



No. M-14014/3/2014-DO(FA)
Government of India
Ministry of Information & Broadcasting
'A' Wing, Shastri Bhawan, New Delhi-110001

Dated: 7th July, 2023

NOTICE

Ministry of Information and Broadcasting is proposing to rationalize the exhibition of Public Service Awareness (PSA) films of Central Government in cinema theatres. A Draft of comprehensive '**Guidelines for exhibition of PSA films of the Central Government in Cinema Theatres**' for M/o I&B's approved Govt. films is **enclosed** with this Notice.

2. In this regard, comments/suggestions are sought from the *Central Government Ministries/Departments, Governments of States/UTs, Cinema Theatre Associations, Association of Digital Cinema Technology, other Film Industry stakeholders and Associations and other persons and entities concerned*, on the said draft guidelines.

3. The last date for the receipt of comments/suggestions is **22nd July, 2023**.

4. The comments/suggestions may be sent by e-mail in MS-Office word file at sofadesk-moib@gov.in. The subject of the email should be 'Comments/suggestions on the Guidelines for Exhibition of PSA Films'.

5. Alternatively, comments/suggestions may also be sent by post to the following address:

Shri Dhananjay Kumar, Deputy Secretary (Films-II)
Ministry of Information & Broadcasting
Room No. 130, 'A' Wing
Shastri Bhawan, New Delhi-110001

The envelop may kindly be superscribed on top with:

'Comments/suggestions on the Guidelines for Exhibition of PSA Films'

Encl.: As above.

(Dhananjay Kumar)
Deputy Secretary to the Govt. of India
Tel: 011-23386673

DRAFT

**Guidelines for exhibition of Public Service Awareness (PSA) films of
Central Government in cinema theatres**

References:

- 1) Judgement of the Hon'ble Supreme Court dated 15.07.1999 in Civil Appeal No. 3766-67 of 1999 arising out of SLP (C) Nos. 4620-4621 of 1996 of Uol Vs MPA.
- 2) Ministry of I&B letter No. M-14012/5/2014-DO(FA) dated 30.06.2016.
- 3) Central Bureau of Communication, Ministry of I&B letter No. DD(NM)/EAC/DC/1718 dated 04.01.2019.
- 4) Ministry of I&B O.M. No. M-14016/35/2021-DO(FA) dated 17.11.2021.
- 5) Ministry of I&B O.M. No. M-14016/35/2021-DO(FA)(Part-1) dated 20.04.2023.
- 6) Ministry of I&B D.O. No. M-14016/35/2021-DO(FA)(Part-I) dated 27.04.2023.

These guidelines are implemented from the date of issue of this letter in supersession of the instructions contained in the O.M. No. M-14016/35/2021-DO(FA) dated 17.11.2021 under *reference no. (4)* or other previous extant instructions of Ministry of Information and Broadcasting (MoI&B), with regard to Public Service Awareness/Approved Films.

2. Ministries and Departments of Government of India, including Attached Offices/PSUs/Autonomous Bodies, produce scientific films, films intended for educational purposes, films dealing with news and current events, documentary films or indigenous films for publicity of Government programmes and cinematic record of India's History. Such Public Service Awareness (PSA) films, duly approved by MoI&B, are exhibited during the film exhibition in cinema theatres.

3. Public Service Awareness (PSA) Films/Approved Films are those scientific films, films intended for educational purposes, films dealing with news and current events, documentary films or indigenous films for publicity of Government programmes and cinematic record of India's History that are produced by the Central Government Organizations viz. Line Ministries, Institutions, Departments, etc., and have been approved for being exhibited during the Prime Screen Time (PST) of the film exhibition in cinema theatres, by the MoI&B. Such Approved/PSA Films of the Central Government, have been granted exception from Certification of Film under Section 9 of the Cinematograph Act by the Government vide **reference no.(5)**.

4. Mandatory screening of PSA films/Approved films : It is mandatory for all film exhibitors/theatre owners/Digital Cinema Service Providers/agencies/licensee applicants to screen the PSA films/Approved films in their cinema theatres. These are prescribed under Section 12(4) of Cinematograph Act, 1952 and the extant provisions of the relevant States' Act dealing with exhibition of films in the States, and in the light of the Judgement of the Hon'ble Supreme Court dated 15.07.1999 in Civil Appeal No. 3766-67 of 1999 arising out of SLP (C) Nos. 4620-4621 of 1996 of UoI Vs MPA (**Reference No 1**).

5. Initiatives for rationalization of PSA films: A payment of 1% charge of weekly net collection by the cinema exhibitors was being charged for the production and distribution of the PSA films, through the erstwhile Film Division, MoI&B. This Ministry vide its Order dated 30.06.2016 vide **reference no. (2)**, had waived off the payment to remove the financial burden on the film exhibitors/theatre owners/Digital Cinema Agencies. The duration of screening of approved Films has been reduced substantially, up to '2 minutes'.

6. Duration of PSA Films: Earlier Approved films/PSA films were screened in the Cinema theatres up to 15 to 20 minutes or 1/5th of total duration of films, which was also taken cognizance by the Supreme Court in their Judgement under *reference no. (1)*. The duration of screening of the Approved Films/PSA Films is now reduced up to '2 minutes', which has also been specified in the O.M. dated 17.11.2021 (*reference no. 4*) providing ' Standard Operating Procedure (SOP) for screening of PSA films through cinema theatres'. Such film shall be screened in cinema theatres for a period of 15 days or as per decision taken by this Ministry.

7. Screening spots of the PSA Films: As prescribed in Clause (C) of 'Policy Guidelines on empanelment of Digital Cinema Agencies/Owners' issued from Bureau of Outreach and Communication [Now Central Bureau of Communication (CBC)], MoI&B on 04.01.2019 (*Reference No.3*), the screening of all the Government films should be done during the PST period of screening, which *inter-alia* specifies-

"C. Screening of Spots in Prime Slots – Prime Screen Time

1. Out of the 10 minutes pre-show period and 10 minutes interval period, the last 5 minutes of the pre-show period before the start of the movie package and the last 5 minutes of the interval period before the start of second half of the movie package shall be treated as Prime Screen time (PST) in Digital Cinema.

2. The Government Spots should be exhibited in the PST period of a screening to ensure that maximum audiences watch the social message."

In regard to the PSA Films/Approved films, it is needed to ensure that maximum audiences watch the social message, thus they may also be mandated to be screened during the PST.

8 . Issuance of 'Approved Films/PSA Films Exhibition Certificate' to Cinema theatres by Ministry of Information & Broadcasting: The cinema exhibitors/Digital Cinema Service Providers/agencies/licensee applicants need to obtain 'Approved Film/PSA Film Exhibition Certificate' for issue of license/renewal of license of cinema theatres by the Licensing Authorities. These were earlier issued by erstwhile Films Division. Now, this has been entrusted to CBFC vide this Ministry's O.M. No. M-14016/35/2021-DO(FA)-Part(1) dated 20.04.2023, as provided under *reference no. (5)*. The same has been conveyed to all States/UTs vide this Ministry's D.O. No. M-14016/35/2021-DO(FA)-Part(1) dated 27.04.2023 (*Reference no. 6*).

9 . Quality Specifications of PSA Films to be provided by the Govt. organizations: PSA film/Approved film being proposed by the concerned Ministries and Departments of Government of India, including Attached Offices/PSUs/Autonomous Bodies, to be screened in cinema theatres should carry a public awareness message and be suitable for dissemination through public exhibition in cinema theatres throughout the country. Ministry of I&B while approving the PSA film/Approved Film shall decide its screening based on the availability of slot in cinema theatres.

10 . Mechanism of distribution of PSA Films to the Cinema theatres:

i) The Licensee applicants while entering into Agreement /MoU with any Digital Cinema Service Provider/agency shall incorporate suitable provision therein for exhibition of 'Approved Films/PSA Films' for the duration of the period for which license is applied for.

ii) Other Cinema theatres which are not in agreement with any Digital Cinema Service Providers and screening film with their own set-up and network, PSA films/Approved films shall be supplied to them in Digital Cinema Package (DCP)/Blue Ray/Digital format, whichever they opt, through Regional Office of CBFC, either online in case of supply in digital format or through courier in case of supply in DCP/Blue Ray/Hard-drive/pen-drive etc. format.

11. Monitoring of screening of PSA films in Cinema theatres: Cinema exhibitors/Digital Cinema Service Providers/agencies/licensee applicants shall have verification mechanism of logs of PSA films played during the pre-show and interval period of PST, as per the existing procedure prescribed by the erstwhile Films Division or procedure agreed/prescribed by CBFC. To have an effective monitoring mechanism, CBFC will maintain the ledger records of distribution of PSA films and retrieve the logs through them who will digitally deliver the content to exhibitors. CBFC shall also design, develop and deploy a comprehensive IT portal within one year for the online distribution of PSA films, feedback compliance and issuance of certificate by onboarding its stakeholders. The portal may also have monitoring mechanism for carrying out inspections. State-wise/UT-wise/Theatre-wise log details will also be obtained from cinema exhibitors/Digital Cinema Service Providers/agencies/licensee applicants and the same will be shared with the Ministry as and when required.

12. PSA film of Ministries/Departments in Government of India: All Ministries/Departments of Government of India, who produce PSA Films, shall follow the SOP as prescribed in **Annexure-I**.

Standard Operating Procedure (SOP) for Central Government Ministries/Departments/PSUs/Statutory Bodies/Autonomous Bodies for supply of PSA Films/ Approved Films

1. Ministry has a limited slot per year for screening of Approved film/ PSA films in the cinema theatres. Such films to be screened in cinema theatres should be of good quality and carry a public awareness message and be suitable for dissemination through public exhibition in cinema theatres throughout the country.
2. PSA films should be in both MPEG-4 and J2K format.
3. The duration of film should be up to 2 minutes or less.
4. Requisite approvals for the screening of PSA film/ Approved film may be duly obtained by the concerned Ministry at its own level including approval from Ad Approval Cell of Prime Minister's Office and any other authorities, if required.
5. The digital file of the PSA film/Approved film with due approvals of the competent authority may be sent to the Ministry of Information & Broadcasting for its screening in the cinema theatres.
6. In case the film is designed for a specific State/UT/group of States/language, the same may be mentioned in the request to Ministry of I&B so that it is sent for screening in the concerned focus States only.
7. An officer not below the rank of Under Secretary shall be nominated as Nodal Officer in the concerned Ministry for screening of PSA film/Approved film in cinema theatres.

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Certified to be true copy
24/8/06
Assistant Registrar (Jud.)
Supreme Court of India

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 3766-67 OF 1999 =
(Arising out of S.L.P.(C) Nos. 4620-4621 of 1996)

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Union of India & Ors.

...Appellants

VERSUS

The Motion Picture Association & Ors.

...Respondents

[C.A. Nos. 3766-67/1999 (Arising out of SLP(C) Nos. 7235-36/1997,
7237/1997, 20111/1997 and SLP(C) No. 550/1997]

JUDGMENT

Mrs. Sujata V. Manohar, J.

Delay condoned.

Leave granted in special leave petitions.

This group of appeals is filed by the Union of India, the State of West Bengal and the State of Uttar Pradesh against a judgment and order dated 31.8.1995 of the Delhi High Court in C.W.P. Nos. 4408 and 4703 of 1993; while the writ petition is filed by the Eastern India Motion Picture Association against the Union of India and others. This group of appeals and the writ petition raise a common question of law as to the validity of certain provisions of

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(1) the West Bengal Cinemas (Regulation) Act, 1954 and a notification No.7277-F dated 20.9.1957 issued thereunder, (2) the Cinematograph Act, 1952, (3) the U.P. Cinemas (Regulation) Act, 1955 and (4) the Delhi Cinematograph Rules, 1981.

The respondents in the appeals are Associations of organisations engaged in the business of distribution and exhibition of motion pictures in the area of Delhi and U.P. commonly known as the Delhi-Uttar Pradesh Circuit and in West Bengal.

In Part III of the Cinematograph Act, 1952 which applies only to the Union Territories including Delhi, Section 12 imposes certain restrictions on the powers of the licensing authority to grant a licence for the exhibition of cinematograph films. Section 12 sub-section (4) provides as follows:-

The Cinematograph Act:

"12(4): The Central Government may, from time to time, issue directions to licensees generally and to any licensee in particular for the purpose of regulating the exhibition of any film or class of films, so that scientific films, films intended for educational purposes, films dealing with news and current events, documentary films or indigenous films secure an adequate opportunity of being exhibited, and

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where any such directions have been issued those directions shall be deemed to be additional conditions and restrictions subject to which the licence has been granted."

(underling ours)

Under Section 16 which also forms a part of Part III of the Cinematograph Act, 1952, the Central Government is empowered by notification in the official gazette, to make rules, inter alia, "(a) prescribing the terms, conditions and restrictions, if any, subject to which licences may be granted under this Part". Pursuant to the rule-making power so granted, rules have been framed by the Central Government known as the Delhi Cinematograph Rules of 1981. Under these rules various conditions for the grant of a licence to exhibit a cinematograph film are stipulated. Conditions 15 and 22 are as follows:-

"Condition No.15: The licensee shall, when and so often as the Administrator may require, exhibit free of charge or on such terms as regards remuneration as the Administrator may determine, films and lantern slides provided by the Administrator;

Provided that the licensee shall not be required to exhibit at one entertainment films or lantern slides the exhibition of which will take more than fifteen minutes in all or to exhibit films or slides unless they are delivered to him at least twenty four hours before the entertainment at which they are to be shown is due to begin.

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Condition No.22: The licensee shall cause to be exhibited at each performance given at the licensed place one or more approved films, the total length of which may not be exceeding 500 m (2000 feet) of approved films of 35 m.m. size or the corresponding footage of approved films of 16 m.m. size, and shall comply with any direction which the Administrator or the licensing authority may give by general or special order as to the manner in which the approved films shall be exhibited in the course of any performance.

Explanation 1: "Approved film" means cinematograph film approved by the Central Government.

Explanation 2: For the purpose of computing the corresponding footage of films of 16 m.m. size, in relation to films of 35 m.m. size, 120 m. (400 feet) of films of 16 m.m. size shall be deemed to be equivalent to 300 m. (1000 feet) of films of 35 m.m. size."

Under Notification No. XXXM(16)/81 dated 11th January, 1982 issued under Section 5(4) of the Uttar Pradesh Cinemas (Regulation) Act, 1955, directions have been issued to the licensees which are as follows:

Directions:

"1. The licensees shall so arrange the exhibition of cinematograph films that approved films are exhibited at every performance open to the public. The ratio of approved films to be exhibited at such performances shall in relation to other films be one to five or the nearest approximation thereto.

Definition - For the purposes of these directions, an "approved" film

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means (i) a film produced in India and approved by the Central Government after considering the recommendations of the Film Advisory Board, Bombay, to be scientific films; films intended for educational purposes; films dealing with news and current events or documentary films, (ii) Indian News Reviews produced in India and approved by the Central Government after considering the recommendations of the Chief Producer, Films Division, Bombay, to be films dealing with news and current events.

2. Nothing contained in these directions shall be construed as requiring licensee -

- (a) to exhibit at any performance more than (2000 feet) approximately 610 metres of approved films of 35 m.m. size or the corresponding length of approved films of 16 m.m. size; or
- (b) to exhibit any approved film for more than two weeks continuously; or
- (c) to re-exhibit any approved film which has been shown for two continuous weeks; or
- (d) to exhibit approved films to the full extent indicated hereinbefore in the event of sufficient number or length of approved films not being available for the time being.

3. For the purpose of computing the corresponding length of films of 16 m.m. size in relation to films of 35 m.m. size, approximately 122 metres (400 feet) of 16 m.m. film shall be deemed to be equivalent to approximately 305 metres (1000 feet) of 35 m.m. film."

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Under Section 5(3) of the West Bengal Cinemas (Regulation) Act, 1954, it is provided as follows:-

"5(3): The State Government may from time to time, issue directions to licensees generally or in the opinion of the State Government circumstances so justify, to any licensee in particular, for the purpose of regulating the exhibition of any film or class of films and in particular the exhibition of scientific films, films intended for educational purposes, films dealing with news and current events, documentary films or films produced in India, and where any such directions have been issued, those directions shall be deemed to be additional conditions and restrictions subject to which the licence has been granted."

By a Notification No.7277-F dated 20.9.1957 issued by the West Bengal Government under Section 5(3) of the above Act, the State Government has given certain directions for the issue of licenses for the exhibition of films. These are as follows:-

Directions: A licensee shall so regulate the public exhibition of films by means of a cinematograph that, at every such exhibition, there shall be exhibited notified films of such length as bears to the length of other films exhibited approximately the ratio of one to five:-

- (a) to exhibit at any such public exhibition more than 2,000 ft. of notified films of 35 m.m. size or 800 ft. of notified films of 16 m.m. size; or

(b) to exhibit any notified films for more than two weeks continuously; or

(c) to re-exhibit any notified film which has been shown for two continuous weeks; or

(d) to exhibit notified films beyond the limit upto which notified films are available for exhibition for the time being, or to exhibit any notified films when such films are not available for the time being.

Provided further that of the total time taken in the exhibition of notified films at every such exhibition, not less than half shall be allotted to the exhibition of films approved by the Central Government after considering the recommendations of the Films Advisory Board, Bombay, if films of the latter description are available.

Explanation :- In these directions "notified film" means a film which is produced in India in which is -

- (i) a scientific film, or
- (ii) a film intended for educational purpose, or
- (iii) a film dealing with news and current events, or
- (iv) a documentary film,

certified or exempted from certification, as the case may be, under Part II of the Cinematograph Act, 1952 (XXXVII of 1952), which is notified by the State Government in the "Calcutta Gazette" for exhibition for the purpose of sub-section (3) of Section 5 of the West Bengal Cinemas (Regulation) Act, 1954 (West Bengal Act XXXIX of 1954);

Provided that any of the films as referred to above, which is approved by the Central Government after considering the recommendations of the Film Advisory Board, Bombay, shall be deemed to be a

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notified film for the purpose of this Notification."

All these provisions are similar in nature, and have been in force for some decades. They are hereinafter referred to as the "impugned provisions". Thus, under Section 12(4) of the Cinematograph Act, 1952 the Central Government may issue directions to the licensee that scientific films, films intended for educational purposes, films dealing with news and current events, documentary films or indigenous films have to be exhibited by the licensee along with the other films which the licensee is exhibiting. The length and the duration of such films are regulated by conditions 15 and 22 of the licence which require only a film of a short length being thus shown along with the other films. Similarly, under the West Bengal Cinemas (Regulation) Act, 1954 also Section 5(3) requires an identical class of films which are required to be shown along with the other films which the respondents exhibit in their cinema theatres. The notification of 20th of September, 1957 specifies the duration of such films and its length, making it clear that the length of such films which are required to be exhibited will not exceed the ratio of 1:5. The length of these films is also specified. The licence conditions refer to "approved films" or "notified films" which are defined.

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As a result, in each cinema theatre the exhibitor of films is required to show a film which may be educational or scientific, a documentary film, or a film carrying news or current events, along with the other films. The duration of such films is strictly limited and only a small proportion of the total viewing time is devoted to the showing of such films. Since short films in these categories are normally produced by the Films Division of the Government of India, each exhibitor is required to enter into an agreement with the Films Division for the supply of such films for exhibition. Under the terms and conditions of the agreement between the exhibitor and the Films Division, the exhibitor is required to pay to the Films Division a rental amounting to 1% of his net weekly collection for the supply of the films. This rental has remained the same for the past several decades and is a rental which is fixed as a result of negotiations with the Films Federation of India.

These impugned provisions have been in force for several decades. The respondents, however, in 1993 challenged these provisions as violative of their rights under Article 19(1)(a) and 19(1)(g) of the Constitution. The Delhi High Court, by the impugned judgment has held that the condition in the agreement between the Films Division and the exhibitor, for charging a rental for the supply of the said films is unconstitutional. The Delhi High Court has also held that the provision by which the exhibitor is

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required to collect a film from the Films Division is also onerous and, therefore, invalid. It has also struck down condition 15 of the licence issued under the Cinematograph Act, 1952 as redundant. Therefore, while upholding the statutory provisions, the court has directed that such films should be supplied by the Films Division to each exhibitor at his place of exhibition and that no charges should be levied for the supply of these films. Aggrieved by these findings, the present appeals have been filed. The writ petition which is filed by the Eastern India Motion Pictures Association, has challenged the validity of the same provisions under Article 19(1)(a) of the Constitution, since the Delhi High Court declined to consider the validity of these provisions under Article 19(1)(a), without any averments to that effect.

The exhibitors contend that the above provisions which compel them to show a scientific, educational or documentary film or a news film, even for a short duration of fifteen to twenty minutes per show, violate their fundamental rights to free speech and expression under Article 19(1)(a) of the Constitution. They also contend that Article 19(2) which permits a reasonable restraint on this freedom on the grounds of sovereignty and integrity of India; 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, does not

cover this kind of compulsion to show educational, scientific and documentary films or other kinds of films specified in the above provisions.

Undoubtedly, free speech is the foundation of a democratic society. A free exchange of ideas, dissemination of information without restraints, dissemination of knowledge, airing of differing view points, debating and forming one's own views and expressing them, are the basic indicia of a free society. This freedom alone makes it possible for people to formulate their own views and opinions on a proper basis and to exercise their social, economic and political rights in a free society in an informed manner. Restraints on this right, therefore, have been jealously watched by the courts. Article 19(2) spells out the various grounds on which this right to free speech and expression can be restrained. Thus in *Express Newspapers Pvt. Ltd. and Ors. v. Union of India & Ors.* ([1986] 1 SCC 133) (at page 195), this Court stressed that, "Freedom of thought and expression, and the freedom of the press are not only valuable freedoms in themselves but are basic to a democratic form of Government which proceeds on the theory that the problems of the Government can be solved by the free exchange of thought and by public discussion of the various issues facing the nation.....This right is one of the pillars of individual liberty - freedom of speech, which our Constitution has always unfailingly

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guarded.....however precious and cherished the freedom of speech is under Article 19(1)(a), this freedom is not absolute and unlimited at all times and all circumstances but is subject to the restrictions contained in Article 19(2)." In *S. Rangarajan v. P. Jagjivan Ram and Ors.* ([1989] 2 SCC 574) (at page 582), this Court again observed: "The democracy is a government by the people via open discussion. The democratic form of government itself demands of its citizens an active and intelligent participation in the affairs of the community.....The democracy can neither work nor prosper unless people go out to share their views." The importance of freedom of speech and expression including freedom of the press has been repeatedly stressed by this Court in a number of decisions (See in this connection *Indian Express Newspapers (Bombay) Private Ltd. and Ors. v. Union of India and Ors.* ([1985] 1 SCC 641), *K.A. Abbas v. The Union of India and Anr.* ([1978] 2 SCC 780), *Life Insurance Corporation of India v. Prof. Manubhai D. Shah* ([1992] 3 SCC 637).

In *Secretary, Ministry of Information & Broadcasting, Govt. of India and Ors. v. Cricket Association of Bengal and Anr.* (1995] 2 SCC 101), this Court, after citing Article 10 of the European Convention on Human Rights, went on to state (at page 213), "The freedom of speech and expression includes right to acquire information and to disseminate it."

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Freedom of speech and expression is necessary, for self-expression which is an important means of free conscience and self-fulfilment. It enables people to contribute to debates on social and moral issues. It is the best way to find a true model of anything, since it is only through it that the widest possible range of ideas can circulate. It is the only vehicle of political discourse so essential to democracy. Equally important is the role it plays in facilitating artistic and scholarly endeavours of all sorts. The right to communicate, therefore, includes right to communicate through any media that is available whether print or electronic or audio-visual such as advertisement, movie, article, speech etc.

It is contended that just as a restraint on free speech is a violation of Article 19(1), [except as permitted under article 19(2)] compelled speech, often known as a "must carry" provision in a statute, rule or regulation, is equally an infringement of the right to free speech, except to the extent permitted under Article 19(2). However, whether compelled speech will or will not amount to a violation of the freedom of speech and expression, will depend on the nature of a "must carry" provision. If a "must carry" provision furthers informed decision-making which is the essence of the right to free speech and expression, it will not amount to any violation of the fundamental freedom of speech and expression. If, however,

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such a provision compels a person to carry out propaganda or project a partisan or distorted point of view; contrary to his wish, it may amount to a restraint on his freedom of speech and expression. To give an example, at times a statute imposes an obligation to print certain information in public interest. Any food product must carry on its package the list of ingredients used in its preparation, or must print its weight. These are beneficial "must carry" provisions meant to inform the public about the correct quantity and contents of the product it buys. It enables the public to decide on a correct basis whether a particular product should or should not be used. Cigarette cartons are required to carry a statutory warning that cigarette smoking is harmful to health. This is undoubtedly a "must carry" provision or compelled speech. Nevertheless, it is meant to further the basic purpose of imparting relevant information which will enable a user to make a correct decision as to whether he should smoke a cigarette or not. Such mandatory provisions although they compel speech cannot be viewed as a restraint on the freedom of speech and expression.

In *Neal R. Wooley, etc. v. George Maynard* ([1977] 430 US 705), the United States Supreme Court considered a New Hampshire state law which compelled the state motto "Live Free or Die," to be embossed on car licence plates. A follower of Jehovah's Witnesses objected to carrying the

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motto on his car licence plate. The Court held that the state's requirement that non-commercial vehicles' licence plates be embossed with the state motto invaded First Amendment rights and could not be justified as facilitating the identification of passenger vehicles or as promoting an appreciation of history, individualism, and state pride. In the more recent case of *Turner Broadcasting System, Inc. v. Federal Communications Commission* ([1997] 513 US 623), the US Supreme Court examined Sections 4 and 5 of the Cable Television Consumer Protection and Competition Act of 1992 which required cable operators to carry the signals of specified numbers based on cable system size of local commercial television stations and local non-commercial educational television stations. On the basis of the material brought on record after remand, the majority came to the conclusion that the "must carry" provisions were consistent with the First Amendment, because the purpose of the "must carry" provision was to preserve the benefits of free over-the-air local broadcast television, promoting wide-spread dissemination of information from a multiplicity of sources and promoting fair competition in the television programme market. Breyer J. in his partly concurring judgment balanced the restraints which such a compulsory carriage clause would impose because it would interfere with the protected interests of the cable operators to choose their own programming, against an important First Amendment interest in favour of the provision viz. promoting

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the widest possible dissemination of information from diverse and antagonistic sources to facilitate public discussion and informed deliberation. The latter being basic democratic government purposes which the First Amendment seeks to achieve, they outweighed objections relating to interference with the cable operators' right to choose their own programme.

Although the First Amendment right under the U.S. Constitution is not subject to reasonable restraint as in Article 19(2), the *raison de'tre* of a constitutional guarantee of free speech is the same. We have to examine whether the purpose of compulsory speech in the impugned provisions is to promote the fundamental freedom of speech and expression and dissemination of ideas, or whether it is to restrain this freedom. The social context of any such legislation cannot be ignored. When a substantially significant population body is illiterate or does not have easy access to ideas or information, it is important that all available means of communication, particularly audio-visual communication, are utilised not just for entertainment but also for education, information, propagation of scientific ideas and the like. The best way by which ideas can reach this large body of uneducated people is through the entertainment channel which is watched by all-literate and illiterate alike. To earmark a small portion of time of this entertainment medium for the purpose

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of showing scientific, educational or documentary films, or for showing news films has to be looked at in this context of promoting dissemination of ideas, information and knowledge to the masses so that there may be an informed debate and decision making on public issues. Clearly, the impugned provisions are designed to further free speech and expression and not to curtail it. None of these statutory provisions require the exhibitor to show a propaganda film or a film conveying views which he objects to. In fact, the exhibitors have not raised any objection to the contents of the films which they are required to show. They, however, contend that one of the important requirements for upholding such compulsory speech in the United States is that such speech should be content-neutral. While in the present case, the contents of the compulsory films are specified in the legislation concerned. In the context of Article 19(1) what we have to examine is whether the categories of films so required to be carried promote dissemination of information and education or whether they are meant to be propaganda or false or biased information. The statute quite clearly specifies the kinds of films which promote dissemination of knowledge and information.

Undoubtedly, the exhibitors, in order to fulfil the conditions of the licence, are required to enter into an agreement with the Films Division, Government of India. This is not because of any statutory compulsion but because

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of the fact that the Films Division is the only organisation which produces such short films in sufficient quantities for regular distribution to the cinema exhibitors. The requirement of approval of such films is to ensure that the films, in fact, comply with the requirements specified in the statute. None of the provisions referred to make it mandatory for the exhibitors to procure such films only from the Films Division. The reason why they do so is because of a lack of adequate alternative sources.

The exhibitors contend that before their licence is renewed, it is necessary for them to obtain a "no objection" certificate from the Films Division. The purpose of this is to ensure that the statutory requirements have been complied with by the licensee in the previous year. If, however, any licensee is in a position to procure such approved films from any other source, there is nothing in the statutes which prohibits him from doing so. These provisions, therefore, do not violate Article 19(1)(a) of the Constitution. They are not in restraint of free speech and expression. Therefore, Article 19(2) is not attracted.

The main challenge of the exhibitors to these provisions is, however, under Article 19(1)(g) of the Constitution. In fact, this was the only challenge before the Delhi High Court. The basic purpose of the impugned laws which deal with licensing of cinema halls, and prescribing

conditions subject to which such licences can be granted, is to regulate the business activity of the exhibitors of cinematograph films. Obtaining a licence for running such cinema theatres is for the purpose of regulating this business. This purpose has a direct nexus with Articles 19(1)(g) and 19(6) of the Constitution. The source of legislation under this head can be traced to Entry 33 of List II which entitles the States to legislate on "theatres and dramatic performances; cinemas subject to the provisions of Entry 60 of List I, sports, entertainments and amusements." That is why State Laws have been framed for regulating the terms and conditions on which a licence for exhibiting films at cinema theatres can be obtained. Part III of the cinematograph Act, 1952 which applies to Union Territories is also in the exercise of the legislative powers under Entry 33 of List II. Since Delhi was a Union Territory and is now National Capital Territory since 1991 by virtue of the Constitution 69th Amendment Act, 1991, Parliament has the power to legislate under this Entry also. [See Article 246(4) and the relevant provisions of Article 239(AA)]. Entry 60 List I on the other hand deals with "sanctioning of cinematograph films for exhibition." Censorship provisions, for example, would come under Entry 60 of List I and these would directly relate to Article 19(1)(a) and Article 19(2) of the Constitution. The basic purpose of these impugned provisions is, therefore, to

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regulate the business of exhibiting films in cinema theatres under Entry 33 List II.

In the case of *R.M.Seshadri v. The District Magistrate, Tanjore, & Anr.* [(1955) 1 SCR 686] this Court was required to examine under Article 19(1)(g) the conditions attached to a licence to exhibit cinematograph films in cinema theatres requiring the licensee to exhibit at every performance one or more approved films of such duration as the Provincial Government or the Central Government may, by general or special order, direct. The Court said that neither the length of the film nor the duration for which the film had to be shown were prescribed. No maximum limit was placed on the time to be taken in showing such films. Looking to the unguided discretion given to the Government in this regard, the restrictions placed were unreasonable and arbitrary and could not be considered as reasonable restrictions under Article 19(6). The Court expressly excluded from its consideration the question whether educational or instructional films could be thus shown.

In *Brij Niwas Das v. Chief Commissioner, Ajmer* (ILR 1958 Raj.1076), the Rajasthan High Court upheld conditions in the licence which required that educational and instructional slides should be shown for a duration of 15 minutes, and approved films should be shown for a duration which was 1/5th of the total time. Looking to the

specific provisions, the Court upheld these provisions under Article 19(1)(g) read with Article 19(6). The Court also upheld Section 12(4) of the Cinematograph Act, 1952. The Court, however, said that the requirement in one of the impugned conditions that films produced in India should be shown in this fashion without specifying the categories of such films was not valid. The Chief Commissioner, Ajmer came in appeal before this Court. This Court by its judgment and order reported in *Chief Commissioner, Ajmer, Brij Niwas Das [(1963) 2 SCR 145]* held the condition applicable to films produced in India as also valid, the purpose being to promote indigenous films.

Time and place constraints on cinema halls have also been upheld as regulatory provisions in *Minerva Talkies, Bangalore & Ors. v. State of Karnataka & Ors. [(1988) Suppl. SCC 176]*. In the present case, the restrictions sought to be imposed are specific and tailored to fit the public purpose behind the restrictions. The length of the film to be shown, the duration for which it is to be shown and the nature of the films which are to be shown, are specified and are designed to further the public purpose of disseminating information and knowledge so that the general public can be educated on a number of issues of national or general importance to enable them to function effectively in the democratic framework of this country with adult franchise.

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These restrictions, therefore, have to be upheld as reasonable.

According to the exhibitors, even if the nature of the film, its duration and length are specified, their right to carry on their business of exhibiting motion pictures is nevertheless adversely affected because at every show, they are required to exhibit for a duration of 15 to 20 minutes these educational scientific etc. films, thus cutting into their business time. They also contend that they are subjected to inconvenience because they are required to procure these films expending time and money. Moreover, under the terms of their agreement with the Films Division, they are also required to pay one per cent of their net weekly collection as rental for the films so procured. They contend that when such films are shown over television, the Government is required to pay for the showing time while in their case they are required to pay a rent to the Films Division. These are all unreasonable restrictions on their right to carry on business.

Exhibitors
contentions

According to the exhibitors, although these provisions have been in force for almost three decades and they have regularly complied with these provisions by exhibiting educational, scientific films etc. of the Films Division for the stipulated duration in their shows, they are now seeking to challenge these provisions because according to them, the

business of exhibiting cinematograph films is no longer as profitable as it used to be. They contend that with the arrival of the electronic media, popular attraction for watching movies in cinema theatres has dwindled. People like to watch entertainment programmes over television or with the help of a video or through internet in their homes. They do not flock to cinema theatres as they used to. As a result, the cost of showing the short films of the Films Division can no longer be borne by them. The condition, therefore, in the licence requiring them to show these films even for a short duration, is now onerous and violates their right to carry on their chosen business under Article 19(1)(g). In this context, they further submit that the restrictions imposed cannot now be considered as reasonable because the exhibitors, in view of their reduced profit making, cannot bear the expenses relating to the showing of these films, including the rentals.

The reasonableness, or otherwise of restrictions on their right to carry on business will have to be examined in the context of the purpose sought to be served by imposing such restrictions. There is no dispute that the rights of the exhibitors under Article 19(1)(g) are subject to reasonable restrictions, under Article 19(6). There is a public purpose in requiring the exhibitors to show such films. We have already stated that where a large percentage of population is illiterate and has very limited access to

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knowledge, information and ideas, it is important that such knowledge and information is disseminated to this vast volume of population in a manner which will ensure that ideas and information are in fact conveyed to them and they can assimilate and debate these ideas before accepting or rejecting them. Requiring an entertainment medium like cinema theatre to show for a short duration of its programme, films which educate and impart information cannot be considered as an unreasonable restriction on the right to carry on business. When there is adult franchise without literacy, it becomes all the more important that information and ideas reach the adult population.

Next we have to examine whether the expense incurred in showing these films is high or unreasonable. According to the exhibitors, their machinery, their show-time, their theatre are used for the duration of these films and, therefore, they have to incur a certain amount of expense for showing these films. This expense, in our view, cannot be considered as a high or unreasonable expense. There may be many conditions of a licence which may require expense to be incurred by the licensee. For example, a condition in the licence which requires a cinema theatre owner to provide for fire-fighting equipment would also require them to incur expenses. But that does not mean that such a requirement is unreasonable. Similarly, looking to the purpose for which

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such films are shown, the expense incurred also cannot be considered as unreasonable.

The exhibitors have also not submitted any facts and figures to support their plea that these requirements of exhibiting a Films Division and/or educational, scientific films etc. are economically onerous. The appellants on the other hand, in the affidavit filed on behalf of the Films Division, have given detailed figures showing that in addition to the cost of production of these films, the expenses incurred by them in taking out prints for distribution to about 13000 cinema theatres in the country, for packing and supplying these films to them and for maintaining distribution centres for supplying these films, are heavy. They have submitted that as against the cost so incurred by them, the rental which is charged fetches them a much lower income.

The appellants, in their affidavit in reply, have pointed out that the recovery of one per cent of the net collections as a rental from the cinema owners for the supply of approved films has been in force since 1.4.1958. This rental was decided after discussions with the Films Federation of India which is the apex body of the various sections of the film industry, and it was so fixed after considering various suggestions and representations that were received from a number of cinema organisations. The

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Films Division of the Union of India is incurring heavy expenditure towards production of about 125 films every year. It takes out about 400 prints of each film for distribution to the cinema theatres. The cost of production, negative/positive prints, raw stock, processing, printing, laboratory charges have all increased substantially during the last 35 years. In addition, the Films Division maintains a chain of distribution network for supply of approved films to as many as 13000 cinema theatres spread over the various parts of the country. The films are dubbed in 15 languages to serve the interest of every region. About 50000 film prints are to be retained in circulation at any given point of time. Maintaining such a large network of distribution of approved films throughout the year requires heavy expense to be incurred. As against all these costs, the lowest minimum rental of one per cent is being imposed and it cannot be considered as unreasonable or excessive. It is also pointed out that the Films Division incurs an expenditure of more than Rs.12 crores per year only for taking out adequate prints, while their recovery in the form of rentals is only Rs.7 to 8 crores per year. Therefore, the Films Division is charging a very small amount considering the expenditure outlay in producing and distributing these films. In these facts and circumstances, the rental of one per cent cannot be considered as excessive.

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The cinema theatre owners have also alleged inconvenience in procuring the films. The Films Division in its affidavit has pointed out that it has a distribution network spread throughout the country to serve 13000 cinema theatres. It has ten distribution branches throughout the country. The Films Division packs the films, seals them and sends them by train to the cities, towns and villages wherever the cinema theatres are located. In fact, the owners of the theatres used to pay the freight charges prior to the judgment of the High Court. Therefore, there is no special inconvenience caused to the exhibitors for securing these films. The arrangements for supply and distribution have to be examined from the point of view of what is practically feasible. We do not think that the arrangements which have been in existence unchallenged for the last 30 years until the present proceedings were instituted can be considered as unsatisfactory or unreasonable.

The exhibitors also contend that the charge of one per cent on the net recoveries is a compulsory exaction in the form of a tax. Neither the Act nor the provisions of the licence stipulate payment of any such tax. Hence imposition of this amount is in violation of Article 265 of the Constitution. It is true that neither the relevant Act nor the notification nor the rules nor the terms and conditions of the licence stipulate the payment of any rental. This amount is required to be paid under an agreement which the

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exhibitors individually enter into with the Films Division for the supply of these films. It is a payment under the terms of a contract between the two parties. It cannot, therefore, be viewed as a tax at all. The exhibitors contend that because they are required to enter into these agreements, any payment under the agreement is a compulsory exaction and is, therefore, tax. We do not agree. Under the terms of the agreement, the Films Division has to supply certain prints to the theatre owners at stated intervals. The Films Division is required to maintain a distribution network for this purpose. It is required to pack these films and is required to allow the exhibitors to retain these films in their possession for a certain period. The films are to be returned to the Films Division thereafter. The charge is termed in the agreement as rental for the films. It covers charges for preparing the prints of the films for distribution, and for packing them for delivery. There are clearly services rendered by the Films Division for which it is paid one per cent of the net collection as a rental. As stated earlier, the total cost of preparing prints, packing them and distributing them is much higher than the total recovery made by the Films Division by way of rental from all the exhibitors. There is a clear nexus between the services rendered and the payment to be made. The payment, therefore, is in the nature of a fee rather than a tax though there may not be an exact *quid pro quo*.

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Nevertheless the element of *quid pro quo* is very much present.

The exhibitors relied upon a number of cases which distinguish a tax from a fee. We will only refer to some of them. In the case of *District Council of the Jowai Autonomous Distt., Jowai & Ors. v. Dwet Singh Rymbai etc.* (AIR 1986 SC 1930) this Court held, that a compulsory exaction for public purposes would amount to a tax while a payment for services rendered would amount to a fee. On the facts in that case, the Court said that there was no element of *quid pro quo* which will justify the imposition of royalty as a fee. In *Commissioner, Hindu Religious Endowments, Madras v. Sri Lakshmindra Thirtha Swamiar of Sri Shirur Mutt* (AIR 1954 SC 282) this Court as far as back in 1954, laid down the distinction between a tax and a fee. This Court has described a tax as a compulsory exaction for public purposes which does not require the tax-payer's consent; while fee is a charge for specific service to some, and it must have some relation to the expenses incurred for the service. In *Ahmedabad Urban Development Authority v. Shreedkumar Jyantikumar Pasawalla & Ors.* (AIR 1992 SC 2038) this Court has said that an express authorisation for the levy of a fee is necessary. In the present case, however, the rental is charged by the Films Division by virtue of an agreement between the Films Division and the individual exhibitor. This is in consideration of the Films Division

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supplying films to the exhibitor, packing the film and arranging for its delivery. This is clearly an agreed fee charged for rendering services. It cannot be viewed as a compulsory exaction or as a tax. There is a statutory obligation which is cast on the exhibitors to exhibit certain films. To carry out this statutory obligation, if the exhibitors enter into an agreement with the Films Division and agree to pay a certain amount of rental for procuring the films from the Films Division to comply with the statutory obligation, the levy must, since it is correlated with the Films Division discharging certain obligations under the contract, be viewed, at the highest, as a fee and not as a tax. It is an agreed payment, and is not unreasonable. The High Court has rightly negatived the contention of the respondent exhibitors.

The High Court has struck down Condition 15 of the licence issued under the Delhi Cinematograph Rules as being too wide, and unnecessary in view of Condition 22 of the licence. Under Condition 15, the licensee is required to exhibit films or lantern slides, the exhibition of which will take not more than 15 minutes in all, as required by the administrator. Such exhibition may be free of charge or on such terms as regards remuneration as the administrator may determine. The High Court has held that the kind of films and lantern slides required to be exhibited under Condition 15 are not specified and hence this condition is

too wide and not related to the object of placing such a restriction. Condition 15, however, has to be read along with Section 12(4) of the Cinematograph Act, 1952, since Delhi Cinematograph Rules, 1981 are issued under the Cinematograph Act, 1952; and any conditions imposed on the licence cannot go beyond the purposes specified in Section 12(4). Condition 15, therefore, has to be read in conjunction with Section 12(4) of the Cinematograph Act under which only scientific films, films intended for educational purposes, films dealing with news and current events, documentary films or indigenous films can be so required to be exhibited. The films referred to in Section 15 must also be of this kind. Lantern slides also take colour from the same provision and lantern slides compulsorily required to be shown must also fall in the categories mentioned in Section 12(4). When it is so read Condition 15 will have a direct nexus with the object sought to be achieved, and it can be upheld as a reasonable restriction. We accordingly so hold. Condition No. 22 refers to exhibition of approved films the total length of which may not exceed 60m of 35mm or a corresponding size of approved films of 60mm. These are somewhat longer films as compared to lantern slides and films referred to in Condition 15. Therefore, Conditions 15 and 22 do not overlap, but refer to different sizes and types of short films, shorter films or lantern slides. The High Court was, therefore, not right in holding that Condition No. 1 is

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redundant since it is covered by Condition No.22. Both conditions, however, must be read in the light of Section 12(4) of the Cinematograph Act, 1952 and only films and lantern slides which fall within the description of such films under Section 12(4) can be so required to be shown.

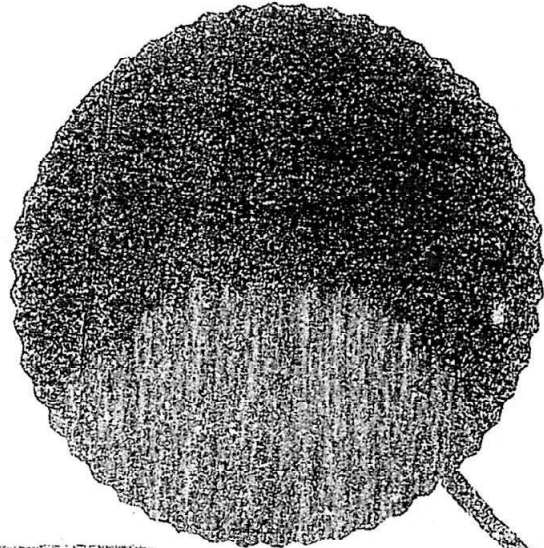
In the premises, the appeals are allowed and the impugned judgment of the High Court in so far as it strikes down the rental and directs the Films Division to deliver the films to the exhibitors is set aside. The writ petition is dismissed. There will, however, be no order as to costs.

Sd/-
.....J.
(Sujata V. Manohar)

Sd/-
.....J.
(K. Venkataswami)

Sd/-
.....J.
(R.C. Lahoti)

New Delhi:
July 15, 1999



URGENT FEE Rs. 5/-

SUPREME COURT OF INDIA
 Certified copy issued in

Matter No. CA, 3766-67/05
 U.O.P. Nos

Brief Cause Title The Motion Picture Assn. Nos

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 Section Officer
 Supreme Court of India

24/8

SEALED IN MY PRESENCE

24/8/06

(Z)

MOST IMMEDIATE
BY SPEED POST

No. M-14012/5/2014-DO(FA)
Government of India
Ministry of Information & Broadcasting
'A' Wing, Shastri Bhawan, New Delhi 110001

To

Dated: 30.06.2016

The Director General
Films Division,
24, Dr. G. Deshmukh Marg,
Mumbai - 400 026.

SUBJECT: Approval for waiving off the 1% rental charged by Films Division for supplying "approved films" to the theatres-reg.

Sir,

I am directed to refer to Films Division's letter No.17/35/2008-A&L dated 17.03.2016 & 24.5.2016 on the above noted subject and to convey the approval of the Competent Authority for waiving off the 1% rental charged by Films Division for supplying "approved films" to the theatres. Films Division may kindly take further necessary action accordingly.


Yours faithfully,


(S.B. Pandey)

Under Secretary to the Government of India
Tel.:011-23385221

Copy to:-

1. PS to HMIB
2. PS to MoS (I&B) / OSD to MoS (I&B)
3. PPS to Secretary (I&B)
4. PPS to AS&FA (I&B)


(S.B. Pandey)

Under Secretary to the Government of India

F.No DD(NM)/EAC/DC/1718
GOVERNMENT OF INDIA
(MINISTRY OF INFORMATION & BROADCASTING)
BUREAU OF OUTREACH AND COMMUNICATION
SOOCHANA BHAWAN, C.G.O COMPLEX, NEW DELHI-110003

Date: 04.01.2019

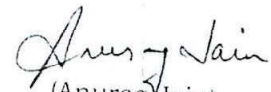
Subject: Policy Guidelines for empanelment of Digital Cinema Agencies/Owners.

In pursuance of M/o I&B's OM No M-24013/80/2016-MUC-I dated 14.12.2018 the Policy Guidelines for empanelment of Digital Cinema Agencies/Owners have been revised and a new Para (Para 2 under Section I) has been inserted which reads as follows:-

“ For the operation of these guidelines, PSA films are films which are so declared by the Ministry of I&B under section 12(4) of the Cinematograph Act, 1952 and necessary certificate as PSA films issued by Central Board of Films Certification.”

2. The Policy guidelines as per approval of M/o I&B vide OM No. M-24013/80/2016-MUC-I dated 28.09.2018 and amended as per the para above are at Appendix A.

This issues with the approval of DG, BOC.


(Anurag Jain)
Deputy Director

**POLICY GUIDELINES ON EMPANELMENT OF DIGITAL CINEMA
AGENCIES/OWNERS**

Bureau of Outreach and Communication (BOC) shall be the nodal agency for empanelment of Digital Cinema agencies/owners as well as for release of campaigns through Digital Cinema screens. These policy-guidelines comprise the criterion and process for empanelment and prescribe the rates to be offered to the Digital Cinema agencies/owners. The guidelines will come into effect from the date on which BOC notifies these guidelines. The policy guidelines will be valid for a period of 3 years from the date of notification of these guidelines.

**A. Criterion and Processes for Empanelment of Digital Cinema
Agencies/Owners**

1. Digital Cinema Agency/Owner must be compliant with Digital Cinema Technology which is defined as 'the use of digital technology for distribution, projection, and generation of logs of motion picture in a cinema hall'. It must have fool-proof verification mechanism of logs of Government advertisements played during pre-show and interval so as to enable BOC to confirm the compliance of release orders before payment. The Digital Cinema Agency has to provide logs in XML format or any other format stipulated by BOC for consumption of the BOC application software.

2. Digital Cinema Agencies and Cinema Screen owners having one or more Digital Cinema Screen(s) can apply for empanelment. They should either own the cinema screens or have agreement with owners of cinema screens and provide the necessary documentary evidence substantiating their claim at the time of seeking BOC empanelment.

3. The empanelment process will be opened twice in a calendar year i.e. from 1st-31stJanuary and from 1st-31stJuly every year. The period of empanelment shall be coterminous with these guidelines.

B. Duties and Obligations of Digital Cinema Agencies/Owners

1. The empanelled agency should inform BOC the details of delisting of cinema screens which are shut down for renovation or are closed down on the first day of every month so that BOC can delete these cinema screens from its list and the Release Orders do not include these screens. Digital Cinema Agencies have to intimate on their own the modified list of Digital Cinema Screens immediately as and when such modifications take place.

2. BOC reserves the right of physical verification of the cinema halls/screens on its own or through its authorized Third Party Agencies.

3. In order to ensure that Government spots reach maximum audience, the agencies/owners should run the spots in Prime Screen Time which has been defined in the para C.

para F below or any such mechanism prescribed by BOC from time to time.

C. Screening of Spots in Prime Slots – Prime Screen Time

1. Out of the 10 minutes pre-show period and 10 minutes interval period, the last 5 minutes of the pre-show period before the start of the movie package, and the last 5 minutes of the interval period before the start of second half of movie package, shall be treated as Prime Screen Time (PST) in digital cinema.
2. The Government spots should be exhibited in the PST period of screening to ensure that maximum audiences watch the social message.

D. Rates/Pricing and Deductions

1. The Unit Price (gross) for 10 second spot per show per cinema screen shall be as follows:
 - (i) Screens having capacity equal to or more than 500: Rs 18/- per 10 second spot per show per cinema screen
 - (ii) Screens having capacity less than 500: Rs 15.6/- per 10 second spot per show per cinema screen
2. The GST will be reimbursed by BOC at applicable rates as extra.
3. Agency commission @ 15% will be deducted by BOC on the rates mentioned at (i) and (ii) above. The net rates will be as follows:

(i) Screens having capacity equal to or more than 500: Rs 15.30/- per 10 second spot per show per cinema screen

(ii) Screens having capacity less than 500: Rs 13.26/- per 10 second spot per show per cinema screen

4. If any spot is placed beyond the PST and up until 10 minutes before the start of movie package, then a deduction of 30% on gross rate and net rate as mentioned in para (D 1 and 3) above would be applicable. However, in no case should the advertisement run prior to more than 10 minutes before the commencement of the show.

F. Assignment of Jobs

1. The assignment of jobs to the Digital Cinema Agencies and distribution of work to any of the agencies will be decided by BOC as per requirement of the client Ministry/Department/Organization, availability of funds and target audience. BOC will allocate the screens in a media plan, as far as possible, to all agencies in the ratio of the screens that each agency has. Any exception to the above will be made only with reasons recorded in writing.

G. Monitoring and Processing of Bills

1. The agencies will provide logs to BOC in XML format or other format compatible with BOC software as specified in para A in order to enable processing of bills. All bills will be processed online. There shall be no manual processing of bills.

In order to validate the logs, BOC can utilize the services of a Third Party agency that will audit the digitally signed logs by authorized signatory or physically inspect the theatres as a form of validation. 40)

H. Securing CBFC certificate

1. Securing CBFC certification under Section 5(A) of the Cinematograph Act, 1952 for the spots shall be the responsibility of the Ministry/ Department/Organization that gets the spot produced and not of the Digital Cinema Agency.

I. Public Service Awareness Films

1. Digital Cinema Agencies insisting to screen Public Service Awareness (PSA) films only on payment basis shall not be allocated any advertisement work through BOC. The authentication of whether a Digital Cinema Agency is screening PSA films or not shall be done by Films Division, M/o I&B.

2. For the operation of these guidelines, PSA films are films which are so declared by the Ministry of I&B under section 12(4) of the Cinematograph Act, 1952 and necessary certificate as PSA films issued by Central Board of Films Certification.

J. Grounds for Cancellation of Empanelment

1. The agencies/owners should ensure that at least 85% of the spots allocated to them over 6 months are consumed as per Release Order instructions failing which the agency/owner is liable to be suspended for a period of one

month. If an agency/Owner fails to run at least 85% of the spots allocated to them over 6 months three times during the empanelment period of three years, it is liable to be suspended for remaining period of empanelment. The agencies/owners will be given reasonable opportunities to be heard before such action.

2. If an agency makes false claim to BOC with regards to number of screens or suppresses material information with regards to closing down of screens or claims payment based on incorrect documentary evidence, the agency is liable to be permanently blacklisted by BOC. This is without prejudice to further punitive action initiated on the matter by BOC.

3. If an agency does not provide logs in the manner stipulated by BOC as specified in para F(1) above, the empanelment of the agency is liable to be cancelled and the payment due to them is liable to be withheld. The agency/owner will be given reasonable opportunities to be heard before such action.

K. Dispute Resolution

1. The competent authority for resolution of any grievances arising out of these guidelines will be DG, BOC. All disputes will lie in the jurisdiction of Courts in New Delhi only.

512396/2021/DO(FA)

No. M-14016/35/2021-DO(FA)
Government of India
Ministry of Information and Broadcasting
'A' Wing, Shastri Bhawan, New Delhi-110001

Dated: 17.11.2021

OFFICE MEMORANDUM

Subject : Standard Operating Procedure (SOP) for the screening of public service awareness (PSA) films through cinema theatres - regarding.

It has been observed that many short films/public service awareness films are prepared by various Central Ministries/Departments to commemorate events or publicize programmes or campaigns related to their Ministry. These films are of good quality and have a public message as well.

2. In view of this, the undersigned is directed to request all Ministries/Departments to share such films with Ministry of Information & Broadcasting for release in cinema theaters for proper and increased dissemination in public. In this regard, a copy of Standard Operating Procedure (SOP) for the screening of these Public Service Awareness (PSA) films/short films in cinema theaters, for better dissemination about programmes/schemes/priorities of the Government in public interest, is forwarded herewith.

3. This issues with the approval of Competent Authority.

Encl.: As above.

Yours faithfully,



(Surajit Indu)

Under Secretary (Films-II)


Tel: 011-23385221

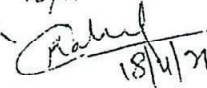
To

All Ministries/Departments of the Govt. of India (as per list)

Copy for Information to:

1. Sr. PPS to Addl. Secretary, M/o Information & Broadcasting
2. Joint Secretary (P&A), Ministry of Information & Broadcasting
3. Director General (I/C), Films Division, Mumbai


18/11


18/11/21


18/11/21

512396/2021/DO(FA)

Standard Operating Procedure for release of Public Service Awareness Films in Cinema Theatres

Public Service Awareness (PSA) films are short films of up to 2 minute duration prepared in public interest for spreading awareness about various programmes and priorities of the Government. These are screened during prime screen time in the cinema theatres of the country. These short films are pre-certified by the Central Board of Film Certification (CBFC) under the Cinematograph Act, 1952 for the purpose of public exhibition.

2. The Ministry of Information & Broadcasting provides PSA films to the Exhibitors and Digital Cinema Service Providers through the Films Division for screening in various cinema theatres across the country.

3. Many short films are prepared by various Ministries to commemorate events or publicise programmes or campaigns related to their Ministry. These films are of good quality and have a public message. All Ministries/Departments are requested to share such films with Ministry of I&B for screening in cinema theatres for better dissemination about these programmes/schemes/priorities of the Government in public interest.

4. It is, therefore, proposed to follow the following **Standard Operating Procedure** SOP for the screening of PSA films:

1. The film to be released should be identified by the concerned Ministry. Broadly, the film should be of good quality and carry a public awareness message and be worthy of dissemination through public exhibition in cinema theatres of the country.
2. The duration of film should be up to 2 minutes or less.
3. Due approvals for the screening of film may be obtained by the concerned Ministry at its own level.
4. The film so identified should be certified by Central Board of Film Certification.
5. For certification, the concerned Ministry may nominate a nodal officer, who will apply for the certification from CBFC and seek the certificate. CBFC applications may be submitted online on *ecinepraman.in*
6. The digital file of the PSA film with due approvals of the competent authority and CBFC certificate may be sent to the Ministry of Information & Broadcasting for release in theatres. Nodal Officer by each Ministry may be appointed.
7. In case the film is designed for a specific State/UT/group of States/language, the same may be mentioned in the request to Ministry of I&B so that it is sent for screening in the concerned focus States only.
8. The Ministry will direct the Films Division to send the PSA films to the cinema theatres as per practice.

512396/2021/DO(FA)**Checklist for Nodal Officers of the Ministry concerned (Step-1)**

1. Ensure that the duration of the PSA film may not exceed 02 (two) minutes.
2. PSA films should be in both MP-4 and J2K format
(J2K for PVR theatres and MPEG-4 for others)
3. PSA film be applied in the Unrestricted Public Exhibition (U - category) for certification by the Central Board of Film Certification (CBFC).
4. Certificate from CBFC to be obtained by producer of the PSA Film by applying on the CBFC portal *ecinepraman.in*
5. CBFC certificate, as mentioned at point 3 above, should be attached at the beginning of the PSA film.
6. Due approval of the competent authority in the concerned Ministry/Department/PSU/Statutory Bodies be obtained for screening of PSA film in theatres.
7. The PSA film be sent to the Nodal Officer in the M/o Information & Broadcasting for release/screening in theatres.

Checklist for Nodal Officer of Ministry of I&B (Step-2)

1. Receive and check the necessary requirements for screening of the PSA film.
2. Take internal approvals in the Ministry.
3. Send the PSA film to Films Division for screening in cinema theatres.

Checklist for Films Division (Step-3)

1. Send the PSA film to the digital agencies/cinema theatres.

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No. M-14016/35/2021-DO(FA)-Part(1)
GOVERNMENT OF INDIA
Ministry of Information & Broadcasting
'A' Wing, Shastri Bhawan, New Delhi-110001

Dated: 20.04.2023

OFFICE MEMORANDUM

Subject: Assignment of mandate of erstwhile Films Division relating to Public Service Awareness (PSA) Films and issuance of 'Approved Film/PSA Film Exhibition Certificate' - regarding.

The undersigned is directed to inform that all operations of Films Division have been ceased w.e.f. 31.12.2022 and all activities under the mandate of Films Division have been transferred to NFDC, except activities related to PSA Films.

2. The activities carried out by erstwhile Films Division, related to screening of PSA Films in Cinema Theatres as per the Standard Operating Procedure (SOP) issued by the Ministry vide O.M. of even number dated 17.11.2021 (copy enclosed) and the issuance of 'Approved Film Exhibition Certificate' to exhibitors/licensees/digital cinema agencies has been examined in this Ministry and it has been decided with the approval of Competent Authority that these activities shall be carried out by Central Board of Film Certification (CBFC) through its Regional Offices.

3. CBFC may for the purpose –

- a) Utilize the identified staff of the Surplus Staff Establishment (SSE) temporarily deployed by SSE Cell for this purpose, till permanent mechanism is in place by CBFC.
- b) Obtain and maintain all Files/Documents pertaining to these activities from the erstwhile Films Division through SSE Cell and institute the same mechanism.
- c) Identify and process for the requisite additional staff along with multi- skilling of the existing staff.
- d) The PSA-related activities are being carried out under Section 12(4) of the Cinematograph Act, 1952 and relevant States' Acts, in the light of the Judgment of the Supreme Court dated 15.07.1999 in the case 3766-67 of 1999 of UOI Vs. MPA.
- e) Screening of PSA Films in cinema theatres may be carried out as per the Standard Operating Procedure (SOP) issued by the Ministry vide O.M. of even number dated 17.11.2021.

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- f) The PSA Films that have been made by the Central Government Organizations viz. Line Ministries, Institutions, Departments, etc. and such other PSA Films which have been accorded clearance from the Ad Approval Cell and are in regard to the initiatives of the Government, have been granted exception from Censor certification under Section 9 of the Cinematograph Act by the Government and be accordingly processed.
- g) Issuance of 'Approved Film Exhibition Certificate' to exhibitors /licensees/digital cinema agencies in line with the existing procedures being followed by erstwhile Films Division. They may be expedited to be cleared within 2 weeks and monthly status of pending and cleared applications may be apprised to the Ministry.
- h) The States may be mapped to the Regional Offices of CBFC as per administrative convenience, till the manual system is carried out.
- i) Design, develop and deploy a comprehensive IT Portal within one year for the online distribution of PSA Films, feedback compliance and issuance of certificates by onboarding its stakeholders. The Portal may also have monitoring mechanism for carrying out inspections.

4. On the basis of above decision, all concerned may be advised accordingly by CBFC, including the State Governments, distributors, exhibitors, etc. and steps may be taken for expeditious implementation of the decision.

5. Compliance with the above shall be ensured under intimation to the Ministry.

6. This issues with the approval of the Competent Authority.

Encl: As above.


20-04-2023

(Surajit Indu)

Under Secretary to the Govt. of India
Tel: 011-23385911

To

The Chief Executive Officer
Central Board of Film Certification
9th Floor, 24-Dr. Goapalrao Deshmukh Marg
Mumbai-400026

Copy for information to:

1. Sr. PPS to Secretary (I&B)
2. PPS to AS & FA (I&B)/Sr. PPS to AS (I&B)
3. PPS to JS (P&A)/JS (Broadcasting-I)/JS (Broadcasting-II)/JS(Films)
4. PS to CCA/PS to JS (Finance)
5. Director (Admn)/Director (Finance)/Director (IP)/Director(Films-I)/DS (Films-II)

पृथुल कुमार
संयुक्त सचिव
Prithul Kumar
Joint Secretary



सत्यमेव जयते



आज़ादी का
अमृत महोत्सव

भारत सरकार
सूचना और प्रसारण मंत्रालय
शास्त्री भवन, नई दिल्ली-110001
Government of India
Ministry of Information & Broadcasting
Shastri Bhawan, New Delhi-110001

D.O. No. M-14016/35/2021-DO (FA)-Part (1)

Dated: 27.04.2023

Respected Madam/Sir,


It is to inform that consequent to all operations of Films Division, a Media Unit under this Ministry, which had been ceased w.e.f. 31.12.2022, this Ministry, vide O.M. of even No. dated 20.04.2023 (copy enclosed) has transferred the activity of the erstwhile Films Division, related to mandatory screening of Public Service Awareness (PSA) Films in cinema theatres and issuance of 'Approved Film Exhibition Certificate' to exhibitors/licensees/digital cinema agencies, to Central Board of Film Certification (CBFC). CBFC is to carry out these activities through its Regional Offices. The States would be mapped by CBFC to its Regional Offices as per administrative convenience for the purpose.

I request you look to direct the concerned officials for providing wide publicity of the aforesaid decision of the Government of India in all Districts in your State/UT. Further it is also requested that appropriate modification may be carried out in the respective Acts/Laws related to these activities as applicable in the respective States/UTs, if considered necessary.

Encl. - As above.

With best regards,

Yours sincerely,


27.4.2023
(Prithul Kumar)

To

All Chief Secretaries of State Governments & UTs