

THE CINEMATOGRAH (AMENDMENT) BILL, 2023

Relevant for: Developmental Issues | Topic: Government policies & interventions for development in various Sectors and issues arising out of their design & implementation incl. Housing

- The Cinematograph (Amendment) Bill, 2023 was introduced in Rajya Sabha on July 20, 2023. The Bill amends the Cinematograph Act, 1952. The Act constitutes the Board of Film Certification for certifying films for exhibition. Such certifications may be subject to modifications/deletions. The Board may also refuse the exhibition of a films.
- **Additional certificate categories: The Bill adds certain additional certificate categories based on age. Under the Act, film may be certified for exhibition: (i) without restriction ('U'), (ii) without restriction, but subject to guidance of parents or guardians for children below 12 years of age ('UA'), (iii) only to adults ('A'), or (iv) only to members of any profession or class of persons ('S'). The Bill substitutes the UA category with the following three categories to also indicate age-appropriateness: (i) UA 7+, (ii) UA 13+, or (iii) UA 16+. The age endorsement within the UA category by the Board will inform guidance of parents or guardians, and will not be enforceable by any other persons other than parents or guardians.**
- **Separate certificate for television/other media: Films with an 'A' or 'S' certificate will require a separate certificate for exhibition on television, or any other media prescribed by the central government. The Board may direct the applicant to carry appropriate deletions or modifications for the separate certificate.**
- **Unauthorised recording and exhibition to be punishable: The Bill prohibits carrying out or abetting: (i) the unauthorised recording and (ii) unauthorised exhibition of films. Attempting an unauthorised recording will also be an offence. An unauthorised recording means making or transmitting an infringing copy of a film at a licensed place for film exhibition without the owner's authorisation. An unauthorised exhibition means the public exhibition of an infringing copy of the film for profit: (i) at a location not licensed to exhibit films or (ii) in a manner that infringes upon the copyright law.**
- Certain exemptions under the Copyright Act, 1957 will also apply to the above offences. The 1957 Act allows limited use of copyrighted content without owner's authorisation in specified cases such as: (i) private or personal use, (ii) reporting of current affairs, or (iii) review or critique of that work.
- The above offences will be punishable with: (i) imprisonment between three months and three years, and (ii) a fine between three lakh rupees and 5% of the audited gross production cost.
- **Certificates to be perpetually valid: Under the Act, the certificate issued by the Board is valid for 10 years. The Bill provides that the certificates will be perpetually valid.**
- **Revisional powers of the central government: The Act empowers the central government to examine and make orders in relation to films that have been certified or are pending certification. The Board is required to dispose matters in conformance to the order. The Bill removes this power of the central government.**

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