a diverse heterogeneous country, having numerous different ethos and traditions, it is important to maintain a certain level of propriety with respect to language and visuals which are deemed to be acceptable to the wider audience. The content available over the internet is regulated under the Information Technology Act, 2000 and the Rules framed thereunder. Under Section 79(3)(2) of the rules framed under the IT Act, 2000, intermediaries must observe due diligence as prescribed under Rule 3 in the Information Technology (Intermediaries guidelines) Rules, 2011. Section 79(3) of the Information Technology Act, 2000 provides for removing or disabling access to the material which is being used to commit unlawful acts.

It is relevant to mention that M/o I&B has taken cognizance of pirated film content available on the internet and has requested the Ministry of Electronics and Information Technology to get the issue examined to curb piracy of films or any other copyright violation through pirate websites. MEITY has also been requested to set up a legally mandated mechanism under the provisions of the IT Act 2000.

(iii) Film motivates thoughts and actions and assures a high degree of attention and retention, perhaps compared to the printed word. The combination of act and speech, sight and sound has a strong impact on the minds of the viewers and may affect emotions. The Hon'ble Supreme Court in K.A. Abbas vs Union of India upheld the constitutionality of certifying films within the Ambit of Article 19(2) of the Constitution and added that films have to be treated separately from other forms of art and expression because a motion picture has the ability of stirring up the emotions more deeply than any other product of art. Considering this kind of sensitivities, self-certification of films has not been considered so far.

Article 19(1)(a) and 19(2) of the Constitution of India lays down that while all citizens shall have the right to freedom of speech and expression, the State can operate any existing law, or make any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the 19(1)(a), in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence.

“Sanctioning of Cinematograph films for exhibition” is included in Entry 60 of the Union List (List I). The Union Government has been entrusted with matters pertaining to sanctioning or certification of films for exhibition in India and accordingly the CBFC certifies films for public exhibition under the provisions of Cinematograph Act.

Audit Comments

Ministry has not replied about the Constitution of the Board and its members from each state and renewal/appointments to be made after analyzing the contribution of members.

Whether Ministry has taken any steps to include members of CBFC who represent state/region?

What steps are taken to attach Board members to regional office may be stated to PAC.

Any workshop conducted for Advisory Panel Members during 2017-18 and onwards may be stated to PAC.

Information regarding enforcement of category classification, if any, collected from State Government(s) may be furnished to PAC.

Ministry may explore the possibility for amendment of Act incorporating changing dynamics of film industry and change in societal values, keeping in view the relevant sections of IT Act, 2000.

Further progress in the matter may be intimated to PAC.

Ministry's Comments

Appointment of Chairperson and Members of the CBFC is in accordance with Section 3(1) of the Cinematograph Act, 1952 read with rule 3 of the Cinematograph (Certification) Rules, 1983. The Board consists of a Chairman and not less than 12 and not more than 25 other members. The present Board consists of 12 Members to represent each region.

Workshops are held for Advisory Panel Members at various regional centers such as Mumbai, Kolkata, Hyderabad, Delhi and Chennai for the benefit of the members of the Advisory Panels and Examining Officers in certification of films. The workshop module for newly inducted Advisory Panel members sensitizes them to the guiding principles for certification of films. Various issues involved in the examination of the films are discussed at the workshops. The need for observing a code of conduct and discipline is also emphasized. Details of Meetings/Workshops held during the last year are given below:

- i) The 142nd Board Meeting-cum-workshop was held at Thiruvananthapuram on 28th July, 2017.
- ii) The 143rd Board Meeting-cum-workshop was held at Mumbai on 11th September, 2017. The Board meeting was presided over by newly appointed Chairman, Shri Prasoon Joshi.

iii) A Regional Officers' Meeting was held on 24th October, 2017 at Films Division Complex, Mumbai.

iv) A workshop for advisory panel members and an interaction with representatives of film industry was held at Mumbai on 20th September, 2018.

v) The 144th Board meeting held on 21st September, 2018. A meeting of Board Members and Regional Officers was also conducted.

Regulation of exhibition by means of cinematograph is under Part III of the Cinematograph Act, 1952 and the power of Central Government extends to Union Territories only. No information regarding enforcement of category classification collected from State Governments.

Department of Industrial Policy and Promotion (DIPP) under Ministry of Commerce and Industry, which oversees implementation of the National IPR Policy, allotted the following Action Point to the M/o I&B - *"3.7 – Indian Cinematograph Act, 1952 may be suitably amended to provide for penal provisions for illegal duplication of films"*.

A joint meeting of officials of MIB, MEITY and DIPP was held under the chairmanship of Joint Secretary (Films) on 01.10.2018 to discuss the issue of piracy. The need for inclusion of penal provisions in the Cinematograph Act was discussed in detail to tackle the menace of film piracy effectively. It was observed that the onus of ensuring these provisions should lie with the State Governments and District machinery. Accordingly, it has been decided to amend the Cinematograph Act, 1952 to include penal provisions for unauthorized duplication of a film (anti-camcording provisions).

(Ashokkumar R Parmar)
Joint Secretary to the Government of India

(Ministry of Information and Broadcasting O.M. No. M-11013/1/2018DO(FC) dated .11.2018)

Observation/Recommendation

5. Audit has pointed out that most of the Assistant Professors and Associate Professors did not achieve the core load per week as stipulated in the Bye-laws as the teachers of SRFTI were engaged in additional activities like conducting festivals, holding additional charge of Dean & Director, attending meetings, holding enquiries etc apart from their regular teaching job. The Committee noted that since SRFTI is an internationally renowned institute, many miscellaneous activities took place on campus as part of the learning process. However, the calculation of teaching hours based on the duration of academic programmes of faculties including both theory and practical sessions presented a very different picture. The Committee, therefore, desire that planned teaching hours may depict hours to be devoted to formal teaching and mentoring separately so as to ensure that the faculty members devote minimum time to each area.

(i) Audit scrutiny highlighted various irregularities in the evaluation process and promotion of students in contravention of Bye-laws of the Institute. The Committee while opining that uniform and strict parameters ensure competitiveness and sense of discipline amongst students expect a premier Institute like SRFTI to invariably adhere to the norms to assure students of transparent evaluation process. The Committee desire that variations may only be made in exceptional circumstances which should be duly recorded and approved by the competent authority.

(ii) The Committee while opining that the teaching and evaluation process may have serious implications regarding the quality of education being imparted and that of the students passing out of the Institute exhort the Ministry to constitute a sub-committee to review whole gamut of issues plaguing the Institute and give suggestions for improving the quality of teaching and techniques adopted.

**(Para 13 of the Ninety-Fourth
Report of the Public Accounts Committee)
Sixteenth Lok Sabha**

Action Taken

The faculty of SRFTI is not only involved in taking theory classes (in the classrooms) but also teaching students outside classrooms. Most of the student activities in the campus happen in the studio floors and campus premises (practical exercises like actuality, camera practice, sound recording etc.) and the faculties are constantly engaged in guiding and mentoring students and giving their practical lessons of film making. Added to this there are workshops by industry experts that keep on happening round the year in all the departments. Faculties are rigorously involved in arranging these workshops and co-ordinating them by communicating with the guest faculty, arranging their travel, stay, food and facilitating the students with all the requisite resources to make sure to create a conducive environment for the student-expert interaction and solid practical learning. These activities from the side of the faculty also are a part of nurturing a student and giving them much required hands-on inputs and prepare them for the cut-throat film making world. Also, the curriculum of SRFTI is project based and since their second semester, they start making their films which require continuous inputs and interaction with the faculty members in the process of writing, visualising, conceptualizing, story-boarding and pre-planning their ideas and shoots for which the faculty members give a lot of time from their schedule in interacting with students on one-to-one basis and mentor them and mould them based on their individual personalities. This is a rigorous activity that keeps the faculty members busy throughout their day in the campus. As the number of students are increasing due to the newly started short term courses and TV wing, mentoring activity is and going to take a large space from a faculty's academic hours.

In order to track down the faculty academic activities the institute has developed a centralized computer based digital Academic Management System (AMS) which keeps track of the scheduling of the classes, practical, administrative work, workshop co-ordination, student mentoring, students' attendance publication of results.

AMS also tracks down the student attendance. This allows the faculty members and the students to keep a regular check on their attendance, scheduled classes, practical and workshops. Modifications are under process to digitally upload the results and marks-sheets of the students on the AMS.

SRFTI has developed a very systematic evaluation process from the first semester itself. Evaluation happens through various methods, viz., (a) written examinations, (b) Cumulative evaluation based on students' involvement in various exercises, practicals and demonstration workshops, (c) Assessment of different projects is done by various departments both by faculty members and external experts based on content, narrative flow, script, cinematography, editing and sound and production docket and the final result is obtained as a weighted mean with one external expert for each department deliberating and assessing based on the different criteria for different departments, (d) In the workshops taken by guest faculties, students are assessed individually, based on their involvement, response and interaction, (e) The evaluation for the final Dissertation film is done wholly by external experts after deliberation and discussion with the faculty members.

It may be mentioned here that Academic Council(AC), constituted by GC, consists of six domain specialists in addition to Dean and six HODs of the Institute and representatives of students and alumni. AC is mandated to oversee all the academic and pedagogy-related issues. Academic Council has representations from many institutes/organizations viz. FTII, Doordarshan, WWI etc. Further, AC as per Academic Bye laws of SRFTI undertake periodic review of —academic programmes including training schedules, methods & procedures of examination, exchange programme. In line with the recommendations of AC, steps taken by SRFTI for improving the quality of education in the Institute may be seen at Annexure-A.

Audit Comments

No comments

Ministry comments

No comments

(Ashokkumar R Parmar)
Joint Secretary to the Government of India

(Ministry of Information and Broadcasting O.M. No. M-11013/1/2018DO(FC) dated .11.2018)

CHAPTER - V

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

Observation/Recommendation

1. The Committee find that there is no provision in Cinematograph Act 1952 to convert films from 'A' to 'UA' /'U' category, however, CBFC had converted 172 'A' category certified films into 'UA' category films and 166 of 'UA' to 'U' category during the period 2012-2015. The Committee observe from the reply of the Ministry that there is no specific provision which prohibits recertification of films already certified and the practice being followed by CBFC as the competent certifying authority appears to be in accordance with Rule 21, 33 and 35 made under the Cinematograph Act. The Committee find that the Rules 21, 33 and 35 made as quoted by Ministry do not empower CBFC to re-certify the films. The Committee from the reply of the Ministry that in order to get a U, UA certificate required to telecast films on Cable TV, the filmmakers edit content of the film themselves and apply for recertification. The Committee desire that Cinematograph Act be suitable amended to make provisions for recertification of film to telecast on television and a formal procedure be framed to enable conversion of films a transparent exercise and more specific categorization of films into 'UA12+' and 'UA15+' etc. The Committee exhort that such conversion be reflected on the website of CBFC/Ministry.

**(Para 4 of the Ninety-fourth)
Report of the Public Accounts Committee
(16th Lok Sabha)**

Action Taken

The Government is in the process of amending the existing Cinematograph Act, 1952. The Committee of Experts, headed by Justice (Retd.) Mukul Mudgal, constituted to examine issues of certification under the Cinematograph Act, 1952 and the Expert Committee, headed by Shri Shyam Benegal, constituted to recommend guidelines/procedure for certification of films by the Central Board of Film Certification (CBFC) have both recommended that there shall be a provision to apply for change in category of certificate of a film. The recommendation of the Committees to insert a specific provision for change in category of certificate of a film is under consideration in the Ministry.

However, it is relevant to mention that the Hon'ble High Court of Delhi, vide Order dated 24.01.2018, in W.P. (C) No. 5203 of 2013 of Edara Gopi Chand v/s UOI & Others has upheld the conversion of films from A to UA/U categories.

Audit Comments

Further progress in the amendment of the Cinematograph Act, 1952 incorporating recommendation of the expert committee may be stated to PAC. Whether any action has been initiated to reflect the changes/conversion of films in official website of CBFC/Ministry?

Ministry's Comments

The recommendations submitted by both the Committees were examined in the Ministry. Majority of the recommendations require amendment in the Cinematograph Act and Rules. It was decided to seek wider consultation in the matter before accepting the recommendations.

A Consultation meeting between the then Hon'ble Minister of Information and Broadcasting, Minister of Law and Justice, Minister of Finance and Minister of Human Resources Development held on 16th March, 2017 to deliberate on the issue of repeal/amendment of the Cinematograph Act. Another round of consultation in this regard by Hon'ble Minister with Hon'ble Chief Minister of Maharashtra and the representatives of Film Industries was held on 6th June, 2017 at Mumbai.

Based on the deliberations, Ministry is in the process of amending the Cinematograph Act and Rules and formulation of guidelines.

The explanation under Rule 21 of the Cinematograph (Certification) Rules, 1983 which concerns with the submission of application for examination of films clearly states that *for the purpose of certification for public exhibition, every revised version or shorter version of a film shall be deemed to be a fresh film*. Complete details of all films/promos/trailers/teasers certified by CBFC, including the category of certificate granted, certificate number, certificate date, name of Producer, name of Applicant, etc., are duly provided on the official website of CBFC.

(Ashokkumar R Parmar)
Joint Secretary to the Government of India

(Ministry of Information and Broadcasting O.M. No. M-11013/1/2018DO(FC) dated .11.2018)

Observation/Recommendation

2. The Committee note from the reply of SRFTI that appointment of permanent skilled manpower for project works could not be justified due to lesser workload associated with the job and SRFTI is facing difficulty in hiring on need basis as the available trained manpower prefers their primary professional assignments first and similarly, procurement of additional equipment is risky due to factors like high costs, obsolesce, expenditure on maintenance, etc. and therefore, taking such equipment on hire on need basis is more feasible proposition given the cost versus the workload but, this approach sometimes leads to non-availability of equipment on time. The Committee is of the view that SRFTI should give extra emphasis on completing the courses in time as non-completion of courses timely may hamper career of students. The Committee desire that few agencies providing these equipment and trained manpower may be empanelled for the purpose so that they are available and called for as and when needed.

**(Para 11 of the Ninety-Fourth
Report of the Public Accounts Committee)
Sixteenth Lok Sabha**

Action Taken

The final year dissertation films are being outsourced as per the project guidelines so that the projects of the batch can start simultaneously in order to avoid delays. The students (Producing for Film & Television department) acting as executive producers hire the entire infrastructure and manpower from outside agencies/local Cine-workers' Guild at per approved rate within the allocated budget.

So far four dissertation films of the 12th batch are being executed on commissioned basis. For other student exercises/short films light and grip items with attendants are being hired from empanelled agency.

Audit Comments

No Comments except that SRFTI, Kolkata instead of created a panel of few agencies, executed a rate contract with one agency to hire light, grip and accessories for period of one year.

Ministry comments

The maximum hiring of equipment takes place for the final year dissertation films in SRFTI. After the Academic Council asked to implement the commissioning of the dissertation films the students are by default allowed to shoot anywhere in the country. The first few commissioned films were shot in the deep interiors of Manipur, one in the villages of Tamilnadu, another 50 kms from Tundla in Uttar Pradesh. Naturally, it is not feasible or affordable to carry all the equipment (camera with lenses, lights in number of around 25-30 kilos, grips) from Kolkata to these far off places. Instead, we hire the same equipment from the nearest town where all these are available to save cost as well as unnecessary labour and trouble. Hence, to create a panel of these agencies we need to travel all around the country and take quotations from these agencies and empanel the agencies in due course, the process of which will take time as we have limited strength in the department of production. However, the process has already been started. For regular campus exercises, a rate contract was done with an agency for regular hiring. It has been ascertained through informal market survey that the rates being charged by the existing agency are reasonable.

(Ashokkumar R Parmar)

Joint Secretary to the Government of India

(Ministry of Information and Broadcasting O.M. No. M-11013/1/2018DO(FC) dated .11.2018)

Observation/Recommendation

3. The Committee note with Concern that SRFTI had not offered any regular short term Courses citing insufficient manpower and infrastructure and express their displeasure over the fact that SRFTI did not take up the matter with the Ministry for addressing the issues till January 2016. The Committee also does not agree with the contention of the SRFTI that the Ministry is apprised of the matter as the officials of the Ministry are part of the Governing Council. The Committee is shocked to note that even though officials of the Ministry are

represented in Governing Council, the SRFTI could not impress upon the Ministry that the Institute could not offer short term courses due to insufficient manpower and lack of infrastructure. The Committee, therefore, desires that SRFTI should take up the matter earnestly with the Ministry and apprise the Committee of response of the Ministry thereon. The Committee notes that undergraduate Courses and research department can only be started in the SRFTI once the issue related to awarding of diploma/degree is resolved. The Committee desire that the Ministry may take up this matter with UGC on urgent basis and apprise the Committee of the decision of the UGC.

**(Para 12 of the Ninety-Fourth
Report of the Public Accounts Committee)
Sixteenth Lok Sabha**

Action taken:

SRFTI within its available infrastructure has conducted the following short term courses in the financial year 2017-18:

- i. 20 week long Certificate Program on 'Screen Acting' for Graduates.
- ii. 3 week long Certificate Program on 'Film Appreciation' for Graduates.
- iii. 12 week long Certificate Program on 'The Practice of Editing' for Graduates.
- iv. 1 week long 'International Workshop cum Training Programme on Library Automation (IWTPLA) : Emphasizing on digital and audio-visual media' for Graduates/Working professionals.
- v. Two 10 week long certificate courses 'A short trip to Cinema' for the undergraduate students were held at the temporary campus of FTI at Itanagar, Arunachal Pradesh.
- vi. 1 week long short Film-making Workshop at Itanagar under the auspices of Directorate of Information & Public Relations, Government of Arunachal Pradesh.
- vii. 8 week long Film Appreciation course for Bharatendu Natya Academy.

In respect of proposal for additional manpower & infrastructure Action taken note against para 10 may please be referred.

Research activities, undergraduate course

SRFTI has started a research wing and is inviting applications for research projects in the field of cinema. Also, SRFTI is coming up with an annual peer-reviewed national journal titled 'Take One' which invites articles from experts in the fields of cinema, film making, film criticism and cinema technology and electronic and digital media. The first issue is already in press awaiting the RNI registration for ISSN no.

SRFTI has conducted one-day national conference in November 2017 on 'Cinema in the Age of New Media' in association with another academic organization named as 'Parbo Kagaj'. The conference was broken up in three sessions titled: 'Challenges for Today's Television', 'New Horizon in the Post Modern Scenario of Film Making' and 'Creativity and New Media'. Compilation of all the research based papers presented at the seminar are

coming out as a Proceeding Volume (proof read stage) with the key note address delivered by the famous film critic Shri Dhritiman Chatterjee.

Besides these, a three days workshop was conducted for the faculty of SRFTI on Research Methodology and the Use of the software SPSS from 14 May to 16 May 2018.

SRFTI every year provides three research fellowships in various fields of cinema and film making under the umbrella of 'Indian Cinema'. The period of the fellowship is six months at the successful completion of which every fellow receives a sum of Rs.1,00,000.

However, regarding the issue of recognition of courses of SRFTI by UGC, it is relevant to highlight here that a meeting with Chairman, UGC under the chairmanship of Secretary (I&B) was convened on 11th December, 2017 to discuss the modalities pertaining to grant of "Deemed University" status to IIMC. This proposed University would also include Film and Television Institute of India (FTII) Pune, Satyajit Ray Film and Television Institute (SRFTI) Kolkata and the National Centre of Excellence for Animation, Visual Effects, Gaming and Comics (NcoE-AVGC) proposed to be established in Mumbai. However, in the meeting, IIMC was advised by UGC to apply for "Deemed university Status" under De-Novo category on stand-alone basis i.e. without bringing FTII, Pune and SRFTI, Kolkata under the administrative control of the proposed Deemed University. It has been opined by Chairman, UGC that the decision i.r.o FTII, Pune and SRFTI, Kolkata may be taken at later stage once IIMC has stabilized over a period of two to three years after getting the Deemed University status.

Audit Comments

The reply of the Ministry on the issue of recognition of courses of SRFTI by UGC could not be verified as SRFTI, Kolkata could not furnish any documents regarding meeting with Chairman, UGC convened under the chairmanship of Secretary, I&B for recognition of courses of SRFTI.

Ministry comments

The minutes of meeting of Secretary (I&B) with Chairman (UGC) for recognition of courses of SRFTI may be seen at Annexure-F.

(Ashokkumar R Parmar)
Joint Secretary to the Government of India

(Ministry of Information and Broadcasting O.M. No. M-11013/1/2018DO(FC) dated .11.2018)

**NEW DELHI;
13th December, 2018
22 Agrahayana, 1940 (Saka)**

**MALLIKARJUN KHARGE,
Chairperson,
Public Accounts Committee**

APPENDIX-II
(Vide Paragraph 5 of Introduction)

**ANALYSIS OF THE ACTION TAKEN BY THE GOVERNMENT ON THE
OBSERVATIONS/RECOMMENDATIONS OF THE PUBLIC ACCOUNTS COMMITTEE
CONTAINED IN THEIR NINETY-FOURTH REPORT (SIXTEENTH LOK SABHA)**

(i)	Total number of Observations/Recommendations	14
(ii)	Observations/Recommendations of the Committee which have been accepted by the Government: Para Nos. 1, 7, 8, 9, 10 and 14	Total : 06 Percentage: 42.85%
(iii)	Observations/Recommendations which the Committee do not desire to pursue in view of the reply of the Government: Para Nos. Nil	Total : 00 Percentage: 00%
(iv)	Observations/Recommendations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration: Para Nos. 2, 3, 5, 6 and 13	Total : 05 Percentage: 35.71%
(v)	Observations/Recommendations in respect of which the Government have furnished interim replies: Para Nos. 4, 11 and 12	Total : 03 Percentage: 21.42%
