

CHAPTER XI : MINISTRY OF INFORMATION AND BROADCASTING

Central Board of Film Certification

11.1 Working of Central Board of Film Certification

Audit of Central Board of Film Certification revealed many systemic deficiencies such as unexplained delays in the certification process, altering of order of films for examination by the Committee, conversion of certified films from A to UA/A category etc. Audit also evidenced lack of internal controls within the CBFC for tracking the records of film certification which carried a risk of issue of duplicate certificates for the same film to different individuals not holding copyrights.

Central Board of Film Certification (CBFC) is a Statutory body established under Ministry of Information and Broadcasting for regulating the public exhibition of films under the provisions of Cinematograph Act, 1953 (the Act). It assigns certifications to films, television shows, television advertisement and publications for exhibition, sale or hire of films in India. Films can be publicly exhibited in India only after they have been certified by the Central Board of Film Certification.

The Board setup under the Act, consists of non-official members and a Chairman (all of whom are appointed by Central Government) and functions with headquarters at Mumbai. It has nine Regional offices, one each at Mumbai, Kolkata, Chennai, Bangalore, Thiruvananthapuram, Hyderabad, New Delhi, Cuttack and Guwahati. The Regional Offices are assisted in the examination of films by Advisory Panels. The members of the panels are nominated by Central Government by drawing people from different walks of life for a period of two years at a time.

A test check of the procedures followed for certification of films was carried out by audit in which multiple issues pointing towards gaps in internal control and certification process were observed as detailed below:

Timeliness in issue of certificates

Rule 41 of the Cinematograph Rules prescribe different time limits for the various stages of certification process totaling to 68 days as mentioned in

Table 1.1, if the applicant does not request the film to be seen by the Revising Committee.

Table 1.1

Process	Time Limit
Scrutiny of Application	7 Days
Formation of Examining Committee (EC)*	15 Days
Forwarding of EC report to Chairman	10 Days
Communication of order to the applicant	3 Days
Surrender of cuts by the producer	14 Days
Examination of Cuts	14 Days
Issue of Certificate	5 Days

* (As per Rule 22 & 24 of the Cinematograph (Certification) Rules, 1983- An examining committee may consist of a member of the advisory panel and an examining officer (either of whom shall be a woman) in case of short film while in case of long film it may consist of four member of advisory panel and an examining officer (of whom two persons shall be woman). The Revising Committee may consist of a Chairman and not more than nine member of board or advisory panel as specified by The Chairman who shall also give due representation to Women in the Committee. Further, no member of the Examining Committee shall be a part of Revising Committee in respect of the same film)

11.1.2 Further, all films should be certified on first come first serve basis. The Regional Officer (RO) has discretionary power to alter the order of examination of the film if a written request from the applicant is received and the RO feels that there are grounds for an early examination which he would duly record.

Audit Scrutiny of 175 records from 1 April 2013 revealed the following-

- In 57 films (32.57 *per cent*) which jumped the queue, letters from the applicant requesting for special consideration or RO's justification accepting the request were not found on records. (Annexure A)
- A clear U/UA or a Clear A certification was done for 135 films. However, in 49 films (36 *per cent*) despite completion of certification process, time taken for issue of certificates ranged between 3 and 491 days and an

average time of 26 days. No reasons for delay, after approval of clear certificate by EC, were found on record.

Further, in 31 cases during the period 2013-14 and 2014-15, time taken to certify the film ranged between 75 days to 491 days and average of 169 days. The reasons for delay were not seen recorded on the file.

Ministry did not furnish reply for non-recording of reasons for altering the order of films for examination by the Examination Committee. As regards delay of issue of certificate after approval of Examination Committee, the Ministry stated (January 2016) that in some cases where the applicant had not agree with the decision of the Examining Committee, they appealed to the Revising Committee on whose recommendation the certificate is issued. Depending upon the completion of the formalities i.e. acceptance, submission of cuts imposed by CBFC or any other changes the certification gets further delayed and such delay is not attributable to CBFC.

The Ministry's reply is not tenable as audit comments related to those cases in which clear U/UA/A certificate had already been approved by the EC. Moreover, non-recording of reasons for allowing a producer to break the queue or delay in issuance of certificate amounted to non-compliance with the Rules and lack of transparency in the functioning of the Board.

CASE STUDY

An investigation conducted in 2012 in respect of Smt. V.K. Chawak, Secretary to Chairperson for the period 1/1/2009 to 31/12/2009 was found guilty of fabrication of documents and favouritism by the investigation officer appointed as per report approved by the vigilance officer in November 2012. She was found guilty of issue of certificates to 2 films which were earlier rejected by the EC.

The Vigilance Wing of Ministry of Information & Broadcasting advised (June, 2014) that since the charges were grave the official should be **prosecuted for major penalty proceedings under rule 14 of CCS (CCA) Rules 1965** to be taken by CBFC as the disciplinary authority in respect of Smt. Chawak is within CBFC itself. The decision on the advice from the vigilance wing of Ministry had not been taken till April 2015 and only after audit observation was issued, a major penalty proceeding against the official has been initiated and official was put under suspension from 12-10-2015 onwards. It is pertinent to note here that this discrepancy was not detected by the system but was based on a complaint received by CVC.

11.1.3 Film certification process

Section 4 & 5A of the Act provides for examination of films wherein any person desiring to exhibit any film shall in the prescribed manner make an application to the Board for a certificate in respect thereof, and the Board may, after examining or having the film examined in the prescribed manner and grant the applicant U, U/A, A or S certificate as the case may be.

Sub-section (3) of Section 5A of said Act provides that a certificate granted by the Board under this section shall be valid throughout India for a period of ten years.

There is no provision in The Cinematograph Act, 1952 regarding the process of conversion of films from “A” to “UA”/“U”. However, audit noted that CBFC has converted 172 “A” category certified films into “UA” category films and 166 films of “UA” category to “U” category films during 2012-15 without any supporting law or provision in the Act. In reply, the Ministry stated that there is no specific provision which prohibits recertification of films already certified. The practice being followed by CBFC as the competent certifying authority appears to be in accordance with Rule 21, 33 and 35 of the Cinematograph Act.

The reply of the department is not tenable. Neither the Act nor the Rules 21,33 and 35 as quoted by Ministry empower CBFC to re-certify the films already certified and no norms and procedure has been framed by CBFC for the purpose rendering the act of conversion without requisite due diligence by CBFC, a discretionary and non-transparent exercise.

11.1.4 Certification of imported films

Rule 21 of the Cinematography (Certification) Rules, 1983 provides that every application to certify a film for public exhibition shall be made in writing in Form prescribed on the basis set out in the Second schedule. Sub-rule 3(d) of Rule-21 further provides that if the application is made by the person other than the producer or copyright holder of the film, an authorization in writing on a stamped paper of appropriate value to be notified by the Chairman from the producer or copyright holder of the film. Sub-rule 6 of Rule-21 envisages that in case of film which are imported, the applicant shall furnish the original or a certified copy of the imported license together with custom clearance permit and with the custom clearance papers, and such film shall not be examined by

the Board for certification for public exhibition in India unless the board is satisfied that the film is validly imported in accordance with the import policy of the Government. For the purpose of certification for public exhibition every revised version or shorter version of a film shall be deemed to be a fresh film.

Audit scrutiny showed that:-

- CBFC issued certificates to the applicants for public exhibition of Video Films imported into India without obtaining the certified copy of the imported license and custom clearance permit.
- Audit noted that CBFC had accepted films for which certificates were already issued earlier (April 2015). CBFC could not verify whether a film was certified earlier by them or any other regional office and hence probability of two or more certificates being issued for the same films existed.

In reply Ministry stated (January 2016) that earlier there was no facility to keep check on whether the film is certified or not but due to digitalization of some records in the 11th five year plan they are presently able to find out whether a film was certified or not at the time of application itself and were rejecting such cases now. The reply of the ministry highlighted the lack of internal control mechanism in the CBFC for tracking the records of film certification and procedures for eliminating the probability of issue of duplicate certificates were not considered by the Ministry. Non verification of the transfer of original rights along with certified import license and custom clearance permits could lead to duplicate certificates being issued for the same film to different individuals not holding the original copyrights.

11.1.5 Validity of Certificates

As per Rule 29 of the Cinematograph Rules 1983, a certificate granted by the Board under sub-section(1)of section 5A in respect of a film shall be valid for a period of 10 years from the date on which the certificate is granted wherein relation to the certificate of a film the period has expired, a fresh certificate in forms set out in Schedule II as the case may be, issued on an application made in this behalf and the same shall be dealt with as if it were an original application; provided that a regional officer may, with the prior approval of the Chairman, dispense with examination of the film,, if the application is for the issue of certificate in the same form in which it was issued earlier.

Audit noted instances of revalidation of certificates which were valid for 10 years only on the basis of application received from copyright holders. It was found that, neither the examinations of such films were conducted nor the Chairman's approval to dispense with the examination had been obtained. Also, verification of original rights of the movie was not done and a flat rate of ₹ 1020/- was levied irrespective of the duration of the movie.

In their reply the ministry stated that the revalidation of certification was done by the CBFC as per provisions of Rule 29 of the Cinematograph Act. However as per notification issued by Ministry of I &B, (September 1984) the central government had exempted all films in respect of which certification have been or may be granted by the Board, from the validity of 10 years and the validity of such certificates were therefore perpetual.

The reply highlighted the failure of the Ministry, that even though there was no need to revalidate film certificates the CBFC continued to accept films for revalidation of certificates and charged fees on it too. After being pointed out in audit, the process of revalidation was reviewed and it was stated to have been dispensed with.

Conclusion

CBFC took inordinately long time in issue of certificates to the applicants, despite completion of certification process. It also altered the order of films for examination by the Committee without recording any reasons and converted the certified films from A to UA/U without any provision in the Act. CBFC also issued certificates to the applicant for public exhibition of video films imported into India, without obtaining essential documents and permission. There was lack of internal control within the CBFC for tracking the records of film certification which carried a risk of issue of duplicate certificates for the same film to different individuals not holding copyrights.

11.2 Academic activities of Satyajit Ray Film and Television Institute Kolkata for the period from 2010-11 to 2014-15

Satyajit Ray Film and Television Institute, Kolkata (SRFTI) had failed to introduce various courses as envisaged in its objectives even after 20 years of its establishment. The activities of the Institute was marred with delay in completion of courses, vacant seats, lesser teaching hours and gap in evaluation of performance of students.

11.2.1 Introduction

Satyajit Ray Film and Television Institute, Kolkata (SRFTI) was established in 1995 as a fully funded autonomous educational institution under the Ministry of Information and Broadcasting (MIB) and was registered under West Bengal Societies Registration Act, 1961. The major objectives of SRFTI include conducting under graduate and post graduate courses and research on film and television. The Government of India constituted a Society, the apex body responsible for fulfilling the objectives of SRFTI. The Society runs SRFTI through a Governing Council (GC). The President, who is the Chairman of the GC, heads the Society. The Director is the executive head of SRFTI.

SRFTI is audited under Section 14(1) of the Comptroller and Auditor General's (DPC) Act 1971. A audit was conducted on the academic activities of the SRFTI covering the period 2010-11 to 2014-15 and audit findings are discussed in the subsequent paragraphs.

11.2.2 Audit findings

11.2.2.1 Student admissions

- SRFTI conducts three year post graduate courses in five disciplines. It skipped enrolment for academic session 2010-13 and 2014-17 to revise curricular design and syllabi. SRFTI instead of continuing with the old syllabi decided to skip the full batch for two years until revision of syllabi. Due to non-enrolment of students for two years, SRFTI suffered loss of revenue of ₹ 1.84 crore towards tuition fees, hostel rent, internet charges and library fees. Also, students were deprived opportunity to learn the art and craft of film making for cinema and television.
- There were 13 vacant seats under foreign quota pertaining to the session 2011-14, 2012-15 and 2013-16. But SRFTI did not consider enrolling Indian students against such vacant seats although it had enrolled Indian students against the vacant foreign quota seats for the session 2008-11 and

2009-12. Thus, non-enrolment of 13 Indian students resulted in loss of revenue of ₹ 18.04 lakh towards student fees apart from underutilization of resources.

- There were also 14 vacant seats under reserved category¹ during 2011-12, 2012-13 and 2013-14. Audit noted that SRFTI followed three stages of assessment² for admission of students and out of total passed students in written examination, limited numbers of students in the merit list were called for the next level of assessment. Final merit list was prepared on the basis of marks obtained in all stages of assessment. Audit scrutiny of records related to admission for the year 2013-14 revealed that out of 566 passed students, SRFTI had called only 142 students for next stage of assessment but still there were four vacant seats in reserved category. To avoid vacancies, SRFTI had not considered second/third merit lists as is done in other educational institutes for filling up the vacant seats.

SRFTI stated (December 2015) that with the view to teach the right and contemporary contents it prioritized rationalization of a new syllabus. SRFTI also stated that due to inadequate infrastructure, vacant seats of foreign students were not filled up from Indian applicants. They further stated that more number of students attending orientation course might jeopardize the process of students' quality of output and assessment.

The reply was not tenable since SRFTI failed to formulate new syllabus prior to commencement of new batch. The intake capacity of the students was increased from 10 to 12 per discipline in the year 2011 which indicates that keeping of vacant seats for foreign students due to inadequate infrastructure is not tenable. The contention of SRFTI to decline selection of more number of students for orientation course was not tenable since there were vacancies against the intake capacity of students.

11.2.2.2 Course implementation

The objectives of SRFTI include conducting under-graduate diploma courses on Television and Film but SRFTI stated that it did not conduct such courses due to inadequacy of infrastructure and man-power. SRFTI offered only three years post-graduate diploma course with specialization in five disciplines of film making viz. Direction & Screenplay writing, Cinematography, Sound Recording & Design, Editing and Producing for film & television. Each course involved

¹ Scheduled castes, scheduled tribes and other backward classes

² Written, Orientation course and Interview

theory as well as practical classes and projects involving short/diploma film making. SRFTI also organized workshops as a part of the course implementation.

11.2.2.3 Delay in course completion

The duration of course was of three years which involved various stages viz. general studies, specialization study, projects on short/experimental film and workshops. SRFTI, however, could complete final assessment of all the students after delay of more than 2 to 6 years. The overall delay in course completion is shown in **Table-2** below:

Table-2

Batch/Academic Year	Date of commencement of course	Date of final assessment	Period of delay beyond course duration of three years (in Years and Months)
3 rd (2001-04)	August 2001	September 2010	6 years
4 th (2002-05)	June 2002	October 2010	5 years 3 months
5 th (2003-06)	August 2003	February 2011	4 years 5 months
6 th (2005-08)	June 2005	April 2012	3 years 9 months
7 th (2007-10)	August 2007	May 2013	2 years 8 months
8 th (2008-11)	November 2008	May 2014	2 years 5 months

The delay in course completion adversely affected the professional future of students. SRFTI diagnosed (May 2013) the causes of delay in course completion as infrastructure issues, delay on medical ground and synergy between crew members. However, despite knowing the reasons for delay, SRFTI did not take any measure to eliminate the causes of delay. Audit analysed the reasons for delay and noted the following:

- Test check of records of 7th and 8th batches revealed that major delay occurred in second and third year.
- As per guidelines of SRFTI, shooting was to be completed in 12 consecutive days and two units were to shoot the film simultaneously in one slot in 3rd year. Audit noted that shooting of 10 films was done one at a time. Only two films of 7th batch were shot simultaneously. As a result, more than four months were taken to complete shooting of all films which could have been completed in half the time had it been done as per the guidelines.
- The post-production work was to be done by editing and sound department within stipulated time of 15 and 20 consecutive shifts

respectively. Audit noted that SRFTI had taken 193 days extra for 7th batch and 359 days extra for 8th batch for completing eight films in each batch out of 10 films. Thus, post production contributed six months' and 11 months' delay for 7th and 8th batch respectively.

SRFI stated (December 2015) that 10th batch got over in three and half years due to thoughtful intervention with corrective measures. The reply is not acceptable as 10th batch which was started in 2011 was yet to be finally assessed (December 2015).

11.2.2.4 No research conducted

As per objectives, SRFTI has to undertake research in film and television but did not establish research department till date (October 2015). SRFTI had appointed one Film Research Officer³ in May 2011 but his services were being utilised for publications, festival assignments, film screening etc. and no research work was carried out by him. Institute had incurred an amount of ₹ 24.61 lakh towards his salary. SRFTI stated (December 2015) that due to insufficient infrastructure research activity could not be undertaken. But the fact remained that SRFTI without ensuring the availability of infrastructure, fund and recruited manpower for research activity. Thus, due to improper planning the objective of SRFTI to undertake research in film and television remained unfulfilled.

11.3.3 Failure to introduce courses

11.3.3.1 Short term courses

As per their objectives, SRFTI has to organise short term/refreshers/in services training courses. Audit noted that FTII, Pune conducted five regular short term courses. However, SRFTI had not offered any regular short term course. SRFTI stated that introduction of short term course may disrupt the regular PG courses due to insufficient manpower and infrastructure. Audit observed that Academic Council decided (August 2012) to communicate the constraints of conducting such course to the Ministry for addressing the issues. The SRFTI, did not take up the matter with the Ministry till date (January 2016). Thus, absence of effective action on the part of SRFTI resulted in failure to introduce regular short term course and diploma course on acting.

³ Sri Sougata Bhattacharya on 29 March 2011

11.3.3.2 Post Graduate course in Television

To set up a Centre for excellence in Television for offering two year post graduate diploma in six disciplines, SRFTI had sought (April 2012) from the MIB a lump sum amount of ₹ 23.66 crore. SRFTI had projected 31 March 2015 as the likely date of completion of the Centre. The MIB approved (November 2012) the proposal with a sanctioned amount of ₹ 8.64 crore only on lump sum basis. However, only in April 2014, SRFTI prepared master plan for the Centre and gave a list of building requirement to Civil Construction Works (CCW), MIB to present the estimates. CCW presented (September 2014) an estimate of ₹ 57.69 crore towards the total construction cost. As the estimate was much higher than the sanctioned grant, SRFTI decided (October 2014) to construct one small TV studio and three academic departments for running three courses instead of six. Audit, however, noted that both the works have not been started (October 2015). SRFTI stated (December 2015) that after the completion of the construction and availability of infrastructure, faculty and other resources full-fledged Television course can be started.

11.3.3.3 Captive TV project

SRFTI with the objective to provide training to the students on online telecasting engaged (March 2005) Broadcast Engineering Consultants India Private Limited for setting up Captive TV⁴. SRFTI, however, failed to provide dedicated TV studio required for Captive TV project. Consequently, equipments of Captive TV, for which an expenditure of ₹ 55.04 lakh had been incurred, was being utilized for showing movies till the year 2011 and later on it was used for making programme and hands-on training of students. Thus it did not fulfil its intended purpose till date (December 2015). SRFTI stated (December 2015) that the Captive TV equipments were used for academic project development and training as well. But the fact remained that the Captive TV project could not be utilized for intended purpose of online telecasting.

11.3.4 Inadequate teaching

As per the Bye-laws, academic load of lectures/tutorials/practicals of Assistant Professor and Lecturer per week was not less than 8 and 16 hours respectively. In July 2011, SRFTI re-designated the post of Lecturer and Assistant Professor as Assistant Professor and Associate Professor respectively. Test check of

⁴ A new concept to target specific audiences at local level

records⁵ revealed that most of the Assistant Professors and Associate Professors did not achieve the core load per week as stipulated in the Bye-laws as per details shown below.

- During the period from November 2012 to March 2013⁶, the average classes taken by eight out of ten Assistant Professors ranged between 0.93 and 14.9 hours per week while that by one out of four Associate Professors was 6.4 hours per week (rest of Assistant Professors and Associate Professors fulfilled minimum requirement of teaching hours).
- During the period from November 2013 to May 2014⁷, the average classes taken by all the Assistant Professors ranged between 0.5 and 7.08 hours per week while that by three out of four Associate Professors was between 0.07 and 1.94 hours per week (one Associate Professor fulfilled minimum requirement of teaching hours).
- During the period from December 2014 to July 2015⁸, one Assistant Professor and one Associate Professor did not take any class. The average classes taken by the remaining 10 Assistant Professors ranged between 2.68 and 10.90 hours per week while that by remaining three Associate Professors was between 5.20 and 5.76 hours per week.

SRFTI stated (December 2015) that calculation of teaching hours by audit was without considering practical supervision and mentoring which include at least 24 hours of practical training programme in the specialisations in each batch. The reply was not tenable as audit calculated the teaching hours based on the duration of academic programmes of faculties prepared by SRFTI which include both theory and practical session.

⁵ 1st semester + 3rd semester every year as these semesters carries maximum teaching load.

⁶ 1st semester of 11th batch and 3rd semester of the 10th batch were conducted during the period from November 2012 to March 2013

⁷ 1st semester of 12th batch and 3rd semester of the 11th batch were conducted during the period from November 2013 to May 2014

⁸ 3rd semester of the 12th batch was conducted during the period from December 2014 to July 2015. Admission for 13th batch was not done during 2014-15, hence there was no 1st semester for 13th batch during the period.

11.3.5 Adhocism in Evaluation

SRFTI conducted diploma courses in five disciplines for post graduate students. The courses are of three years' (six semesters) duration. SRFTI evaluates the progress of learning of students through year/semester end examination. Thereafter, passed students were promoted to the next year/semester. As per Bye-laws, a student was eligible for promotion to the next higher level on scoring a minimum of 40 *per cent* and above in written examination and minimum 50 *per cent* and above in each practical exercise/assignment/sessionals. Audit noticed discrepancies in assessment of students as discussed below.

- In 2nd semester examination of 10th Batch (Cinematography), 11 students scored less than the stipulated 40 *per cent* pass mark. SRFTI, however, promoted these students. SRFTI stated that marks of Presentation on black/white cinematography work were considered along with theory paper. This was in contravention of Bye-laws.
- Six students scored less than the stipulated 50 *per cent* marks in practical in 4th semester examination of 11th Batch (Editing). SRFTI promoted these students. SRFTI stated that all topics (workshop, participation, practical) were taken as one subject and students scored more than 50 *per cent*. Evidently, by doing so, SRFTI covered up the poor marks scored in practical paper in contravention of Bye-laws.
- Audit noted that one student did not submit sessional paper and another did not participate in workshop. They scored zero marks in the subject but SRFTI promoted these students to the next semester. The promotion of such students reflects on the quality of passed out students.
- In January 2013, Sound Recording & Design Department evaluated the answer sheet of Integrated Course. In April 2013, Examination Co-ordinator forwarded the mark sheet of students to the Tutorials Department. Audit observed that SRFTI recorded more marks in the marks sheets of three students than that awarded by department. SRFTI agreed (December 2015) with the audit point but did not correct the mistake.
- In January 2014, SRFTI published second year result of 9th Batch students pursuing Direction and Screenplay Writing. SRFTI calculated the percentage of marks scored by one student to be 60.95 *per cent* instead of

53.33 *per cent* actually scored. SRFTI agreed (December 2015) with audit point but did not correct the mistake.

- Academic Schedule for the 2nd year of 9th batch fixed 4 July 2012 as the date of declaration of result which was subsequently shifted to 3 June 2013. Audit noted that the professors of Cinematography department had submitted sessionals and theory papers to Shri Niraj Mohan Sahay, Assistant Professor in 2012 for reassessment. However, these materials were lost from the custody of Shri Sahay. SRFTI declared the results based on the preliminary assessment done by Cinematography department on 30 November 2013.
- Test check of records pertaining to evaluation of diploma films made by 203 students of different batches (3rd to 8th batch) revealed that 103 students scored the grading of ‘satisfactory’ or above. The remaining 100 students scored below ‘satisfactory’ grading. Such performance of students indicated that the teaching process in SRFTI needs to be reviewed. SRFTI stated that the issue might be placed for discussion at the Academic Council Meeting.

Thus, SRFTI had failed to achieve their stated objectives as it failed to introduce various courses viz undergraduate course for film and television, post graduate diploma courses in television and regular short term courses in films even after 20 years of its establishment. Two batches of students were skipped and number of seats remained vacant due to improper planning. SRFTI also did not execute academic activities properly as none of the batch was completed in prescribed time, lesser teaching hours by faculty and instances of gap in evaluation of performance of students were noticed in audit.

The matter was reported to the Ministry (November 2015); their reply was awaited (February 2016).