

Film certification appellate tribunal

April 8, 2021

In news : Ministry of Law and Justice has dissolved the Film Certification Appellate Tribunal (FCAT) with an ordinance, recently

Key updates

The Tribunals Reforms (Rationalisation And Conditions Of Service) Ordinance, 2021, which came into effect on April 4, amends the Cinematograph Act, 1952 by omitting some sections and replacing the word “Tribunal” with “High Court” in other sections. In effect, filmmakers will now have to approach the High Court with appeals they would have earlier filed with the NCAT.

About Film Certification Appellate Tribunal (FCAT)

- FCAT was introduced in 1983 as a statutory body constituted vide Section 5D of the Cinematograph Act, 1952 (37 of 1952) by the Ministry of Information and Broadcasting, Government of India.
- It had its headquarters in New Delhi.
- **Role:** Tribunal’s main job was to hear appeals filed under Section 5C of the Cinematograph Act, by applicants for certification aggrieved by the decision of the Central Board of Film Certification (CBFC).
- After CBFC’s order, the filmmakers distressed by the decision of the CBFC will have to approach the high court directly, instead of the FCAT for the redressal of their grievances.
- On several occasions when a filmmaker or producer has not been satisfied with the CBFC’s certification, or with a denial, they have appealed to the FCAT. And in many cases, the FCAT has overturned the CBFC decision.

- **Composition:** The tribunal was headed by a chairperson and had four other members, including a Secretary appointed by the Government of India to handle

Important decisions of FCAT

- **Lipstick Under My Burkha:** In 2017 this film had been denied certification on the ground that it was “lady-oriented” and the director of the film appealed to the FCAT, following whose ruling some scenes were cut and the film was released, with an ‘A’ certificate
- **The Messenger of God (2015):** The film features the controversial Gurmeet Ram Rahim Singh Insan of Dera Saccha Sauda. The CBFC had denied it a certificate. The FCAT cleared the film for release.
- **Haraamkhor (2015):** The film revolves around the relationship between a schoolteacher and a young female student. It had been denied certification by the CBFC for being “very provocative”. The FCAT cleared the film and said it was “furthering a social message and warning the girls to be aware of their rights”.
- **Kaalakandi (2018):** The CBFC suggested 72 cuts to the film. The filmmakers appealed to the FCAT, following which the film got a U/A rating, with only one cut.

Who will play the role of FCAT?

With the abolition of FCAT, filmmakers will now have to approach the High Court whenever they want to challenge a CBFC certification, or lack of it.

CBFC and its role

In India, all films must have a CBFC certificate if they are to be released theatrically, telecast on television, or displayed publicly in any way. The CBFC consists of a Chairperson and 23 members, all appointed by the Government of

India certifies films under four categories:

- U: Unrestricted public exhibition (Suitable for all age groups)
- U/A: Parental guidance for children under age 12
- A: Restricted to adults (Suitable for 18 years and above)
- S: Restricted to a specialised group of people, such as engineers, doctors or scientists.

The CBFC can also deny certification of a film.