



Censorship of Films in India

Why in News

The **Ministry of Information and Broadcasting** has recently sought public comments on its **draft Cinematograph (Amendment) Bill, 2021**, which proposes to bring back its “**revisionary powers**” over the [Central Board of Film Certification](#).

- The new Bill will also “make the process of sanctioning of films for exhibition more effective, in tune with the changed times and curb the menace of piracy”.

Key Points

▪ **Background:**

- The [Supreme Court of India](#) (SC) in November 2000, 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**”.
- However, the SC had **opined that the Legislature may, in certain cases, overrule or nullify the judicial or executive decision** by enacting an appropriate legislation”.

▪ **Provision of Draft Cinematograph (Amendment) Bill, 2021:**

- **Granting Revisionary Powers:** The government on account of violation of **Section 5B(1) of the Cinematograph Act, 1952** can order for “re-examination” by the certification board of an already certified film, following receipt of complaints.
 - **Section 5B(1)** deals with the **principles for guidance in certifying films**. It is **derived from Article 19(2) of the Constitution** and is non-negotiable.
 - Under **Section 6 of the existing Cinematograph Act, 1952**, the Centre is already empowered to call for the record of proceedings in relation to certification of a film and pass any order thereon.
 - The Central Government, if the situation warranted, **has the power to reverse the decision of the Board**.
- **Sub-division of Existing UA Category:** The provisions relating to certification of films under “unrestricted public exhibition (U/A)” 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+**.
- **Film Piracy:** In most cases, illegal duplication in cinema halls is the originating point of piracy. At present, there are no enabling provisions to check film piracy in the Cinematograph Act, 1952. The draft Bill proposes to **insert Section 6AA** which prohibits unauthorised recording.
 - **Punishment for Piracy: Section 6AA** of the draft legislation makes piracy a punishable offence.
 - The punishment of **imprisonment for a term upto three years** and with a fine which shall not be less than Rs 3 lakh but which may extend to 5% of

the audited gross production cost or with both.

- The recommendations of the **Justice Mukul Mudgal Committee of 2013** and the **Shyam Benegal Committee of 2016** had also been considered while drafting the legislation.

▪ **Central Board of Film Certification (CBFC):**

- It is a **statutory body** under the **Ministry of Information and Broadcasting**, regulating the public exhibition of films under the provisions of the **Cinematograph Act 1952**.
- The Board consists of **non-official members** and a **Chairman** (all of whom are appointed by Central Government) and functions with **headquarters at Mumbai**.
- Films can be publicly exhibited in India (on cinema halls, T.V. channels) only after they have been certified by the Central Board of Film Certification.
- **At present, films are certified under 4 categories: U, U/A, A& S.**
 - Unrestricted Public Exhibition (U)
 - Unrestricted Public Exhibition - but with a word of caution that Parental discretion required for children below 12 years (U/A)
 - Restricted to adults (A)
 - Restricted to any special class of persons (S)
- **Provisions for Censorship:**
 - **Article 19(2) of the Constitution** authorises the government to impose, by law, reasonable restrictions upon the freedom of speech and expression in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence.
 - The **Cinematograph Act, 1952** also provides for similar provisions as stated under Article 19(2).

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