

Cinematograph (Amendment) Bill, 2021

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In news

The recently proposed bill has kicked up a storm with filmmakers criticising a provision which allows the Government to order re-certification for a film already certified by the Central Board of Film Certification (CBFC).

Key amendments

The Ministry of Information and Broadcasting proposed to introduce the Cinematograph (Amendment) Bill, 2021 which will make the process of sanctioning of films for exhibition more effective, in tune with the changed times and curb the menace of piracy. Key changes are:

- The provisions relating to certification of films under “unrestricted public exhibition” category are proposed to be amended so as to sub-divide the existing UA category into age-based categories like U/A 7+, U/A 13+ and U/A 16+
- Amendment of sub-section (3) of section 5A regarding ‘Validity of certificate’
- Amendment of sub-section(1) of section 6 regarding ‘Revisional powers of the Central Government
- Insertion of new section 6AA – Prohibition of unauthorized recording
- Insertion of new sub-section 1A in section 7 – Penalties for contravention of this par
- The draft Bill also includes provisions to penalise film piracy with jail term and fine, and introduce age-based certification.

Details of the provisions

The Bill acknowledges the existing Supreme Court order that the Government cannot exercise revisional powers on films already certified by the CBFC.

It further says that “sometimes complaints are received against a film that allude to violation of Section 5B(1) of the Cinematograph Act, 1952 after a film is certified”, on which the Government now has no powers of intervention.

The newly added clause reads – “Since the provisions of Section 5B(1) are derived from Article 19(2) of the Constitution (reasonable restrictions on freedom of speech) and are non-negotiable, it is also proposed in the draft Bill to add a proviso to sub-section(1) of section 6 to the effect that on receipt of any references by the Central government in respect of a film certified for public exhibition, on account of violation of Section 5B(1) of the Act, the Central government may, if it considers it necessary so to do, direct the chairman of the board to re-examine the film”.

Supreme Court & High Court orders in this regard

In November 2000, the Supreme Court had upheld a Karnataka High Court order which struck down the Centre’s “revisional powers in respect of films that are already certified by the Board”.

Karnataka High Court had “stated that the Central Government cannot exercise revisional powers in respect of films that are already certified by the Board

Criticisms

The provision of re-certification for a film already certified by the CBFC is now being seen as the coming into force of a ‘super censor’, adding one more layer of censorship to the already existing process.

Coming two months after the Government decided to dissolve the

Film Certification Appellate Tribunal (FCAT), a body which used to hear appeals of filmmakers aggrieved by CBFC orders, the move could be a further curb on freedom of expression, opine filmmakers.

Expert Committees

- An Expert Committee under the Chairmanship of Justice Mukul Mudgal was constituted in 2013 to examine the issues of certification under the Cinematograph Act, 1952.
- Another Committee of Experts was set up under the Chairmanship of Shri Shyam Benegal in 2016 to evolve broad guidelines for certification within the ambit of the Cinematograph Act and Rules.

Cinematograph Act, 1952

- The Cinematograph Act, 1952 (the Act), ensures that films fulfil the objectives prescribed by law.
- It provides for the establishment of a Central Board of Film Certification.
- Section 3 of the Act empowers the Central Government to constitute a Board of Film Censors.
- The Cinematograph Act, 1952, provides for the certification of films under three categories: unrestricted public exhibition or U, parental guidance required for children under 12 or U/A, and adult films.

Extra

reading:

<https://journalsofindia.com/film-certification-appellate-tribunal/>