मानव संसाधन विकास मंत्रालय
उच्चश्रम विज्ञान (प्रतिनिधिकार)
अधिकृतता
नई दिल्ली, 14 अगस्त, 2015
सं. एफ. 16-4/2012-सीआरजी/विभि-एकक,—केन्द्र सरकार प्रतिनिधिकार अधिनियम, 1957 (1957 का 14). (एवंस्पष्टादि अधिनियम के रूप में उल्लिखित), दिन का अंश 33 की उप-धारा (4) द्वारा प्रत्येक स्थलीय अधिकार आयोग (आईपीआरएस) के प्रशासन में कथित अनिवार्यताओं की वांछन करने के लिए बच्चों अधिकारियों की नियुक्ति हेतु आदेश जारी करता है।

यदि, केन्द्र सरकार का मत है कि एवंस्पष्टादि अधिनियम का अर्थ 33 की उप-धारा (4) और प्रतिनिधिकार नियमादि, 2013 के नियम 50 के अनुसार भारतीय प्रशासन अधिकार सोशलिटी (एवंस्पष्टादि आईपीआरएस के रूप में उल्लिखित) में कथित अनिवार्यताओं की वांछन करने के उद्देश्य से अधिनियम की धारा 33 के अन्वरूण प्रवृत्ति अधिकारों के निर्देश के लिए परिवर्तित प्रतिनिधिकार सोशलिटी में एक बच्चों अधिकारियों की नियुक्ति करना आवश्यक है क्योंकि कथित अनिवार्यताएं अधिनियम और उसके अधीन बनाए गए नियमों की धारा 33, 34 और 35 के विरुद्ध प्रथम चर्चा उल्लिखित है।

और, पहले, अधिनियम और उसके अधीन बनाए गए नियमों का उल्लंघन करने हेतु लेखकों और रचनार्थकों को अवधि से लगते रायमिटियों का विवेक लेकर बाहर, आईपीआरएस द्वारा रायमिटियों के संबंध में लेखकों के लिए अवधि उप-अनुभवों से रायमिटियों को हानि पहुँचाना; आईपीआरएस ने फोटोग्राफिक प्रतिरूपांतर लिं. (एवंस्पष्टादि गाइडलाइन के रूप में उल्लिखित) द्वारा बाह्यिक अधिकारियों और स्थानीय रायमिटियों का अवधि अनुरूप करना, प्रतिनिधिकार सोशलिटी को अधिकार लेकर करने के अधिकार देना, जानी हृदयाका या आईपीआरएस तत्व अन्य निमीत, 2013 का पालन न करना;

और, दूसरे, प्रतिनिधिकार कार्यक्रम, उच्चतर विश्वविद्यालय, मानव संसाधन विकास मंत्रालय को आईपीआरएस के प्रशासन में अनिवार्यताओं की वांछन के लिए लेखकों और रचनार्थकों आईपीआरएस सदस्यों से बालक विकास सेवा के लिए प्राप्त हुई हैं;

और यदि, मानव संसाधन विकास मंत्रालय का प्रशासन ने आईपीआरएस द्वारा बनाए उच्चतर विश्वविद्यालय के साथ-साथ 27वीं फरवरी 2014 के आदेश द्वारा जाप अधिकारी की नियुक्ति को घोषित रहे हैं जो द अनिवार्य रिट वायरियंश एंड 1499/2014 और 1529/2014 दस्तावेज में दी गई थी,
2. The Gazette of India : Extraordinary [Part I—Sec.1]  

MINISTRY OF HUMAN RESOURCE DEVELOPMENT
(Department of Higher Education)

(COPYRIGHT DIVISION)

NOTIFICATION

New Delhi, the 14th August, 2015

No. F. 16-4/2012-CRB/Leg.Unit.—In exercise of the powers conferred under clause 4 of section 33 of the Copyright Act, 1957 (14 of 1957), (hereinafter referred to as the Act), the Central Government hereby issues an order of appointment of Inquiry Officer to inquire into alleged irregularities in administration of the Indian Performing Rights Society (IPRS):

Whereas the Central Government is of the opinion that it is necessary to appoint an Inquiry Officer under clause (4) of section 33 of the Act and rule 50 of the Copyright Rules, 2013 for the purpose of making an enquiry into alleged irregularities in the Indian Performing Right Society (herein after referred to as the IPRS), a Copyright Society to manage performing rights registered under section 33 of the Act, as the alleged irregularities are prima facie violations against the section 33, 34 and 35 of the Act and the Rules framed thereunder;

And, whereas, non-distribution of royalties to authors and composers by imposing illegal conditions in violation of the Act and the rules framed thereunder; illegal sub-licensing of collection of royalties by IPRS by causing loss of revenue; illegal transfer of mechanical rights and ringtones royalties by IPRS to Phonographic Performance Limited (herein after referred to as the PPL), a copyright society to manage sound recording rights; forgery of signatures or misrepresentation by IPRS administration to the Ministry and reasons for non-compliance of the Copyright Rules, 2013 by IPRS for its re-registration;

And, whereas, the Copyright Office, Department of Higher Education, Ministry of Human Resource Development has received many complaints from author and composer members of IPRS to inquire into irregularities in the administration of IPRS;

And, whereas, Hon'ble Bombay High Court has dismissed two Civil Writ Petitions 1499/2014 and 1529/2014 filed by the IPRS challenging, inter alia, the order dated 27th February, 2014 appointing an Inquiry Officer against it, with observations “In view of the above, we are not inclined to entertain the petitions in so far as the petitioner has challenged the order dated 27th February, 2014 regarding formation of prima facie opinion by the Government of India that, it is necessary to conduct an enquiry against the petitioner society in respect of the alleged violations of the Act and the rules. The Government of India is yet to take a final decision in the matter. We are, therefore, of the view that the petitions are premature and liable to be dismissed on this ground”.

2. Now, therefore, in exercise of the powers conferred by sub-section (4) of section 33 of the Act and rule 50 of the Copyright Rules, 2013, the Central Government hereby appoints DR. Y.P.C. Dangey, a retired Joint Secretary and Legal Advisor, Department of Legal Affairs, Ministry of Law and Justice, Government of India as an Inquiry Officer to inquire into the alleged irregularities in administration of IPRS. Under sub-rule (2) of rule 51 of the Copyright Rules, 2013, the Inquiry Officer may engage an Account Consultant and may also engage a Legal Assistant to assist him in the enquiry.

3. The terms of reference of the enquiry are as follows:-

(i) to inquire into non-distribution of royalties to authors and composers by imposing illegal conditions in violation of the Act and the rules framed thereunder, illegal transfer of mechanical rights and ringtones royalties by IPRS to Phonographic Performance Limited, a copyright society to manage sound recording rights; forgery of signatures or misrepresentation by IPRS administration to the Ministry and reasons for non-compliance of the Copyright Rules, 2013 by IPRS for its re-registration;

(ii) in case of non-co-operation from IPRS with the Inquiry Officer, within 15 days of commencement of the enquiry to suggest to the Central Government appropriate course of action regarding the issue of registration of IPRS and also to suggest as to whether an administrator has to be appointed in IPRS during the period of enquiry;

(iii) to suggest measures to improve the administration of IPRS;

(iv) to suggest as to whether an inquiry has to be constituted against the Phonographic Performance Limited, a Copyright Society registered under section 33 of the Act, also for its alleged role in irregularities in administration of IPRS;

(v) However, while making such recommendation, the Inquiry Officer has to examine the aspect of an order dated 13th September, 2013 passed by Hon'ble Delhi High Court in WPC No. 5829/2013 (PPL vs MHRD and others) directing the petitioner (PPL) "in the meanwhile, the petitioner need not participate in the proceedings pursuant to two Memorandums dated 31.05.2013 at pages 25 and 26 of the paper book issued by the Special Officer, Copyright in the Copyright Division of the Department of Higher Education, Ministry of Human Resource Development;
4. While conducting the enquiry, the Inquiry Officer shall derive his powers and additional powers under sections 4 and 5 of the Commissions of Inquiry Act, 1952 and shall have the powers of a civil court, while trying a suit under the Code of Civil Procedure, 1908.

5. During currency of the enquiry, the Inquiry Officer and his team members shall remain protected under section 9 of the Commissions of Inquiry Act, 1952 and no suit or other legal proceeding shall lie against them in respect of anything which is in good faith done or intended to be done in pursuance of this enquiry.

6. The terms and conditions of appointment of the Inquiry Officer including Account Consultant and Legal Assistant shall be in accordance with the sanction order issued separately for the purpose.

7. The Inquiry Officer shall submit his report to the Central Government as soon as possible, but not later than three months from the date of first sitting. However, if considered necessary by the Central Government the said period of three months may be extended further in accordance with sub-rule (3) of rule 51 of the Copyright Rules, 2013.

8. The Inquiry Officer may, if deemed necessary, make an interim report to the Central Government before the said date on any of the matters mentioned in paragraph-2 above.

9. The Headquarters of the Inquiry Officer shall be at New Delhi. However, if deemed necessary, the Inquiry Officer and his team may visit any place within the country in pursuance of the enquiry.

10. This Notification being issued in supersession of the earlier administrative orders of even number dated the 27th February, 2014 and 18th June, 2014 respectively.

S. P. GOYAL, Jt. Secy.