

CINEMATOGRAPH (CERTIFICATION) RULES, 1983

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CINEMATOGRAPH (CERTIFICATION) RULES, 1983

In exercise of the powers conferred by section 8 of the Cinematograph Act, 1952 (37 of 1952), and in supersession of the Cinematograph (Censorship) Rules, 1958 the Central Government hereby makes the following rules, namely :-

1. Short title and commencement :-

- (1) These rules may be called the Cinematograph (Certification) Rules, 1983.
- (2) They shall come into force on 1st day of June, 1983.

2. Definitions :-

In these rules, unless the context otherwise requires,-

- (i) "Act" means the Cinematograph Act, 1952 (37 of 1952) ;
- (vi) "Chairman" means the Chairman of the Board;
- (x) "imported means" bringing into India from a place outside India ;
- (xii) "member" means a member of the Board and includes the Chairman ;
- (xv) "section" means a section of the Act ;

3. Terms of office :-

- (1) A member of the Board shall hold office during the pleasure of the Central Government.
- (2) Subject to the provisions of sub-rule (1), the Chairman shall hold office for a period of three years and shall continue to hold office until his successor is appointed : Provided that pending the

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

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

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

3A. Representation of women in the Board :-

The Central Government may take such steps as it thinks fit to appoint women members in the Board so that there is due representation for women.]

4. Casual vacancy :-

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

5. Headquarters. :-

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

6. 4[Temporary absence of Chairman :-

Notwithstanding anything contained in these rules, when the Chairman is unable to discharge his functions owing to absence, illness or any other cause, the Central Government may nominate a member of the Board who will discharge the functions of the Chairman until the Chairman resumes his duties.]

7. Constitution of advisory panels :-

(1) The Central Government shall constitute an advisory panel at each of the regional offices of the Board.

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

(3) The Central Government may, after consultation with the Board, appoint any person whom it thinks fit to be a member of an advisory panel : Provided that the Central Government may dispense with such consultation in respect of such number of members not exceeding one-third of the total number of the

members of the advisory panel, as that Government thinks fit :

[Provided further that there shall be due representation to women in an advisory panel.]

8. Term of office of members of advisory panels :-

(1) A member of an advisory panel shall hold office during the pleasure of the Central Government.

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

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

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

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

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

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

9. Officers of the Board :-

(1) For the purpose of enabling the Board to perform its functions under the Act, the Central Government may appoint a chief executive officer, regional officers, additional regional officers, assistant regional officers and such other officers at the headquarters and at each of the regional offices of the Board :

Provided that the Central Government may delegate to the Chairman/Chief Executive Officer subject to such conditions and limitations, if any, as may be specified by it, the power of appointment conferred on it under this sub-rule, other than the powers of appointment in relation to the posts of regional officer and additional regional officer: Provided further that the Chairman/Chief Executive Officer may grant leave to or suspend or remove from service any officer appointed by him under the powers delegated to him under this sub-rule.

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

10. Duties of the Board :-

The Board shall, in addition to other duties prescribed under these rules,-

(1) submit an annual report to the Central Government reviewing the work done by the Board during the preceding financial year and the report shall contain a detailed analytical study of the trends in film industry;

(2) prescribe the manner in which the registers, records and accounts of the Board shall be kept; and

(3) review the work of Regional Officers and members of the Advisory Panels.

11. Assessment of public reactions to films :-

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

12. Terms and conditions of service (other than salary and allowances) of the Chairman of the Board and allowances payable to the other members of the Board :-

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

Provided that in the case of an officer of an All India or Central Civil or General Central Service or State Service being appointed as Chairman he shall be entitled to leave and leave salary and other benefits admissible to officers of such service so long as he continues to belong to that service : Provided further that if an officer who has already been holding a post under Government on

contract with the benefits of Contributory Provident Fund is appointed as Chairman, he shall be allowed to carry forward the unutilised portion of leave earned by him during previous service and he shall also continue to be eligible for the Contributory Provident Fund benefits. Provided that daily allowance will not be admissible in addition for the day or days for which consultancy fee is paid.

13. Allowances payable to members of the advisory panel :-

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

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

14. Meetings of the Board :-

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

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

15. Co-opted members :-

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

16. Notice of meeting :-

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

Chairman or on his motion.

17. Business ordinarily to be transacted at meetings :-

The business of the Board shall ordinarily be transacted at a meeting duly called in accordance with the provisions of these rules : Provided that the Chairman may, if he thinks fit, circulate any urgent matter among the members for their opinion.

18. Quorum :-

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

19. President of the meeting :-

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

20. Question to be decided by majority of votes :-

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

21. Application for examination of films :-

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

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

22. Examining committee :-

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

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

(5) The names of the members of the Examining Committee

examining the film shall not be disclosed to any official or non-official not concerned with the preview of the particular film or to any other person including the applicant or his representative.

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

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

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

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

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

23. Certification :-

On receipt of the record referred to in sub-rule (12) of rule 22, the Chairman shall, unless the provisions of sub-rule (1) of rule 24 are attracted, direct the Regional Officer concerned to take further action on behalf of the Board in conformity with the recommendation of the Examining Committee either unanimous or by majority: Provided that in case of a short film when the Committee is divided in its opinion, the Chairman shall either examine the film himself and take, or direct the Regional Officer concerned to take further action on behalf of the Board to give effect to his decision.

24. Revising Committee :-

(2) The Revising Committee shall, subject to sub-rule (5), consist of a Chairman and not more than nine members, being members of the Board or members of any of the advisory panels, to be specified by the Chairman:

[Provided that subject to the provisions of sub-rule (II), the Chairman shall give due representation to women in the Committee by nominating such number of women members as he thinks fit.]

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

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

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

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

Provided that the number of women members shall not be less than one-half of the total members of a Committee constituted under sub-rule (2).]

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

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

25. Communication of orders of Board :-

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

26. Issue of certificate subject to removal of portions of film :-

(2) A certificate issued under sub-rule (1) shall be endorsed with a

specification of the portion or portions required to be removed and a statement of the exact length of each part or parts removed and in the case of reduction of scene or sequences, it shall mention the length of the portion reduced and the length of the portion retained and shall bear a clearly visible triangle drawn at the left hand bottom corner of the certificate.

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

27. Preservation of film :-

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

28. Deposit of a copy of certified film :-

(1) In the case of a feature film after [the Chairman or] the regional officer has affixed his signature to the certificate granted under the foregoing rules and prior to the delivery or despatch of the certificate to the applicant, a copy in any gauge of the film as certified by the Board shall be deposited by the applicant with the Board at his own expense for the purpose of record. Explanation.-A video copy of the film shall be treated as a copy of the film for the purpose of this sub-rule. 12. Inserted by the Cinematograph (Certification) (Amendment) Rules, 1984, w.e.f. 1-3-1984. (2) In the copy deposited under sub-rule (1) the negative side numbers (key numbers) shall be clearly printed.

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

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

Provided that where the script as aforesaid is not delivered within one month after the expiry of one year from the first release of the

film, the film shall be sent to the Curator of the National Film Archive of India, Poona, and the applicant shall thereafter collect the same at his own expense, only after obtaining a release order from the Board after delivering the script aforesaid.

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

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

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

Provided that in the case of such films where the Chairman is of the opinion that the applicant for reasons beyond his control is unable to deposit a copy of the film or script or verbatim commentary or tape record of that commentary prior to the delivery or despatch of the certificate, he may direct that the certificate be delivered to the applicant on his giving an undertaking in writing that he shall deposit the said copy of the film or script or verbatim commentary or tape record of the commentary within such time not exceeding sixty days as may be specified by the Chairman.

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

29. Validity of certificate :-

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

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

30. Compliance with section 6A :-

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

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

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

31. Uncertification of a film under section 6 :-

Where in exercise of the powers conferred by section 6 of the Act, the Central Government by notification directs that a certified film shall be deemed to be an uncertified film in the whole of India, the applicant and any other person or persons to whom the rights in the film have passed, shall stop the exhibition of the film forthwith and surrender the certificate and all copies of the duplicate certificate granted in respect of the film to the Board within one month from the date of the notification: [Provided that the Chairman may, at the written request of the applicant or any other person concerned, extend the said period and the total period so extended shall not exceed six months.]

32. Re-examination of certified films :-

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

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

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

the notice for the purpose of re-examination.

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

33. Alteration of film after issue of certificate :-

(1) When a film is altered by excision, addition, colouring or otherwise after it has been certified under these rules, it shall not be exhibited unless the portion or portions excised, added, coloured or otherwise altered, have been reported to the Board in Form III in the Second Schedule and the Board has endorsed the particulars of the alteration or alterations on the certificate. Explanation 1.- Reasonable wear and tear in the normal course of handling or projecting a film shall not be deemed to be an alteration of the film within the meaning of this sub-rule. Explanation II.-Any addition, deletion, alteration or replacement of background music in a film or, (unless the Chairman by general or special order otherwise directs) a mere change in gauge shall not be deemed to be an alteration of the film within the meaning of this sub-rule.

(2) For the purpose of exercising its powers under sub-ruled), the regional officer shall appoint an Examining Committee to examine at the expense of the applicant, the reel or reels of the film in which the portion or portions are altered in such manner and with such assistance as he may deem fit and where the Examining Committee considered it necessary so to do, it shall re-examine the entire film :

Provided that where a film is altered by excision or by the change of a coloured film into black and white version only it shall not ordinarily be necessary to appoint an Examining Committee unless the regional officer in any case otherwise directs. Provided that where the examining officer is unavoidably absent at the examination of the film or any reel thereof, the Examining Committee shall consist of two members of the Advisory Panel.

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

34. Amendment of certificate granted by the Board after notification under section 6 :-

When a notification is published under the powers conferred by section 6 of the Act declaring that a film in respect of which a 'U' certificate or a 'UA' certificate or an 'S' certificate has been granted

shall be deemed to be a film in respect of which an 'A' certificate has been granted, the person to whom the certificate has been granted or the person to whom the rights in the film have passed as the case may be, shall surrender within one month from the date of issue of the order the original certificate and all the duplicate copies thereof to the Board for the issue of a fresh certificate of the new category.

35. Certificates :-

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

Provided that Part I of the certificate shall be shown for a minimum duration of 10 seconds: Provided further that if there are no excisions or modifications ordered by the Board, Part II of the Certificate need not be shown.]

36. Fees :-

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

TABLE OF FEES Part 1 35 millimetres/70 millimetres films

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

(ii) Rs. 100 per 300 metres or part thereof where the film exceeds 600 metres in length

Part 2 16 millimetres films

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

(ii) Rs. 100 per 120 metres or part thereof where the film exceeds 240 metres in length. Part 3 8 millimetres/super-8 films

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

(ii) Rs. 100 per 60 metres or part thereof where the film exceeds 120 metres in length.

Part 3A Video films

(i) Rs. 40 for every 10 minutes of duration or part thereof where

the video film does not exceed 20 minutes of duration;

(ii) Rs. 200 for every 10 minutes of duration or part thereof where the video film exceeds 20 minutes of duration subject to a minimum of Rs. 600.] Part 4 Films classified as predominantly educational/educational/children's films

(i) Rs. 20 per 300 metres or part thereof in 35 millimetres or in 70 millimetres

; or

(ii) Rs. 20 per 120 metres or part thereof in 16 millimetres; or

(iii) Rs. 20 per 60 metres or part thereof in 8 millimetres or super-8, irrespective of the total length of the film;

Provided further that if a certified film is claimed as predominantly educational/ educational/children's film and the applicant had paid the examination fees that would have been payable in respect of film under Part I or Part II or Part III [or Part III-A] as the case may be, of this Table, then in the event of the film being classified as predominantly educational/educational/children's film, the fees shall be charged at the rate prescribed in this Part and the balance of the fees shall be refunded to the applicant. PART 5 FEES FOR EXAMINATION FOR ISSUÛF A FRESH CERTIFICATE ON EXPIRY OF THE OLD CERTIFICATE Fees for the examination of a film for a fresh certificate after expiry of the old certificate shall be at the same rates as specified above in Parts I, n, III, [III-A] or IV, as the case may be: Provided that where the fresh certificate is granted without examination of the film, the fee payable shall be at the rate of Rs. 10 per film where it does not exceed 600 metres or 240 metres or 120 metres in length according as the film is in 35 millimetres/ 70 millimetres or 16 millimetres or 8 millimetres/super-8 [and where it does not exceed 20 minutes of duration in the case of video films]; and at the rate of Rs. 50 per film where the film exceeds 600 metres or 240 metres or 120 metres in length according as the film is in 35 millimetres/70 millimetres or 16 millimetres or 8 millimetres/super-8 [or where the video film exceeds 20 minutes of duration] : Provided further that where the film is classified as predominantly educational/ educational/children's film, the fee payable shall be at the rate of Rs. 10 per film irrespective of the length or gauge of the film. PART FEE FOREXAMINATION FOR CERTIFYING ALTERATIONS UNDER RULE 33 Provided that where the alteration is by excision, the fee chargeable shall be at the rate of Rs. 10 per each endorsement.

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

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

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

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

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

37. Power of entry :-

The Chairman or any member of the Board or an advisory panel or a regional officer or any other officer or member of the staff of the Board or any officer of the Central Government authorised in writing by the Chairman or members or any officer or member of the staff of the Appellate Tribunal or any officer of the Central Government authorised in writing by the Secretary to the Government of India in the Ministry of Information and Broadcasting in this behalf, may enter any place licensed under the law in force relating to cinemas, in the discharge of his duties under the Act or these rules and thereupon the owner or the manager of such place shall provide him with a seat of the highest rate or the next lower class to view the film without charging the admission fee and entertainment tax.

38. Advertisement of films :-

Any person advertising a film granted 'UA', 'A', or 'S' certificate or the exhibition of such film by means of insertions in newspapers, hoardings, posters, handbills or trailers shall, after the date of its

certification, indicate in such insertions in newspapers, hoardings, posters, handbills or trailers that the film has been certified for such public exhibition. [Such advertisements shall indicate only the certified title of a film.]

39. Maintenance of register :-

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

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

40. Certain films to continue to remain uncertified films :-

If a film has been declared by a notification issued before the 15th January, 1951 by any State Government to be an uncertified film in any part or parts of the State concerned and if the said notification has not ceased to be in force by virtue of the proviso to sub-rule (2) of rule 35 of the Cinematograph (Censorship) Rules, 1951 the film shall not be publicly exhibited unless it is certified for public exhibition in accordance with the provisions of these rules : Provided that before certifying any such film for public exhibition the Board shall obtain the prior approval of the Central Government.

41. Time limit In relation to certification of films :-

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

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

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

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

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

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

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

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

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

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

(14) The Chairman may, for reasons to be recorded in writing, relax the time-limits prescribed by this rule for the performance of any act if he is satisfied that it is necessary so to do to avoid any undue hardship. Explanation.-In calculating the periods specified in this rule working days alone shall be taken into account and Sundays and other holidays shall be excluded.

42. Preservation of records of certification of films :-

(1) Records of certification of feature/long film shall be preserved by the Board for a minimum period of twelve years.

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

Provided that in the case of short films if there be cuts made by the Board or alterations made therein under rule 33 or if complaints have been received against the film, records of certification of the

film shall be preserved for a minimum period of twelve years.

43. Terms and conditions of service of the Chairman and members of the Appellate Tribunal :-

(1) The Chairman and members of the Appellate Tribunal shall hold office during the pleasure of the Central Government.

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

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

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

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

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

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

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

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

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

(9) For the purpose of enabling the Appellate Tribunal to perform

its functions under the Act, the Central Government may appoint a Secretary to the Appellate Tribunal and such other officers for the Appellate Tribunal as may be considered necessary :

Provided that the Central Government may delegate to the Chairman of the Appellate Tribunal subject to such conditions and limitations, if any, as may be specified by it, the power of appointment conferred on it under this sub-rule, other than the powers of appointment in relation to the post of Secretary to the Appellate Tribunal : Provided further that the Chairman of the Appellate Tribunal may grant leave to or suspend or remove from service any officer appointed by him under the powers delegated to him under this sub-rule.

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

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

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

Provided that in the case of a retired Judge of a High Court re-employed as Chairman of the Appellate Tribunal, the pay and other terms and conditions of service shall be the same as are applicable to re-employed Judges of High Courts under the orders of the Central Government. of such preview or meeting: Provided that daily allowance will not be admissible in addition for the day or days for which consultancy fee is paid.

44. Fees for appeal to the Appellate Tribunal :-

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

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

the amount so paid.

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

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

SCHEDULE 1

FIRST SCHEDULE

[See rule 21] Applications for certification of films imported into or produced in the States/ Union Territories mentioned in column 3 shall be presented at the regional office in column 2: Sl. Regional Office No. situated at Films imported into or produced in

| Sl. No. | Regional Office No. situated at | States/ Union Territories mentioned in column 3 |
|---------|---------------------------------|--|
| 1 | Bangalore | State of Karnataka |
| 2 | Bombay | States of Gujarat, Madhya Pradesh and Maharashtra and the Union Territories of Dadra and Nagar Haveli and Goa, Daman and Diu. |
| 3 | Calcutta | States of Bihar, West Bengal and the Union Territory of Andaman and Nicobar Islands. |
| 4 | Cuttack | State of Orissa |
| 5 | Delhi | States of Haryana, Himachal Pradesh, Jammu and Kashmir, Punjab, Rajasthan and Uttar Pradesh and the Union Territories of Chandigarh and Delhi. |
| 6 | Guwahati | States of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim and Tripura. |
| 7 | Hyderabad | State of Andhra Pradesh |
| 8 | Madras | States of Tamil Nadu and the Union Territory of Pondicherry. |
| 9 | Trivandrum | State of Kerala and the Union Territory of Lakshadweep. |

Note : [* * *] [1.] Till the Bangalore/Hyderabad/Trivandrum regional office (s) are set up, the films intended for those offices will continue to be presented at Madras.

SCHEDULE 2

SECOND SCHEDULE