

THE CINE- WORKERS WELFARE CESS ACT, 1981

ACT NO. 30 OF 1981 [11th September, 1981.]

An Act to provide for the levy and collection of a cess on feature films for the financing of

activities to promote the welfare of certain cine- workers and for matters connected therewith or

incidental thereto.

BE it enacted by Parliament in the Thirty- second Year of the Republic of India as follows:--

1. Short title, extent and commencement.

(1) This Act may be called the Cine- workers Welfare Cess Act, 1981 .

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the

Official Gazette, appoint.

2. Definitions. In this Act, unless the context otherwise requires,--

(a) " cinematograph film" has the same meaning as in the Cinematograph Act, 1952 (37 of 1952

);

(b) " feature film" means a full length cinematograph film produced wholly or partly in India

with a format and a story woven around a number of characters where the plot is revealed mainly

through dialogues and not wholly through narration, animation or cartoon depiction and does not

include an advertisement film;

(c) " prescribed" means prescribed by rules made under this Act;

(d) " producer", in relation to a feature film, means,--

(i) the producer of such film; or

(ii) where the application for a certificate in respect of such film under section 4 of the

Cinematograph Act, 1952 (37 of 1952), is made by any other person, such other person.

3. Levy and collection of cess on feature films.- 1[

(1) There shall be levied and collected as a cess, for the purposes of the Cine-workers Welfare

Fund Act, 1981 , a duty of excise at such rate, not being less than one thousand rupees and not

exceeding twenty thousand rupees on every feature film, as the Central Government may, by

notification in the Official Gazette, specify from time to time.]

(2) The duty of excise levied under sub- section (1) shall be in addition to any cess or duty

leviable on cinematograph films under any other law for time being in force.

4. Payment of duty of excise.-

(1) The duty of excise levied under section 3 on any feature film shall be payable to the Central

Government by the producer of such film on or before the date on which he makes an application

for a certificate in respect of such film under section 4 of the Cinematograph Act, 1952 (37 of

1952): Provided that the producer of such film may apply to the Central Government for the

refund of the duty paid by him in respect of such film on the ground,--

(a) that an order refusing to grant any certificate in respect of such film has been made under

section 4, read with section 5A, of the Cinematograph Act, 1952 (37 of 1952);
and

(b) that he does not intend to appeal against, or seek revision of, such order,
or, as the case may

be, that the said order has been confirmed on appeal or revision under the said
Act: Provided

further that in case any certificate is granted under the said Act in respect of
any film after the

refund under the preceding proviso of the duty paid in respect thereof, the
producer shall be

liable to repay, within a period of seven days from the date of grant of such
certificate, to the

Central Government the duty so refunded.

(2) Simple interest shall be payable at the rate of twelve per cent. per annum,--

(a) by the Central Government on the amount of duty in relation to any film
refunded by it under

the first proviso to sub- section (1), from the date of the payment of such duty
till the date of

such refund;

(b) by the producer of a film on any amount of duty refunded to him under the
first proviso to

sub- section (1) and repaid by him to the Central Government under the
second proviso to that

subsection, from the date of such refund to the date of such repayment.

5. Crediting proceeds of duty to Consolidated Fund of India.- The proceeds of
the duty of excise

levied under section 3 shall be credited to the Consolidated Fund of India.

6. Power of Central Government to exempt.- Notwithstanding anything
contained in this Act, if

the Central Government, having regard to the content of a feature film, its technical quality and

other factors, is of opinion that it is necessary so to do, it may, by notification in the Official

Gazette and subject to such terms and conditions as may be specified in the said notification,

exempt such feature film from all or any of the provisions of this Act.

7. Penalty for non- payment of duty of excise.- If any duty of excise payable by the producer of a

feature film to the Central Government under section 4[including any duty of excise which has

been refunded but which is required to be repaid to that Government under the second proviso to

sub- section

(1) of that section] is not paid to that Government before the date, or, as the case may be, within

the period specified therein, it shall be deemed to be in arrears and the authority prescribed in

this behalf may, after such inquiry as it deems fit, impose on the producer, a penalty not

exceeding fifty rupees for every month during which the duty of excise is in arrears: Provided

that before imposing any such penalty, such producer shall be given a reasonable opportunity of

being heard and, if after such hearing, the said authority is satisfied that the default was for any

good and sufficient reason, no penalty shall be imposed under this section.

8. Recovery of amounts due under the Act.- Any amount due under this Act (including the

penalty, if any, payable under section 7) from any producer of a feature film may be recovered

by the Central Government in the same manner as an arrear of land revenue.

9. Protection of action taken in good faith.- No suit, prosecution or other legal proceeding shall

lie against the Central Government or any officer or other employee of the Central Government

for anything which is in good faith done or intended to be done under this Act or the rules made

thereunder.

10. Power to make rules.-

(1) The Central Government may, by notification in the Official Gazette, make rules for carrying

out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may

provide for--

(a) the assessment and collection of the duty of excise under section 3;

(b) the authority which may impose any penalty under section 7;

(c) any other matter which is required to be, or may be, prescribed.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before

each House of Parliament, while it is in

session, for a total period of thirty days which may be comprised in one session or in two or

more successive sessions, and if, before the expiry of the session immediately following the

session or the successive sessions aforesaid, both Houses agree in making any modification in

the rule or both Houses agree that the rule should not be made, the rule shall thereafter have

effect only in such modified form or be of no effect, as the case may be; so, however, that any

such modification or annulment shall be without prejudice to the validity of anything previously

done under that rule.