



## Cinematograph (Amendment) Bill, 2023

**For Prelims:** [Intellectual property rights](#), [Central Board of Film Certification](#), Cinematograph Act, 1952, Shyam Benegal Committee, IT Rules 2021.

**For Mains:** Required Modification in Cinematograph Act of 1952

[Source: TH](#)

### Why in News?

Recently, the **Lok Sabha and Rajya Sabha** passed the **Cinematograph (Amendment) Bill, 2023**. The bill expands the scope of the law from censorship to also **cover [copyright](#) and introduces stringent anti-piracy provisions**.

- The bill aims to amend the existing **Cinematograph Act of 1952**.

### What are the Proposed Provisions in Cinematograph (Amendment) Bill, 2023?

- **Anti-Piracy Provisions:** The bill aims to deter piracy of films by **imposing strict penalties** on individuals involved in unauthorized audio-visual recording and distribution of copyrighted content. The provisions include:
  - **Jail Term: Imprisonment from 3 months to 3 years.**
  - **Fine:** From Rs. 3 lakhs to **5% of the audited gross production cost**.
- **Expansion of Copyright Coverage:** It aims to extend the coverage of the Cinematograph Act, 1952, which was **primarily focused on censorship, to now encompass copyright protection**.
  - This move aligns with the evolving landscape of film distribution and aims to **safeguard the [intellectual property rights](#) of filmmakers** and content creators.
- **Government's Limited Powers over CBFC:** It emphasizes the **autonomy of the [Central Board of Film Certification \(CBFC\)](#)**.
  - The Government may no longer have **revisional powers over the CBFC's decisions**, based on the Supreme Court's judgment in the case of **K.M. Shankarappa vs Union of India (2000)**.
- **Age Ratings:** The amendment bill introduces a new age rating system for films that require adult supervision. The current U/A rating, which covers a broad age range, will be split into three distinct categories:
  - **U/A 7+:** Films suitable for children above the age of 7 with parental guidance.
  - **U/A 13+:** Films suitable for children above the age of 13 with parental guidance.
  - **U/A 16+:** Films suitable for children above the age of 16 with parental guidance.
  - This new classification system aligns with the **graded-age classifications** implemented for streaming platforms under the **[IT Rules, 2021](#) and Shyam Benegal Committee recommendations (2017)**.
- **Recertification for TV and Other Media:** Historically, films rated for adults have been prohibited on television since a 2004 Bombay High Court order.

- As a result, broadcasters often voluntarily make cuts to films and seek re-certification from the CBFC for a U/A rating.
  - The bill formalizes this practice, allowing films to be **recertified for television and "other media."**
- **Perpetual Validity of Certificates:** The Act has been amended to **remove the 10-year validity restriction on CBFC certificates**, thereby granting them perpetual validity.

## What is the Cinematograph Act of 1952?

- The **Cinematograph Act, 1952** was enacted by the Parliament to ensure that films are exhibited in accordance with the limits of tolerance of Indian society.
  - It lays down the principles of guidance for certifying films, such as the interest of **sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality**, or involves defamation or contempt of court.
- Section 3 of the Act provides for the establishment of Central Board of Film **Certification (CBFC, popularly known as the censor board)**.
  - CBFC is a statutory body under the **Ministry of Information and Broadcasting**, that regulates the public exhibition of films under the provisions of the Cinematograph Act 1952.
- It also provides for the constitution of an **Appellate Tribunal** to hear appeals against the decisions of the Board.

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