

## **AN OVERVIEW OF THE CINEMATOGGRAPH (AMENDMENT) BILL, 2023**

On 12<sup>th</sup> February 2019, the Government of India introduced The Cinematograph (Amendment) Bill, 2019 that proposed sweeping changes to the erstwhile Cinematograph Act, 1952.

Subsequently, upon receiving recommendations and suggestions from stakeholders, the general public and other relevant professionals from the industry, the Government began to rework the Bill so as to tackle pressing concerns such as piracy, age-based certification and appropriate penalties, amongst others. By way of a press conference held today, i.e., 19<sup>th</sup> April 2023, by the Information and Broadcasting (“**I&B**”) Minister Anurag Thakur, the Government has announced that The Cinematograph (Amendment) Bill 2023 (“**Bill**”) has received a nod of approval from the Cabinet and will be introduced in Parliament in the upcoming session.

**The press release circulated by the I&B Ministry, sets out the following key facets of the Bill:**

### **1. Provisions to tackle Piracy**

The Bill has recognized the threat that piracy continues to cause to the film business, and has thus sought to incorporate specific and stringent penal provisions to tackle the issue. These penal provisions could potentially extend to heavy fines and even imprisonment, thus quelling the rising availability of pirated films. Further, it has also provided itself the power to block websites that host pirated content. This will be a panacea to filmmakers, who are often times scrambling to seek suitable take-down orders from courts around the release of their films.

### **2. Age-Based Content Markers**

Previously, the Cinematograph Act provided only for one age-based marker, being the age of twelve years, while granting a UA certificate. However, the Bill will see the introduction of a new policy, further subdividing the existing UA policy into three categories, being seven years (UA 7+), thirteen years (UA 13+) and eighteen years (UA 18+). The suitability of content for different ages as per the above-mentioned categories has been pegged to be purely recommendatory; giving parents/guardians the ability to consider whether films are fit for consumption by their children.

Interestingly, with this move of sub-dividing age markers, the Government has aligned India's laws on age-based film certification with legislations followed by the United States of America, Singapore and Australia, amongst other States.

### **3. Conformity with Judicial Decisions**

A major contention with regards to the Cinematograph (Amendment) Bill, 2019 was that it afforded the Central Government powers to review content. However, in line with the Supreme Court's judgment in *K.M. Shankarappa v. Union of India*, the Government has indicated removal of the relevant provision in the upcoming re-worked Bill.

### **4. Avenue to Change Film Category for Television:**

The Government has sought to permit films to be recertified for television broadcast. Previously, only a certain "unrestricted" category of films were given the green light for broadcast on television. However, it appears that a provision allowing change of category pursuant to edits, has been introduced. This provision is set to be beneficial to film-makers and producers, as it ensures that their films reach a wider audience and an added revenue stream.

### **5. Perpetual Validity of Certificates:**

Presently, certificates issued by the Central Board of Film Certification ("CBFC") are held to be valid for a period of ten years. However, in a move likely to be aimed at easing dispensable compliances, the validity of these certificates will now be perpetual under the Bill.

Therefore, a perusal of the Press Release would indicate that the Government has sought to rid the erstwhile Cinematograph Act for a new-age, effective and comprehensive version. In pursuit of these aims, it has plucked out redundant provisions, such as removing references to the erstwhile State of Jammu and Kashmir.

The new Bill announced by the Government appears to provide relief not only to those perturbed by its earlier version, but also to the entire film industry, as the Government's objective continues to be growth, ease of business and a boost in the creation of jobs for the entertainment sector.

We will undertake a detailed review of the Bill upon its release to the public.

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