

## MISCELLANEOUS

### 1. Valuable Documents

All important documents, contracts, agreement, deeds and bonds which are duly signed and sealed and contracts which are current over a long period should be kept in the personal custody of the Head of the Office and authenticated working copies retained for use on files.

Agreements, contracts etc. entered into by the Head of Office/ Kendra and such other valuable documents may be kept in the custody of the Head Office. If necessary, the Head of Office may entrust their custody to a junior scale Group A officer. A register of valuable documents should be maintained by the officers concerned wherein all the documents taken possession of by him/ her entered under attestation. The documents should be physically verified once a year and also at the time of change of incumbent of the post. The receipt of the incoming officer should be obtained in a register,

(Authority: Min. of Finance O.M. No. F 1 (15) E Coord 62 dt 25.11.62 dt. on the line of DG, AIR, endt No. 7/11/62 Scor II dt. 22.1.63)

Note: All the agreements, contracts, lease deeds, conveyance deeds and other documents relating to the projects entered into by the chief Engineer but which form a permanent record of the Kendras should be handed over to head of the office concerned for safe custody at the time the installation is handed over for regular working.

[Authority: On the line of DG, DGAIR Letter No. 29(2)60-D2(s) dt. 16.1.1964.

### 2. Security Arrangements

The Heads of Kendra/ Office and other senior officers should carry out occasional surprise checks on the watch and ward arrangements at the various centres attached to the Kendras/ Officers at odd hours and log their visits and result in a register in form

Doordarshan A-34. Severe disciplinary action should be taken against members of the watch and ward who are found to be defaulters.

Chowkidars should be provided with the following articles for the proper discharge of their duties.

- (i) Lathi with one metallic end.
- (ii) A whistle.
- (iii) A torch.

### **3. Copy Right and Royalties**

The question of Doordarshan's copyright, arises in the case of the following contracts:

- a) Music: classical, light and folk music: Subsequent royalty/ telecast fee is due as per rules laid down in All India Radio. The fee to music artists in Doordarshan is paid on the basis of fee fixed by AIR Plus 50% of the fee for visual appearance.
- b) Speech/ Interviews/ Discussions/ short stories: No subsequent telecast/ royalty fee in these contracts is due where the fee is being paid covering subsequent telecast rights according to the latest fee structure circulated by Directorate Doordarshan effective from 1st November, 1985.
- c) Film: The contract covers first telecast right from Doordarshan Kendra with a provision of repeat telecast on subsequent royalty/ telecast fee.

For the first repeat telecast of any film on national network of Doordarshan, payment will be made @ 70% of the rates payable for first telecast. For second and subsequent repeats the rate of payment will be 50% of the rates payable for the first telecast.

The above rates will also be applicable for regional feature films telecast in colour on national network of Doordarshan.

Hindi and regional feature films will be paid 25% less of the above rates if telecast is in B & W on the national network of Doordarshan.

**d) Tele-films:**

i) Where Doordarshan is financier, complete re-telecast rights vest in Doordarshan. However, video and theatre exhibition rights will be with the Producer.

ii) In case of tele- film sponsored by outsider Doordarshan has rights to exhibit only once. There is no right for repeat telecast.

e) Sponsored Programmes: A sponsored programme may be repeatedly telecast free of charge by providing the credit line of the sponsor at the end.

f) Compositions of authors: Forms DD-P8, P9 and P10: These forms provide for the requisitioning of rights from the authors in their composition, individual, of past and future, as well as published once for (i) telecast relay or permission to relay (ii) the supply of their cassette to other telecast organisations for telecast and (iii) publication. In cases of individual composition contracted under P8 the publication rights will be exclusive of Doordarshan for period of 3 months immediately following the date of first telecast or of the acceptance of the contract and, thereafter, concurrent to Doordarshan and the author concerned. In the cases of past and future as well as published composition, Doordarshan shall have the right to publish them or any part(s) thereto in Doordarshan journals and publications.

The payment is either for (i) grant of rights at a rate payable for each telecast or (ii) assigning rights for a prescribed period of years which is less than the term of the copyright, for a lump sum payment or (iii) assigning them for all the time so far as it is assignable by law for a lump sum payment.

In the event of Doordarshan's requiring any programme for which an agreement has been entered into between Doordarshan and the author on any of these forms for making cassettes for sale to public, existing contracts would be suitably modified at the time of signing the contract. In case it is not done at the early stage, either the old contract would have to be endorsed or a fresh one executed.

g) Supply of texts and Tunes of Traditional Folk Songs (DD-PII): This form is devised to obtain texts and tunes of traditional folk songs from persons who have

collected them but not published them. Only fees should be paid in these cases and the expenditure debited to "Royalties:"

These contracts could be signed by the Director, the Assistant Station Director or the Programme Executive on behalf of the President with reference to powers delegated to him, vide Para 3 of section 10 of Doordarshan Manual Volume 1.

Payment made to outside organisation for relaying/ telecasting their programmes by Doordarshan should be debited to the head "Royalties". These organisations should be contracted in form DDP 12.

A formal agreement is to be entered into only in respect of these functions where Doordarshan is satisfied that there is proper justification for such payments.

In case where an outside organisation does not accept the terms and conditions of clause (1) of the contract, the sub-clause to this clause will be omitted from the agreement form and recording of the programme will not be telecast.

The expenditure on account of telecast of films records of individual film producers with whom contracts have been entered into by the Directors should also be classified under "Royalties'.

For further details regarding the principles of law relating to copyright, with particular reference to telecasting the "Copyright Manual' may be referred to.

#### **4. Payment of dues for use of work/ recordings of deceased Authors/ Artists**

The following procedure should be observed for payment of dues of deceased authors/ artists:

- i) The parent Kendra will send out an intimation to all the Kendras and the Directorate about the date of demise and the exact position in regard to legal succession etc.
- ii) On receipt of the above information, Dendras which have utilized the works. recordings of the deceased will forthwith intimate to the parent Kendras the amounts which have become due up to the dated of demise.

iii) The kendras will continue to telecaste the works/ recordings but will withhold payment till they are informed of the completion of legal formalities connected with succession. During January each year, the utilising Kendras will intimate to the parent Kendras the amounts due from them for the preceding year.

iv) The parent Kendras will initiate action to obtain from the known legal heir a Succession Certificate entitling him to receive the amounts due to the deceased for past telecasts and/ or future telecasts.

v) The parent Kendras will intimate to the above mentioned legal heir the consolidated amount which has accrued up to the dated of demise, from all the Kendras of Doordarshan, as it may be required by him in connection with the Succession Certificate.

VI) Where instead of a Succession Certificate authoring the payment due as well as the future payment the heir furnished the Indemnity Bond, Letter of Administration etc, the case will be referred to the Directorate before any payments are released.

VII) Where the Succession Certificate/ Letter of Administration/ Indemnity Bond entitles the heir to receive the past dues only a fresh authorisation should be necessary each time payments fall due. This fact should be brought to the notice of the heir so that he may, if possible, obtain a certificate that includes past as well as future payments.

Note: It has been decided in consultation with the Ministry of Law that a general nomination in the following form may be obtained by the Kendra from the artists/ authors with whom the contracts subsist at the moment or with whom the contract may entered in to hereafter.,

" I here by nominate the person(s) mentioned below to receive, in the event of my death, in the proportion specified below, the amount, that will become due to me from the Doordarshan under the terms of the agreements subsisting between me and the Doordarshan on the date of my death". Two persons should be witnessed the nomination.

The copyright of talk(s)/ discussion/interview telecast by Doordarshan under DD P1 Contract, vests exclusively in Doordarshan for a period of three months immediately following the date of the first telecast. In the case telecaster himself or any other party applies for permission to publish the talk(s) within this period, the permission can be granted without charging any royalty, but subject to the following conditions:

(i) The permission to publish is availed of within a specified date, namely within three months of the date of telecast after which it will lapse automatically, and that it is agreed that Doordarshan will stand reimbursed in case of any adverse claims in this behalf.

(ii) The name and monogram of Doordarshan are not to be reproduced on the publication nor are the talkers/publishers to do anything which might imply that publication is in any way official.

(iii) Doordarshan would not take part in the sale, distribution or advertisement of the publication.

(iv) Two copies of the publication should be sent to Doordarshan for reference and record.

2) After the lapse of three months from the date of telecast of the talk the copyright reverts to the talker/ telecaster. Doordarshan, however, enjoys concurrent rights for its own use as set out in Contract Form DD P1 Clause 4. The question of the author requesting Doordarshan permission for publication does not arise in the case. In case any other party requests for permission for publication of the talk(s), it should be referred to the talker/telecaster to seek permission/settle terms for the publication of the talk concerned directly, as Doordarshan is not concerned.

In case of plays, poems, short stories and other writings covered by the Royalty contracts, the applicant should apply for permission to the author or composer.

## **5. Unsolicited Scripts/ Recordings**

The register of unsolicited scripts/ recordings may be maintained at each Kendra to watch the progress of disposal of receipts. The register of unsolicited scripts/ recordings may be maintained at kendras/ offices in the form DD P48.

## **6. Publication of works by members of Doordarshan (Govt. servants and staff artists)**

Adequate provision exists in the C.C.S. (Conduct) Rules 1964 for regulation of the writing of purely literary, artistic or scientific character. Provision of these rules (Especially rules 8,9 & 15) may be brought to the notice of all officers/staff of the Kendras/ offices.

A note is, however, to be issued to all newly appointed employees (other than the members of C.S.S. Ministerial, Engineering or Class D services), in the form shown in Annexure VI of Doordarshan Manual Volume- 1. These instructions also apply to staff artists of Doordarshan.

[Authority: Min. of I&B Memo. No. 21(188) 61-B-(A) dt. 18.4.62 DG, AIR Memo. No. 12/107/61/ /Scor. dt, 23.6.62.]

7. All financial sanctions and orders issued by a competent authority shall be communicated to the Audit Officer and/ or the Accounts Officer, as the case may be, in accordance with such procedure as may be prescribed by general or special orders.

### **Government of India's decision:**

The following procedure is laid down for the communication of financial sanctions and orders:-

- (i) All financial sanctions and orders issued by a subordinate authority within its own financial power should be communicated by that authority directly to the Audit Officer and/ or the Accounts Officers as the case may be.

- (ii) All financial sanctions issued by a Department of the Central Government which relate to a matter concerning the Department proper and on the basis of which payment is to be authorised by the Audit Officer or the Accounts Officer concerned should be addressed to him. In other cases, that is, where no payment is to be authorised but the sanction is required by the Audit Officer or the Account Officer concerned to fulfil his post audit responsibilities (e.g. sanction for the grant of advances to non-gazetted Government servants, sanction for the creation of non gazetted posts; sanction for the write off of losses etc). the sanction should be accorded in the form of an order which need not be addressed to any authority/but a copy of such order should be endorsed to the Audit Officer or the Accounts Officer concerned. A similar procedure should be followed in the case of sanction issued by Head of Deptt. in respect of their own establishments.



A Specimen order is given below:-

**Specimen Order**

No. ....

Government of India

Directorate General: Doordarshan.

Dated New Delhi, the .....

**ORDER**

The Director General, Doordarshan, is pleased to accord sanction

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Sanction of the Director General, Doordarshan, is hereby accorded under rule 10 read with Schedule VII of DFP Rules 1958 to the write off of irrecoverable loss of Rs. .... p..... (Rupees ..... and Paise ..... only) being the value of the following articles belonging to the Directorate:-

Rs. .... P. ....

(i) .....

(ii) ..... Rs. ....P.....

Total Rs. .... P .....

2. It is certified that the loss of the above articles did not disclose a defect of the system, the amendment of which required the orders of the higher authority and that there has not been any serious negligence on the part of any individual officer or officers which calls for disciplinary action requiring the orders of any higher authority.

for Director General

Copy forwarded to:

1. The Pay & Accts. Officer
2. ....
3. ....

[Min. of Finance O.M.No. F. 11(23) EII (A)/59 dated the 7th July, 1959, and 7th Nov. 1959, DG, AIR Endorsment No. 18(11) A&G/59, dated the 9th September, 1959].

Note: Separate sanctions should be issued in respect of Gazzetted and non- gazetted staff.

[Min. of Finance O.M. No. F 12(202) Est. 1/54 dated the 20th May, 1954, DG, A/R, Endorsement No. 7(42) 58 Scor, dted 5th April, 1958.]

## **8. Recoveries from allottees of Government Quarters for consumption of Water and Electricity.**

Recoveries made in cash on account of water and electricity charges should be entered in a Register (in form Doordarshan A 36) to watch the proper disposal of the money collected.

[Authority: on the line of DG, AIR Memo No. 6/2-4/58 IU dated 20.12.58 and 12.8.59]

## **9. Local Audit by the Accountant General**

An officer from the Accountant General's office with the test Audit Staff periodically inspects the accounts of the Kendra. The monthly accounts and the proforma accounts compiled by the office for the Kendra are checked and certified by the Audit staff. Replies to the rough notes of the audit party should be given in writing.

## **10. Inspections**

(i) Periodical inspections of the records of Kendra/ office is conducted by the Internal check organisation of the Principal Accounts Office.

(ii) Periodical departmental inspections of the Kendra should be made by the Deputy Director General or other Senior Officer. The working of the Kendra in all its detail should be examined and a report issued containing necessary instructions for guidance.

## **10. Annual Report by Head of Office**

The Head of the office should at the end of each calendar year, send a brief objective report assessing the work of the office to the Directorate (ADG) by name by the 31st Jan. of the next year. The report should be in two parts. Part I should be briefly with the notable achievements of and progress made by the Kendra/ Office. Part II should

draw attention to the main problems faced by the Station/ Office. A copy of the entire report may be endorsed to the Chief Engineer concerned.

[Authority: On the line of DG, AIR, Memo No. 5(IVO-1/ 69IU dated 3rd July. 1969, and 8th September 1969.]