

**(2016) 02 DEL CK 0245**

**In the Delhi High Court**

**Case No :** W.P.(C) 610/2013, CM Appl. 1155/2013, W.P.(C) 5312/2013, CM Appl. 11898/2013, W.P.(C) 9323/2015 and CM Appl. 21595/2015

Puran Multimedia Ltd. and Others

APPELLANT

Vs

Union of India and Others

RESPONDENT

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**Date of Decision :** 11-02-2016

**Acts Referred:**

Copyright Act, 1957 — Section 11(1)

**Citation :** (2016) 1 MIPR 342

**Hon'ble Judges :** Manmohan, J.

**Bench :** Single Bench

**Advocate :** Ashish Verma and Rahul Malhotra, Advocates, for the Appellant;  
Amit Mahajan, CGSC and Krishanu Barua, Advocate, for the Respondent

**Final Decision :** Disposed Off

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## **Judgement**

Manmohan, J.—1. The present batch of three writ petitions had been filed nearly three years ago seeking reconstitution of the Copyright Board.

2. Today, learned counsel for the Union of India in W.P.(C) 5312/2013 has handed over a photocopy of the affidavit dated 09th February, 2016 filed by the Deputy Registrar of Copyrights. The relevant portion of the said affidavit reads as under:-

"2. That earlier, with approval of Hon''ble the Chief Justice of India in terms of Rule 3(2)(iv) of the Copyright Rules, 2013, the name of Mr. Justice C.V. Ramulu (Retd.) was finalized to be appointed as the Chairman, Copyright Board. However, Justice Ramulu has finally declined to accept the offer of appointment as Chairman, Copyright Board in view of his selection at some other post in Telangana, his home state.

3. That in the meanwhile, Hon''ble High Court of Judicature at Madras has passed an interim order in MP Nos. 1&2 of 2015 and in WP No. 6604/2015 South India Music Companies v. UOI & ors. on 30.03.2015 directing Ministry of H.R.D.

(Department of Higher Education) to not to fill up the post of Chairman or the Members without following the consultative mechanism and procedure as observed in the Judgment dated 10.03.2015/18.03.2015 passed in WP No. 1256/2011, Shamnad Basheer v. UOI and others. In view of the above judgment, this Ministry has to review and amend some of the rules under the Copyright Rules, 2013 pertaining to the appointment of Chairman and Members, Copyright Board. Also, there is some inadvertent error in rule 3(1)(a)&(b) of the Copyright Rules, 2013 while prescribing the maximum age limit for appointment at the posts of Chairman and Members. This discrepancy is also to be removed by revising said rules before making fresh efforts for appointment against two posts.

4. That a proposal to make necessary amendments in the Copyright Rules is currently under consideration of the Central Govt. and it may take some more time before the rules are finally amended and notified. After the said amendments in the Rules, the Central Government may take fresh steps to reconstitute the Copyright Board in terms of Section 11(1) of the Copyright Act, 1957 r/w Rules 3 of the Copyright Rules, 2013."

3. The aforesaid affidavit does not disclose as to what steps have been taken post 30th March, 2015.

4. In fact, this case discloses a sad state of affairs inasmuch as despite amendment to the Copyright Act in 2012, the Copyright Board has not been constituted till date.

5. Consequently, this Court directs the Secretary, Department of Higher Education, Ministry of Human Resource and Development to ensure that the Chairman of the Copyright Board is appointed within a period of twelve weeks.

6. In the event, the appointment process is not completed within the stipulated period, the Secretary, Department of Higher Education, Ministry of Human Resource and Development shall be personally present in Court on the next date of hearing.

7. List on 31st May, 2016.