

No. M-11017/1/2023-DO(FC)
Government of India
MINISTRY OF INFORMATION AND BROADCASTING
'A' Wing, Shastri Bhavan, New Delhi-110 001.

Date: 3rd November, 2023

OFFICE ORDER

Subject: Nomination of Nodal Officers under section 79(3)(b) of the IT Act, 2000 read with rule 3(1)(d) of the Information Technology (Guidelines for Intermediaries and Digital Media Ethics Code) Rules, 2021, in respect to unlawful information prohibited under the Cinematograph Act, 1952- reg.

In pursuance of clause (b) of sub-section (3) of section 79 of the Information Technology Act, 2000 read with clause (d) of sub-rule (1) of rule 3 of the Information Technology (Guidelines for Intermediaries and Digital Media Ethics Code) Rules, 2021, the Central Government hereby designates the following officers in the Ministry of Information and Broadcasting and Central Board of Film Certification as the Nodal Officers for the purpose of issuing notification(s) to the intermediaries in respect to unlawful information as per clause (ii) of sub section (1B) of section 7 of the Cinematograph Act, 1952:

- i. Joint Secretary (Films), Director (Films), and DS (Films-1) in the Ministry of Information and Broadcasting, Government of India;
- ii. Chief Executive Officer and Regional Officer in the Central Board of Film Certification, Mumbai;
- iii. Regional Officers in regional offices of the Central Board of Film Certification (presently at Bengaluru, Chennai, Cuttack, Delhi, Guwahati, Hyderabad, Kolkata and Thiruvananthapuram).

2. The model format for notification of the intermediaries under clause (ii) of sub section (1B) of section 7 of the Cinematograph Act, 1952 read with section 79(3)(b) of the Information Technology Act, 2000 and rule 3(1)(d) of the Information Technology (Guidelines for Intermediaries and Digital Media Ethics Code) Rules, 2021 is enclosed at **Annexure** for reference.



3. This issues with the approval of the competent authority.


(Armstrong Pame) 3/11/2023

Director

Phone no. 011-23383374

To

I. Nodal Officers

1. Joint Secretary (Films), Director (Films), DS (Films-1) in the Ministry of Information and Broadcasting, Government of India.
2. Chief Executive Officer and Regional Officer in the Central Board of Film Certification, Mumbai.
3. Regional Officers/Additional Regional Officers in regional offices of the Central Board of Film Certification

II. Intermediaries (as per the list)

Copy for information to:

1. Secretary, Ministry of Electronics and Information Technology (MeitY) with the request to inform the intermediaries regarding the above for appropriate compliance as per the provisions of the Information Technology Act, 2000
2. PPS to Secretary, I&B/PPS to Additional Secretary, I&B

Annexure

No.
Government of India
Ministry of Information & Broadcasting
'A' Wing, Shastri Bhavan, New Delhi-110 001.

Date: , 2023

**NOTIFICATION FOR DISABLING ACCESS TO UNLAWFUL CONTENT IN
CONTRAVENTION OF CINEMATOGRAPH ACT, 1952**

Whereas, section 6AB of the Cinematograph Act, 1952 which provides that no person shall use or abet the use of an infringing copy of any film to exhibit to the public for profit at a place of exhibition which has not been licensed under this Act or the rules made thereunder; or in a manner that amounts to the infringement of copyright under the provisions of the Copyright Act, 1957 or any other law for the time being in force.

And whereas, clause (ii) of sub-section (1B) of section 7 of the Cinematograph Act, 1952 provides that the appropriate Government or its agencies may take suitable action against an intermediary as defined under clause (w) of sub-section (1) of section 2 of the Information Technology Act, 2000, where such intermediary acts in the manner as set out under sub-section (3) of section 79 of the said Act or any other law for the time being in force.

And whereas, on the basis of the complaint(s) received by the Ministry of Information & Broadcasting/Central Board of Film Certification, it has been found that infringing copy(ies), or part thereof, of cinematograph film(s) have been hosted on the following URL(s) (details at **Appendix**) hosted on the _____ intermediary platform in contravention of the section 6AB of the Cinematograph Act, 1952:

Sl. No.	URL
1.	
2.	
3.	
4.	
5.	
6.	

And whereas, rule 3(1)(d) of the Information Technology (Guidelines for Intermediaries and Digital Media Ethics Code) Rules, 2021 (hereinafter referred to as "IT Rules, 2021") provides that an intermediary, on whose computer resource the information is stored, hosted or published, upon receiving actual knowledge in the form of an order by a court of competent jurisdiction or on being notified by the Appropriate Government or its agency under clause (b) of sub-section (3) of section 79 of the Act, shall not host, store or publish any unlawful information, which is prohibited under any law for the time being in force in relation to the interest of the sovereignty and integrity of India; security of the State; friendly relations with foreign States; public order; decency or morality; in relation to contempt of court; defamation; incitement to an offence relating to the above, or any information which is prohibited under any law for the time being in force.

And whereas, rule 7 of the IT Rules, 2021 provides that where an intermediary fails to observe these rules, the provisions of sub-section (1) of section 79 of the Act shall not be applicable to such intermediary and the intermediary shall be liable for punishment under any law for the time being in force including the provisions of the Act and the Indian Penal Code.

Now therefore, in accordance with the above mentioned provisions of law, the intermediary _____ is hereby notified to remove and disable access to the concerned URLs within thirty-six hours of the issue of this communication without vitiating the evidence in any manner.

(Name)
(Designation)
(Organization)

To

(Name of Intermediary)

Email: