

**MINISTRY OF INFORMATION AND BROADCASTING  
PUBLIC NOTICE**

Dated: 15.03.2024

**Ministry of Information and Broadcasting invites comments/suggestions on the Draft Cinematograph (Adjudication of Penalty) Rules, 2024 proposed to be notified to carry out the provisions of the Jan Vishwas (Amendment of Provisions) Act, 2023 - Amendments made in the Cinematograph Act, 1952.**

The penalty provisions under section 7 of the Cinematograph Act, 1952 have been amended separately for the purpose of decriminalization, through the Jan Vishwas (Amendment of Provisions) Act, 2023. Accordingly, it is proposed to notify the **Cinematograph (Adjudication of Penalty) Rules, 2024** to prescribe the manner of levy of penalty by an authorized officer and the period, form and manner of preferring appeal before an appellate authority. Accordingly, a draft of the Cinematograph (Adjudication of Penalty) Rules, 2024 has been prepared (**copy enclosed**).

2. Suggestions/feedback are invited from the stakeholders and public on the enclosed Draft Cinematograph ((Adjudication of Penalty) Rules, 2024. Comments/suggestions may be submitted latest by **14<sup>th</sup> April, 2024** at the following email addresses: [armstrong.pame@nic.in](mailto:armstrong.pame@nic.in) or [fc.inb@nic.in](mailto:fc.inb@nic.in).

3. In exceptional cases, submissions by post may be sent to:

Director (Films)  
Ministry of Information and Broadcasting  
Room No. 655, 6th Floor 'A' Wing, ShastriBhawan,  
Dr Rajendra Prasad Road, New Delhi- 110001

Sd/-  
(Md Zahid Sharif)  
Under Secretary to the Govt. of India  
Tele: 011-23382487

[TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY, PART II,  
SECTION 3, SUB-SECTION (i)]

GOVERNMENT OF INDIA  
MINISTRY OF INFORMATION AND BROADCASTING

NOTIFICATION

New Delhi, the 15th March, 2024

G.S.R...- In exercise of the powers conferred by sub-clause (cc) and sub-clause (cd) of sub-section (2) of section 8 of the Cinematograph Act, 1952, the Central Government hereby makes the following rules, namely :—

**1. Short title and commencement.**

- (1) These rules shall be called the Cinematograph (Adjudication of Penalty) Rules, 2024.
- (2) They shall come into force from the date of their publication in the Official Gazette.

**2. Definitions**

- (1) In these rules, unless the context otherwise requires-
  - (a) “Act” means the Cinematograph Act, 1952;
  - (b) “Authorised officer” also known as an “Authorized Officer” means an officer appointed by either the Central Government or the relevant State Government under sub-rule (1) of Rule 3;
  - (c) “Appellate Authority” means an officer appointed by either the Central Government or the relevant State Government under sub-rule (1) of Rule 8; and
  - (d) “Section” means any section of the Act.
- (2) Words and expressions used in these rules but not defined, and defined in the Act shall have the meanings respectively assigned to them in the Act or in the said Rules.

**3. Appointment of the Authorised Officer.**

- (1) (a) The Central Government may, by an order published in the Official Gazette, appoint as many officers of the Central Government, not below the rank of Under Secretary to the Central Government, as Authorised Officers for adjudging penalty under the provisions of the Act.
- (b) The State Government may, by an order published in the Official Gazette, appoint as many officers of the State Government, not below the rank of a Additional District Magistrate (ADM) /Additional Collector/Additional Deputy Commissioner of a District or Under Secretary in the State Government as an Authorised Officer for adjudging penalty under the provisions of the Act.

**4. Powers of the Authorised Officer.**

For the purposes of these rules, the authorised officer shall exercise the following powers, namely:-

- (a) to enter the place of exhibition or authorise any officer to enter the place of exhibition;

- (b) to call for and examine an independent report of the violation from an officer authorised by the authorised officer under sub-rule (a);
- (c) to summon and enforce the attendance of any person acquainted with the facts and circumstances of the case after recording reasons in writing; and
- (d) to order for evidence, including video surveillance footage, ticket scans or to produce any document, which in the opinion of the authorised officer may be relevant to the subject matter.

**5. Factors to be considered for Adjudication of Penalty.**

While authorised the quantum of penalty, the authorised officer shall have due regard to the following factors, namely:-

- (a) nature of the violation;
- (b) the amount of disproportionate gain or unfair advantage, wherever quantifiable, made as a result of the violation.
- (c) repetition of the violation;
- (d) balance of hardships; and

**6. Procedure for levying Penalties.**

- (1) Before authorised the penalty, the authorised officer shall issue a show cause notice to the person in violation of the relevant penalty provision under the Act and such person must reply to the show cause notice within such period as may be provided in the notice (not being less than 15 days and not more than 30 days from the date of service thereon), providing the reasons for which the penalty should not be imposed upon.
- (2) Every notice issued under sub-rule (1) shall:
  - (a) clearly indicate the nature of violation alleged to have been committed or made by the person under the Act; and
  - (b) draw attention to the relevant penalty provisions of the Act.
- (3) The reply to show cause notice shall be filed in electronic mode only, within the period as specified in the notice. This period may be extended by the authorised officer, for reasons to be recorded in writing, by a further period not exceeding 15 days, if the person satisfies the authorised officer that such person has sufficient cause for not responding to the notice within stipulated period or if the authorised officer has reason to believe that the person has received a shorter notice and did not have reasonable time to respond.
- (4) After considering the reply to show cause notice provided by the person, if the authorised officer is of the opinion that physical appearance is required, the authorised officer shall issue a notice, within 10 working days from the date of receipt of the reply, fixing a date for appearance of the person, either personally, or through authorised representative.
- (5) If any person, to whom a notice is issued under sub-rule (1), desires to make an oral representation, whether personally or through their authorised representative and has indicated the same in the reply to show cause notice, the authorised officer shall allow such person to make such representation after fixing a date of appearance.
- (6) After giving a reasonable opportunity of being heard to the person concerned on the date fixed for hearing, the authorised officer may, subject to reasons to be recorded in writing, pass any order in writing as they think fit, including an order for adjournment.

- (7) After the hearing, the authorised officer may require the concerned person to submit a written reply on any other issues relevant to the determination of the violation as per the notice issued under sub-rule (1).
- (8) While authorised the quantum of penalty, the authorised officer shall have due regard to the factors provided under Rule 5.
- (9) If any person fails to reply to show cause notice, as required under sub-rule (1) and sub-rule (4) or refuses to appear as required under sub-rule (5), the authorised officer may pass an order imposing the penalty in the absence of such a person after recording the reasons for doing so.

#### **7. Passing and Disclosure of the Order of Penalty.**

- (1) The authorised officer shall pass an order deciding penalty, within 90 days from the date of issue of notice under sub-rule (1) of Rule 6.
- (2) If an order is passed after the expiry of the period of 90 days as specified under sub-rule (1), the reasons for the delay shall be recorded by the authorised officer in writing.
- (3) No order passed by the authorised officer shall be invalid merely for the reason of delay in passing of order as per sub-rule (1).
- (4) Every order of the authorised officer shall be duly dated and signed by the authorised officer and shall clearly state the relevant facts, basis of the decision and the reasons for requiring the physical appearance under sub-rule (4) of Rule 6.
- (5) The authorised officer shall send a copy of the order passed under sub-rule (1), without delay, to the following parties:
  - (a) the concerned person who is in violation or any other person concerning the violation,
  - (b) the licensing authority under section 11 of the Act, and
  - (c) the Chairman of the Central Board of Film Certification.
- (6) A copy of the order passed under sub-rule (1) shall also be uploaded on the website of CBFC.

#### **8. Appellate Authority.**

- (1) An appeal against the order of the authorised officer passed under sub-rule (1) of Rule 7 may be filed before the Deputy Secretary/Director level of the Central Government (where the authorised officer is the Under Secretary) or the District Magistrate level of the relevant District (where the authorised officer is the Additional District Magistrate).
- (2) Any appeal filed under sub-rule (1) shall be accompanied by a certified copy of the order against which the appeal is sought.
- (3) An appeal under sub-rule (1) must be filed within 30 days from the date on which a copy of the order of penalty made by the authorised officer under sub-rule (1) of Rule 7 is received by the concerned person. However, where justified, delay may be condoned by the appellate authority up to 30 days more, with reasons to be recorded in writing.
- (4) Any appeal under sub-rule (1) shall be filed in the form provided under the First Schedule of these Rules. The appeal shall also be accompanied by such fees as may be notified by the Central Government.
- (5) Where the aggrieved person is represented by an authorised representative, a copy of such authorisation in favour of the representative, in the form of an authorisation

letter, and the written consent of such authorised representative, must be appended to the appeal.

- (6) An appeal filed under sub-rule (1) of this Rule may not seek relief against more than one order unless the reliefs prayed for under the appeal are consequential.

#### **9. Procedure for Appeal.**

- (1) On receiving an appeal under sub-rule (1) of Rule 8, the Appellate Authority shall serve a copy of the appeal upon the authorised officer against whose order the appeal is sought, along with a notice requiring such authorised officer to file a reply to the notice within a period not exceeding 21 days from the date of receipt of appeal.
- (2) Where an appeal received under sub-rule (1) of rule 8 is found to be defective, the Appellate Authority may allow the appellant a time period of not less than 14 days following the date of receipt of the appeal, to rectify the defects.
- (3) If the appellant fails to rectify defects as per sub-rule (2), the Appellate Authority may by order and for reasons to be recorded in writing, decline to register such appeal and communicate such refusal to the appellant within a period of 7 days from the date of expiry of the time period specified under sub-rule (2).
- (4) The Appellate Authority may, for reasons to be recorded in writing, extend the period referred to in sub-rule (1) above for a further period of 21 days, if the authorised officer satisfies the Appellate Authority that there was sufficient cause for delay in filing of reply to the appeal.
- (5) A copy of every reply, application or written representation filed by the authorised officer before the Appellate Authority shall be simultaneously served on the appellant, by the authorised officer.
- (6) The Appellate Authority shall issue notice of hearing of appeal to the appellant and the authorised officer, at least 15 days before the date of hearing of the appeal.
- (7) The Appellate Authority may, at the time of hearing of an appeal, allow an appellant to add any ground of appeal not specified in the form of appeal filled under sub-rule (4) of Rule 8, if it is satisfied that the omission of that ground from the grounds of appeal was not wilful or unreasonable.
- (8) On the date fixed for hearing, the Appellate Authority may, after making such further inquiry as may be necessary and subject to the reasons to be recorded in writing, pass any order as it thinks fit.
- (9) If the appellant or the authorised officer fails to appear on the date fixed for hearing as per sub-rule (8), the Appellate Authority may pass an order in the absence of such a person, after recording the reasons for passing such order.
- (10) The Appellate Authority shall, where it is possible to do so, hear and decide every appeal within a period of 6 months from the date of receipt of the appeal under sub-rule (1).
- (11) Where the issuance of order is stayed by an order of a court, the period of such stay shall be excluded in computing the period of 6 months, provided in sub-rule (10).
- (12) Every order passed under this rule shall be dated and signed by the Appellate Authority.
- (13) A certified copy of every order passed by the Appellate Authority shall without delay be communicated to:-
  - (a) the authorised officer,
  - (b) the appellant, and

(c) the Chairman, Central Board of Film Certification and

**10. Method of Making Payment of Penalty.**

The penalty shall be paid through the e-cinemapramaan portal only.

**11. Consolidated Fund of India.**

All sums realised by way of penalties under the Act shall be credited to the Consolidated Fund of India.

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**FIRST SCHEDULE**

[See sub-rule (3) of Rule 8]

**MEMORANDUM OF APPEAL**

**Particulars Of the Appeal**

In the matter of appeal against the order made by.....on date.....

1. Details of the Appellant:
  - a. Full name of the Appellant:
  - b. Address of the Appellant:
  - c. Email ID of the Appellant:
  
2. Details of the Authorised Officer:
  - a. Name of the Authorised Officer:
  - b. Address of the Authorised Officer:
  - c. Email ID of the Authorised Officer:

3. Appeal against order no.:

4. Section under which the penalty was imposed:

5. Facts of the case in brief:

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6. Grounds for appeal:

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7. Penalty imposed (in rupees):

8. Relief sought:

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9. Attachments:
- Certified copy of the order
  - Certified copy of authorization letter for the authorized representative (if any)
  - Any other attachments relevant to the case

**Declaration**

I, \_\_\_\_\_, certify that all the information given hereinabove is true, correct and complete including the attachments to this form and nothing material has been suppressed. It is further declared that no other appeal, suit, civil revision or any other legal proceedings is pending before any authority on the similar matter.

.....  
Signature of Appellant

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[M-11017/1/2024-DO(FC)]

**(Prithul Kumar)**  
**Joint Secretary to the Government of India**

To  
The Manager,  
Government of India Press,  
Mayapuri, Ring Road,  
New Delhi.

Copy to:-

- PS to HMIB.
- Addl. PS to HMSIB.
- Sr. PPS to Secretary (I&B).
- PPS to Joint Secretary (Films).
- Director (Films).
- The Chairperson, Central Board of Film Certification, Films Division Complex, Phase- I Building, 9th Floor, Dr. G. Deshmukh Marg, Mumbai - 400026.
- All Regional Officers and Addl, Regional Officers of the CBFC.
- The Chief Controller of Accounts, Ministry of I&B, New Delhi.

**(Prithul Kumar)**  
**Joint Secretary to the Government of India**  
**Tele: 2338 4996**