

**STANDING COMMITTEE ON COMMUNICATIONS AND
INFORMATION TECHNOLOGY
(2023-24)**

53

SEVENTEENTH LOK SABHA

MINISTRY OF INFORMATION AND BROADCASTING

**[Action Taken by the Government on the Observations/Recommendations of the
Committee contained in their Forty-seventh Report (Seventeenth Lok Sabha) on
'Review of functioning of Central Board of Film Certification (CBFC)']**

FIFTY-THIRD REPORT



**LOK SABHA SECRETARIAT
NEW DELHI**

December, 2023/Agrahayana, 1945(Saka)

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[Action Taken by the Government on the Observations/Recommendations of the Committee contained in their Forty-seventh Report (Seventeenth Lok Sabha) on 'Review of functioning of Central Board of Film Certification (CBFC)']

Presented to Lok Sabha on 19.12.2023

Laid in Rajya Sabha on 19.12.2023



**LOK SABHA SECRETARIAT
NEW DELHI**

December, 2023/Agrahayana, 1945(Saka)

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**Composition of the Standing Committee on Communications and
Information Technology (2023-24)**

Shri Prataprao Jadhav - Chairperson

Lok Sabha

2. Smt. Sumalatha Ambareesh
3. Shri Karti P. Chidambaram
4. Dr. Nishikant Dubey
5. Smt. Sunita Duggal
6. Shri Jayadev Galla
7. Shri S. Jagathrakshakan
8. Smt. Raksha Nikhil Khadse
9. Dr. Sukanta Majumdar
10. Shri P. R. Natarajan
11. Shri Santosh Pandey
12. Dr. Gaddam Ranjith Reddy
13. Shri Sanjay Seth
14. Shri Ganesh Singh
15. Shri Parvesh Sahib Singh
16. Shri Shatrughan Prasad Sinha
17. Shri L.S. Tejasvi Surya
18. Dr. T. Sumathy (A) Thamizhachi Thangapandian
19. Dr. M. K. Vishnu Prasad
- 20. VACANT***
- 21. VACANT****

Rajya Sabha

22. Dr. Anil Agrawal
23. Dr. Laxmikant Bajpayee
24. Dr. John Brittas
25. Shri Syed Nasir Hussain
26. Shri Ilaiyaraaja
27. Shri Jaggesh
28. Shri Praful Patel
29. Shri Kartikeya Sharma
30. Shri Jawhar Sircar
31. Shri Lahar Singh Siroya

Secretariat

- | | | |
|------------------------|---|----------------------|
| 1. Shri Satpal Gulati | - | Additional Secretary |
| 2. Smt. A. Jyothirmayi | - | Director |
| 3. Smt. Rinky Singh | - | Executive Officer |

Committee constituted w.e.f. 13th September, 2023 vide Para No.7371 of Bulletin Part-II dated 16th September, 2023.

* Col. Rajyavardhan Singh Rathore resigned from Lok Sabha w.e.f. 06th December, 2023.

** Smt. Mahua Moitra ceased to be a Member of the Lok Sabha w.e.f. 08th December, 2023.

INTRODUCTION

I, the Chairperson, Standing Committee on Communications and Information Technology (2023-24), having been authorised by the Committee, present this Fifty-third Report on Action Taken by the Government on the Observations/Recommendations of the Committee contained in their Forty-seventh Report (Seventeenth Lok Sabha) on 'Review of functioning of Central Board of Film Certification (CBFC)' of the Ministry of Information and Broadcasting.

2. The Forty-seventh Report was presented to Lok Sabha and also laid on the Table of Rajya Sabha on 1st August, 2023. The Ministry of Information and Broadcasting furnished their Action Taken Notes on the Observations/Recommendations contained in the Forty-seventh Report on 17th November, 2023.

3. The Report was considered and adopted by the Committee at their sitting held on 14th December, 2023.

4. For facility of reference and convenience, Observations/Recommendations of the Committee have been printed in bold in Chapter-I of the Report.

5. An analysis of Action Taken by the Government on the Observations/Recommendations contained in the Forty-seventh Report of the Committee is given at Annexure-II.

New Delhi;

15 December, 2023
24 Agrahayana, 1945 (Saka)

PRATAPRAO JADHAV,

Chairperson,

**Standing Committee on
Communications and Information Technology.**

CHAPTER I REPORT

This Report of the Standing Committee on Communications and Information Technology deals with the action taken by the Government on the Observations/Recommendations of the Committee contained in their Forty-Seventh Report (Seventeenth Lok Sabha) on 'Review of functioning of Central Board of Film Certification (CBFC)' relating to the Ministry of Information and Broadcasting.

2. The Forty-Seventh Report was presented to Lok Sabha/laid in Rajya Sabha on 1st August, 2023. It contained 14 Observations/Recommendations. Replies of the Government in respect of all the Observations/Recommendations have been received from the Ministry of Information and Broadcasting and are categorized as under:-

- | | |
|--|---------------------------|
| (i) Observations/Recommendations which have been accepted by the Government
Rec. Sl. Nos.:- 1, 2, 3, 4, 6, 7, 8, 10, 11, 12 and 14 | Total -11
Chapter-II |
| (ii) Observations/Recommendations which the Committee do not desire to pursue in view of the replies of the Government
Rec. Sl. No.:- 5 | Total - 1
Chapter-III |
| (iii) Observations/Recommendations in respect of which replies of the Government have not been accepted by the Committee and require reiteration:- NIL | Total - NIL
Chapter-IV |
| (iv) Observations/Recommendations in respect of which replies of the Government are of interim in nature
Rec. Sl. No.:- 9 and 13 | Total – 2
Chapter-V |

3. **The Committee trust that utmost importance would be given to implementation of the Observations/Recommendations accepted by the Government. The Committee further desire that Action Taken Statement on the Observations/Recommendations contained in Chapter-I and final action taken replies to the Observations/Recommendations contained in Chapter-V of this Report should be furnished to them at an early date.**

4. The Committee will now deal with action taken by the Government on some of their recommendations.

Human Resource in CBFC

(Recommendation SI. No. 2)

5. The Committee, in their 47th Report on the subject 'Review of functioning of Central Board of Film Certification (CBFC)', had made the following observation/recommendation:-

“The Committee note that the Central Board of Film Certification (CBFC) is a two tier organization viz. the Board at Mumbai and 9 regional offices at Mumbai, Kolkata, Chennai, Bangalore, Thiruvananthapuram, Hyderabad, New Delhi, Cuttack and Guwahati. At each of the nine regional offices of CBFC, there is an Advisory Panel established for assisting CBFC for discharging its functions efficiently under the Act. CBFC has 12 to 25 members appointed for a term of three years or till such time as per the directions given by the Central Government. The Committee have been informed that all the appointed members are eminent personalities from different spheres like education, art, film, social sciences, law, etc., representing a cross section of the society and the Board has sufficient representation of women. When asked about the adequacy of number of members in CBFC, the Ministry have informed that over last few years the Board has been functioning with 12 Board members and 963 advisory panel members across different offices. Both Board members and panel members have been active participants in the certification process. According to the Ministry no changes are proposed in the role, function and structure of CBFC. The Committee note that the functioning of Board has not witnessed any problem with regard to their numerical strength and there has been sufficient representation of women in the Board. Nevertheless, the Committee feel that it should be made obligatory to have one-third Members as Women in the CBFC Board and Advisory Panel. Further, the Committee also note that in light of the growth of film industry and almost 3 fold increase in the number of feature films certification, the Ministry have conducted a detailed study of human resources of CBFC vis-à-vis workload. The Committee, desire to be apprised about the outcome of the said

study alongwith the measures taken for smooth functioning of the Organization. The Committee feel that in addition to the eminent personalities in the CBFC Board, having some representation from general public at large would provide an inclusive face to the composition of the Board. Furthermore, in the light of the concerns expressed by some of the Stakeholders regarding functioning of Regional Boards/Officers, the Committee desire to be informed about action taken on any such grievances received by CBFC/Ministry during last five years alongwith the details of complaints regarding functioning of the Members of the Board and Advisory Panel Members and action taken thereon”.

6. In their Action Taken Reply, the Ministry of Information and Broadcasting have submitted as under:-

“The Cinematograph Act, 1952 has been amended through the passing of the Cinematograph (Amendment) Act, 2023 during the Monsoon Session, 2023 of the Parliament. Ministry of Information and Broadcasting is now in the process of comprehensively reviewing and amending the Cinematograph (Certification) Rules, 1983 framed under the Cinematograph Act, 1952. The recommendation of the Standing Committee to have one-third Members as women in the CBFC Board and Advisory Panel is noted.

The CBFC’s manpower vis-à-vis workload study broadly recommends taking necessary measures to enhance/augment the human resources for smooth working of the organization. In view of the increasing number of films every year, it is felt that the pool of Examining Officers available to every Regional Office of CBFC needs to be increased. The existing manpower requires to be suitably augmented in line with the increasing workload. Therefore, vacancies/posts for Examining Officers as per the extant requirements are proposed to be created in consultation with Department of Expenditure and Department of Personnel and Training.

As regards Committee’s recommendation for having representation from general public, it is informed that the Members of regional Advisory Panels are drawn from various walks of life, being persons who are qualified to judge the effect of films on the public. Generally, these members of the panel come from different walks of life like social sciences, education, legal, film making, art, etc. and represent a cross-section of population.

Some of the grievances received by the CBFC/Ministry during the last 5 years are given below:

(i) A grievance was received from a Filmmaker against the then Regional Officer, CBFC, Thiruvananthapuram in respect of her behaviour towards applicants/filmmakers etc. in November 2022. Suitable action was taken to repatriate the Regional Officer.

(ii) An Advisory Panel Member, CBFC, Mumbai casted serious allegations of harassment and corruption against regional officer, CBFC, Mumbai and

subordinate staff on social media. Considering his act of defaming and unnecessary dragging of senior officer/staff of CBFC on social media as a gross violation of conduct norms and highly unbecoming behaviour, a show cause notice dated 31.03.2023 was issued to him.

(iii) A Show cause notice dated 13.7.2023 for violation of conduct norms and failure to maintain confidentiality while acting as Advisory panel member was issued to another advisory panel member with respect to. her posts on social media about a certain film and the examining committee”.

7. The Committee, in their Original Report, had recommended to include one-third Members as women in the CBFC Board and Advisory Panel. Responding to this, the Ministry of Information and Broadcasting have stated that they are in the process of comprehensively reviewing and amending the Cinematograph (Certification) Rules, 1983 framed under the Cinematograph Act, 1952 and they have taken note of the recommendation of the Committee. In this regard, the Committee desire to know about the roadmap/plan of action and tentative timeframe for completing the review and amending the Cinematograph (Certification) Rules, 1983.

Further, with respect to adequacy of number of members in CBFC, the Committee note that the human resources of CBFC *vis-à-vis* workload study has broadly recommended taking necessary measures to enhance/augment the human resources for smooth working of the organization. In view of the increasing number of films every year, the Ministry have felt that the pool of Examining Officers available to every Regional Office of CBFC needs to be increased and the existing manpower requires to be suitably augmented in line with the increasing workload. The Committee desired to be apprised about the number of vacancies/posts of Examining Officers that are proposed to be created alongwith the initiatives taken in this direction. The Ministry may also apprise the Committee about the time frame fixed for completing the entire task alongwith the expected hindrances, if any.

Time limits for the certification process

(Recommendation Sl. No. 4)

8. The Committee, in their Original Report, had made the following observation/recommendation:-

"The Committee note that the Cinematograph (Certification) Rules, 1983 prescribes a time limit of 68 days for the film certification process i.e. from submission of complete application to issuing of certificate. This time limit includes Scrutiny of Application, formation of Examination Committee (EC), forwarding the EC report to Chairman, Communication of the order to the applicant, Surrender of cuts by the producer, Examination of cuts and for Issue of Certificate. The Committee are given to understand that all the films are certified within 68 days and CBFC do not have a backlog of more than a month's time. However, raising concern over delay in film certification, President of 'Indian Motion Picture Producers' Association (IMPPA)' informed the Committee that there is an inordinate delay in previewing the film and even with the advent of online certification the producers were made to wait for weeks to get the SMS regarding the preview and no information is given to the producer over phone or in writing. Referring to a Report of Comptroller and Auditor General of India (C&AG) he submitted that CAG had observed that the time taken by CBFC to issue certificates varied from 3 to 491 days. The Committee express concern that despite repeated requests there has been no change in the timelines of 68 days. When asked for clarification, the representative of CBFC informed the Committee that almost all the films are certified within 20 to 25 days and generally it is done within 15 days. It is only when films go through the Committees, Sub-Committees, and Revising Committees, the delays occur. He also informed that at times it all depended on the workload, but maximum time limit was of 68 days. Besides, with the implementation of e-pramaan, the notice is sent online on the day the film is screened and the Report has to be submitted within that evening. The show cause notice, if any, is given the next day and screening of film is done within one week of filing of application. On another suggestion received by the Committee, to reduce the time for issuing certificate from 64 days to 3-4 days, the Ministry clarified that 68 days is the maximum time that has been mentioned in the Cinematograph (Certification) Rules, 1983, however, CBFC ensured that certification of most of the films is completed within 10-15 days. Regarding submission of the President, IMPPA that in case of big budget films, certification is done within short period whereas for medium and small budget films (which form 90% of the films) it takes almost 491 days or little less, the Committee have been informed that there is no preferential treatment given to big budget films and very occasionally, films have taken longer time of a few months because the filmmakers/applicants have not complied by producing requisite documents (NOCs) or submitted the necessary cuts in time. On the differential treatment in issuing certificate, the CEO, CBFC, informed the Committee that it depends on the kind of compliance. Regarding the inordinate delays in certification leading to huge

financial burden on producers, Member CBFC clarified that there is no delay and the process is really expedited.

The Committee note with appreciation that by and large the time limit for certification process of 68 days is adhered to by CBFC. Nonetheless, in the light of the concerns raised by the stakeholders, the Committee recommend the Ministry/CBFC to adhere to time limit for certification process in letter and spirit. The Committee call upon the Ministry/CBFC to reduce the time period by streamlining the entire certification process and ensuring transparency in the working of CBFC. Further, synchronization of all the stages of certification with SMS facility will enable filmmakers to be updated about each stage concurrently. The Committee maybe kept apprised about the action taken.

9. The Ministry of Information and Broadcasting, in their Action Taken Reply, have submitted as under:-

“At present, a film is to be processed and decided by CBFC within a period of 68 days from the date of complete application. But due to digitization of the workflow, this period has been reduced in real time. Table indicating average time taken for certification of feature and short films during the last 2 years is given below:

Sr. No.	Regional Office	2021-22		2022-23		2023 (Up to Sept.23)	
		Feature	Short	Feature	Short	Feature	Short
1	Mumbai	29	4	25	5	29	5
2	Kolkata	33	20	38	15	45	17
3	Chennai	25	5	21	4	17	4
4	Bangalore	43	15	31	12	29	13
5	Thiruvananthapuram	21	8	17	6	14	5
6	Hyderabad	28	3	34	7	38	7
7	New Delhi	34	9	25	9	15	6
8	Cuttack	22	7	33	15	37	9
9	Guwahati	7	5	6	5	8	3
	Average time taken per film	29	5	26	6	28	6

The Certification Rules are being reviewed and shall be adequately modified to be made more contemporary in view of the online processing of applications for certification and the reduced time of certification.

As regards the recommendation of the Committee for synchronization of all the stages of certification with SMS facility, it is informed that CBFC has recently launched a newly developed Mobile App which aims at simplification of certification process by providing more valuable, user-centric, and inclusive features to filmmakers, applicants, and other users in general. The Mobile App provides features such as real-time progress tracking of application status and

intimation of tentative screening dates, a facility to respond to intimation and show cause notice, and uploading of required documents (including video of less than 10 minutes duration), thereby encouraging complete automation process and minimal human intervention”.

10. **The Committee, in their original Report, had recommended the Ministry for streamlining and reducing the time period of certification process and thereby ensuring transparency in the working of CBFC. Responding to this, the Ministry have stated that the Certification Rules are being reviewed and shall be adequately modified to make it more contemporary in view of the online processing of applications for certification and the reduced time of certification. The Committee desire to be apprised of the details of the review being done viz. the process undertaken to review the Certification Rules, aspects of the Certification Rules that are being reviewed, tentative timeline for completing the review and modifying the Certification Rules for streamlining and reducing the time period of certification process.**

Certification vis-à-vis Censorship

(Recommendation Sl. No. 6)

11. The Committee, in their 47th Report, had made the following observation/recommendation:-

“The Committee note that during examination of the subject, the discussion mainly revolved around the contention whether there should be cut/modification while certifying films or should there be a purely certification model without any cuts/modification or to have no regulation at all. The Committee note that most of the stakeholders from film industry voiced against any form of regulation and desired for having minimal regulation i.e. only Certification. Justification for having only certification model was that certification provided choice to the viewer and content is not being pushed and act of watching film is voluntary. Examining the role of CBFC in this regard, the Committee learnt that CBFC has been working mostly on certification and not on censorship. CBFC informed that many a times to get a certificate under a certain category the filmmakers themselves offer to go for cuts/modification because sometimes the film makers are unaware that a particular scene is violating a Section under the Act/Rule. However, the Committee note with concern that over the years the number of films cleared without cuts have been sharply reducing and the number of controversies over film certification has been on the rise. In this regard, one of the Members of CBFC submitted before the Committee that ‘Regulation’ is a scary term for media or film industry actors or content makers, however, with absolute no oversight mechanism in a country like India, the main concern would always remain for

children being exposed to unwanted contents. Further, in the light of submission of one of the stakeholders that the creative freedom of filmmakers and rights of speech and expression should be protected, the Committee feel that with right to freedom of speech and expression there exists reasonable restrictions on the exercise of the rights conferred by Article 19(1)(a) of the Constitution and Article 19 of the Universal Declaration of Human Rights (UDHR) and International Covenant on Civil and Political Rights, 1966 (ICCPR), that provides for the protection and promotion of the right to speech and expression, carries special duties and responsibilities and have reasonable restrictions for protection of the rights and reputations of others/ national security/ public order/ public health and morals.

Furthermore, during deliberations on the issue of certification, the Member, CBFC submitted before the Committee that there are cultural nuances to every country. For example in France, gender nudity is not a problem while gangster films are and likewise, in other countries other factors can be an issue and thus a country cannot be devoid of the tradition that people belong to. The Committee, therefore, feel that in a country like India which has diverse culture, there is a need to consider the sensibility of the people of the country while making and showing films in our country and therefore there is a need for deliberation and certification. It is important to recollect the words of Supreme Court in K.A. Abbas v. Union of India case wherein it took a stand that treatment of motion pictures must be different from other forms of art and expression because motion picture has the ability to stir up emotions more deeply than any other product of art. Thus, the Committee are of the opinion that open accessibility to violent and pornographic material, especially to kids, would lead to desensitization and consequent collateral damage cannot be offset by gains to the exchequer. Nevertheless, the Committee also feel that it will be grossly wrong to be heavy handed and to have over regulation. The Committee, feel that a great responsibility lies with the Ministry/CBFC/Film industry as there is a need for striking a balance between freedom of speech/creativity/artistic expression and at the same time being sensitive about the cultural diversity of the country and the impact of content of the film. For this, a preemptive mindset is needed to avoid fire-fighting after the damage is already done. The Committee, therefore, desire and hope the Ministry/CBFC along with the Film fraternity will make all endeavours to achieve this balance as it is imperative duty of the film makers to be considerate about the impact of the content of films on the public at large and on children in particular. Besides, in light of paradigm shift in how content is created and consumed today, the Committee urge the Ministry to holistically examine the type of certification model required for the Country and apprise the Committee accordingly. The Committee also recommend the Ministry/CBFC to increase objectivity in parameters for determining category for film certification because with the advent of new technologies, with digitization and with pragmatic approach, human intervention and personal biasness can be minimized and the certification process can be made responsive to social change. The Ministry may apprise the Committee about the action taken on all the issues highlighted in this paragraph”.

12. The Ministry of Information and Broadcasting, in their Action Taken Reply, have submitted as under:-

“Our Constitution guarantees freedom of speech and expression as a fundamental right but subjects it to reasonable restrictions. These restrictions are placed in the interest of the ‘sovereignty and integrity of India, security of the State, friendly relations with foreign States, public order, decency and morality and in relation to contempt of Court, defamation or incitement to any offence’. Keeping in view these provisions of the Constitution, the basic principles for the guidance of the Board in certifying films for public exhibition in India are laid down in the Cinematograph Act 1952. Section 5B(2) of the Act authorizes the Central Government to issue such directions as it may think fit, setting out the principles which shall guide the CBFC in sanctioning films for public exhibition. Accordingly, under Section 5B(2) of the Act, the Central Government issued Guidelines for certification of films for Public Exhibition in 1991.

CBFC always strives to ensure that powers under Section 4 (iii) “powers to direct excisions and modifications” and Section 4 (iv) “power to refuse” of Cinematograph act are used in an objective and restrained manner, without holding any moral compass. It strives to ensure that in a mass consumption medium like cinema, artistic sensibility and freedom are balanced with a modicum of social sensitivity.

A comprehensive review of the Cinematograph Act, 1952 was undertaken in the Ministry to address the various issues concerning the certification process. The Cinematograph (Amendment) Act, 2023 (12 of 2023), passed by the Parliament and received the assent of the Hon’ble President on 4th August, 2023 shall comprehensively address the issues relating to film certification. First, the Act attempts to address the issue of unauthorized recording and exhibition of films and curb the menace of film piracy by transmission of unauthorized copies on the internet. Second, the Act attempts to improve the procedure for certification of films for public exhibition by the Central Board of Film Certification, as well as improve categorizations of the certifications of the films. Third, the Act attempts to harmonize the law with extant executive orders, Supreme Court judgments, and other relevant legislations.

Age-based categories of certification have been introduced by further subdividing the existing UA category into three age-based categories, viz. seven years (UA 7+), thirteen years (UA 13+), and sixteen years (UA 16+), instead of twelve years. These age-based markers would be only recommendatory, meant for the parents or guardians to consider whether their children should view such a film. Also, these Markers have been harmonized with the Information Technology (Guidelines for Intermediaries and Digital Media Ethics Code) Rules, 2021 to enable a uniform categorization across all platforms as also to align the law in India with global best practices. An exercise has been undertaken to frame category-specific guidelines for the new sub-divided categories of certification under the existing UA category viz., seven years (UA 7+), thirteen years (UA 13+), and sixteen years (UA 16+).

The stakeholders shall be consulted before framing the standardized guidelines in this regard”.

13. **The Committee, in their 47th Report, had urged the Ministry to holistically examine the type of certification model required for the Country and increase objectivity in parameters for determining category for film certification. The Ministry, in their Action Taken Reply, have stated that Age-based categories of certification have been harmonized with the Information Technology (Guidelines for Intermediaries and Digital Media Ethics Code) Rules, 2021 to enable a uniform categorization across all platforms as well as to align the law in India with global best practices. They have also stated that an exercise has been undertaken to frame category-specific guidelines for the new sub-divided categories of certification under the existing UA category viz., seven years (UA 7+), thirteen years (UA 13+), and sixteen years (UA 16+) and the stakeholders shall be consulted before framing the standardized guidelines. In this regard, the Committee may be apprised about the details of the standardized guidelines being framed for the new sub-divided categories of certification alongwith the exercise being undertaken to frame them and the targeted timeline by which the same will be framed. The Committee call upon the Ministry to frame people/viewer friendly guidelines for the new sub-divided categories for film certification and adhere to the timeline set for framing the said guidelines.**

Digitization / Online Certification system – ‘e-Cinepramaan’

(Recommendation Sl. No. 9)

14. The Committee, in their Original Report, had made the following observation/recommendation:-

“The Committee note that since 2009 CBFC has been progressively moving from manual operations to automation and on 27th March, 2017 online certification system of CBFC - ‘e-cinepramaan’ was launched. The Committee appreciate that system for paying certification fees has been fully integrated with Bharatkosh e-payment gateway and the work of scanning and digitization of past certification records has also been undertaken by CBFC. The Committee have been informed that the present online certification system has been developed and changes are done in the system from time to time based on the feedback received from all stakeholders including filmmakers and applicants. The Ministry have informed that four years into operation, the online system is functioning satisfactorily and applicants are also comfortable

with it. The Committee note that online certification system has not only reduced the time taken for film certification substantially but has also enabled the filmmakers to check the status of their applications through their logins, reply to intimations and make enquiries through dedicated helpdesk of CBFC. This has brought in transparency in documentation processes and has brought down the average time taken for long film certification to less than 10-15 days as compared to earlier 20-30 days. Further, short films certification time has reduced to just 1 to 2 days. Duplications in certifications is eliminated and with QR code implementation, authenticity of certificates can be checked, thereby tackling the problem of forged certificates". Some system improvements that are being carried out in the second phase based on the suggestions/feedback received *inter-alia* include (i) merging of four different application forms into a common simplified form, also removing redundant entries (ii) Making cut verification process completely online (iii) Informing applicants on the tentative date of screening on their dashboard (iv) Providing alternate and additional payment gateway for deposition of fees, etc. With the launch of 'e-cinepramaan', CBFC have also started online examination of short films (films of less than 10 minutes duration), enabling swift certification of these films.

Further, the Committee are given to understand that the next phase of digitization is to make 'e-cinepramaan' more user-friendly and Computerisation Phase-II aims at complete automation with minimal human intervention. However, it is a matter of concern to note the grievance raised by film makers with respect to some of the manual processes that are still being followed i.e. there is a need for submission of 8 hard copies of all documents like script/screen play at the time of screening and at the time of scrutiny of all the documents producer's personal presence is compulsorily required and there is no provision for allowing authorized representative of the producer to complete the formalities, etc. Even after completing the full process of certification the producer is required to collect the certificate personally. Besides, even after the film is cleared, to collect the certificate producer has to visit CBFC office repeatedly because it does not get signed for one or the other reason. The Committee call upon the Ministry that the initiatives being taken for digitization of certification process may address all concerns of the stakeholders. Further, these initiatives be implemented at the earliest".

15. The Ministry of Information and Broadcasting, in their Action Taken Reply, have submitted as under:-

"The present online certification system has been developed and changes are done in the system from time to time based on the feedback/suggestions received from all stakeholders including filmmakers and applicants. The Ministry and the CBFC are in the process of making further improvements in the online certification process for complete automation and minimal human intervention. It has been decided to do away with the physical submission of documents (script, synopsis, and any other documents) by the applicant/representative, and all such documents are to be uploaded at the time of online application only. Further, to initiate steps for no manual intervention, it has been decided to scan the copy of the certificate(s) which

shall be shared on the registered email ID of the respective applicant. The physical copy of the certificate can be dispatched if requested. Provision shall be made on the e-Cinepramaan portal for digitally signing the certificates and the same to be downloaded by the applicant himself/herself only at their end”.

16. **The Committee, in their original Report, had noted that the phase-II of Computerisation in CBFC aimed to complete automation with minimal human intervention. The Committee had also noted the grievances of film makers with respect to some of the manual processes that are still being followed and had recommended that the initiatives being taken for digitization of certification process may address all concerns of the stakeholders. The Ministry has submitted that they alongwith CBFC are in the process of making further improvements in the online certification process for completing automation and it has been decided to do away with the physical submission of documents (script, synopsis, and any other documents) by the applicant/representative, and all such documents are to be uploaded at the time of online application only. In this regard, the Committee would like to be kept apprised about the work done in this direction alongwith expected time for implementing the Provision on the e-Cinepramaan portal for digitally signing the certificates.**

Grievance Redressal Mechanism

(Recommendation Sl. No. 12)

17. The Committee, in their original Report, had made the following observation/recommendation:-

“The Committee note that at present the representations from filmmakers as well as other complainants are considered by the Committees of CBFC before making final recommendations and it is compulsory for all their Committees to hear filmmakers before writing their Reports. However, an aggrieved filmmaker can approach Revising Committee constituted under Rule 24 of Cinematograph Certification Rules 1983. There is also a provision for Re-revising Committee, if the issue is not resolved at the stage of revising committee. In case of any disagreement, the filmmaker/applicant can appeal in the respective High Court for appropriate remedies. The Ministry have informed that the Chairperson and all officers of the Board are accessible to general public or various organizations/groups that have any complaints about the contents of the Film. Such complaints are put before the respective Committees who decide and dispose the same based on their merit. The Ministry have also informed that they have strived for an environment of dialogue and discourse. Thereby, encouraging a collaborative and facilitative

approach to film certification and overall focus has been on detailing and streamlining the processes. As a result there has been improved mutual understanding and appreciation by the film fraternity of the work of CBFC. However, in due course of examination, the Committee have come across numerous problems/constraints encountered by actors, producers, directors, film makers, etc., in getting approval/certification by CBFC.

On the concerns related to submission of NOC from the Animal Welfare Board as a mandatory requirement for application for certification and inconvenience faced by the Producers/Film makers, Committee have been assured that the matter will be looked into it. The Ministry have also informed that whenever there is a sensitive issue and there is requirement of expert comments, CBFC has an expert window where they invite experts on any subject. Regarding violations of certification Rules, the Committee note that during the last 5 years there has been a few cases of violations against certification of films. Further, Out of three vigilance cases that were reported in CBFC, in two cases the investigation/proceedings against the officers which started in 2017 are still in process and has not been settled even after 5 years. Therefore, in addition to the present arrangement of having Chief Executive Officer for administrative matters, CBFC should also have one Chief Grievance Redressal Officer at each regional level for dealing with other matters. The Committee urge the Ministry to expedite the pending vigilance cases along with the grievances of Producers/Directors/other Stakeholders of the Film industry at the earliest and apprise the Committee about the same. Having a single window/platform for complaint registration and to fix a timeline for redressing each category of grievance alongwith a help line number for Grievance Redressal and for any aggrieved party seeking appointment with the Chairperson or Regional Officer would ameliorate the situation. The Committee may be apprised about the action taken in this direction.

18. The Ministry of Information and Broadcasting, in their Action Taken Reply, have submitted as under:-

“Chairperson and all officers of the Board are accessible to general public or various organizations, groups that have any complaints about the contents of the Film. Such complaints are put before the respective committees who decide and dispose the same based on their merit. Chief Executive Officer acts as Chief Grievance Redressal Officer for administrative matters as well as Appellate Authority under RTI Act, 2005.

Filmmakers and applicants are involved and their views are considered while deciding on their films. The representations from filmmakers as well as other complainants are considered by the CBFC committees before making final recommendations. Providing hearings to filmmakers has been made compulsory to all committees before writing their reports.

As for the Committee’s observations on the pending vigilance cases, it is submitted that the delay in settlement of the vigilance cases is due to the matters being sub-judice. As regards recommendation of the Committee for

having a single window/platform for complaint registration and to fix a timeline for redressing each category of grievance alongwith a help line number for Grievance Redressal and for any aggrieved party seeking appointment with the Chairperson or Regional Officer, it is felt that there should be a transparent grievance receiving and grievance redressal system in every office of CBFC. In addition, the Regional Officers of all the nine regions of CBFC may have Open House sessions with producer associations in their jurisdiction at least twice a year and listen to their issues regarding certification process and address them in a healthy manner”.

19. **In their original Report, the Committee had urged the Ministry to expedite the pending vigilance cases along with the grievances of Producers/Directors/other Stakeholders of the Film industry at the earliest. The Committee had also desired for having a single window/platform for complaint registration and to fix a timeline for redressing each category of grievance alongwith a help line number for Grievance Redressal and for any aggrieved party seeking appointment with the Chairperson or Regional Officer to ameliorate the situation. In response, the Ministry, in their Action Take Note, have stated that the delay in settlement of the vigilance cases is due to the matters being sub-judice. With respect to having a single window/platform for complaint registration and to fix a timeline for redressing each category of grievance alongwith a help line number for Grievance Redressal and for any aggrieved party seeking appointment with the Chairperson or Regional Officer, the Ministry have felt that there should be a transparent grievance receiving and grievance redressal system in every office of CBFC. They have also stated that in addition, the Regional Officers of all the nine regions of CBFC may have Open House sessions with producer associations in their jurisdiction at least twice a year and listen to their issues regarding certification process and address them in a healthy manner. Taking cognisance of the intended course of action by the Ministry, the Committee urge the Ministry to take concrete action to implement them at the earliest and apprise them about the action taken on all these aspects.**

Initiatives for person with special needs

(Recommendation SI. No. 13)

20. The Committee, in their original Report, had made the following observation/recommendation:-

“The Committee note that on 01.10.2019 the Ministry had issued an advisory to major Film Industry bodies with the request to persuade and motivate their associated members for making their film more accessible to person with special needs by using Audio Description and closed captioning in films. However, the Committee note with extreme concern that only one film - ‘Gandhi’ (Hindi) (by Director: Richard Attenborough, produced by NFDC) was certified in accessible format for differently-abled persons after 1st October, 2019. The Committee are perturbed about the shoddy implementation of accessibility standards for persons with disabilities, and feel that such initiatives should emanate from the industry suo-moto to cater to the special needs of differently-abled persons. The Committee urge the Ministry to ensure that their efforts for sensitizing film makers about the accessibility standards has tangible outcomes”.

21. The Ministry of Information and Broadcasting, in their Action Taken Reply, have submitted as under:-

“The issue of accessibility standards for cinema viewing for persons with disabilities has been under examination in the Ministry of Information and Broadcasting since 2019 and a number of steps have been taken/initiated for the implementation of the accessibility standards.

In view of the concerns regarding high costs to accessibility features raised by the film makers, the Ministry looked at technology as a solution. The implementation of accessibility standards in the television sector was also reviewed periodically. Various technology solution providers have approached the Ministry from time to time to showcase their solutions for making film watching more accessible and cost-effective at the same time. Under Ministry’s directions, CBFC issued a Notice for inviting Expression of Interest in May, 2023 regarding advanced technology solutions from various consulting agencies for providing accessibility in films for persons with disabilities, including hearing and visual impairment and conducted a workshop with the film industry stakeholders in July, 2023. Further, a draft concept note has also been prepared that outlines various research methods that filmmakers and film distributors could adopt to enhance the accessibility in cinema viewing and also includes best practices being followed by few countries worldwide in enhancing accessibility for cinema viewing for persons with disabilities using related technological solutions.

The Ministry is currently in the process of framing draft guidelines for enforcing and implementing accessibility standards for cinema viewing for the benefit of persons with disabilities. Consultation meetings with various stakeholders are going on in earnest to ensure that the concerns of stakeholders are duly addressed before mandatory guidelines are issued by the Ministry”.

22. **The Committee, in their original Report, had expressed concern over implementation of accessibility standards for persons with disabilities and had**

urged the Ministry to ensure that their efforts for sensitizing film makers about the accessibility standards has tangible outcomes. The Ministry, in their Action Taken Note, have stated that in May, 2023, the Central Board of Film Certification has issued a Notice for inviting Expression of Interest regarding advanced technology solutions from various consulting agencies for providing accessibility in films for persons with disabilities, including hearing and visual impairment and conducted a workshop with the film industry stakeholders in July, 2023. Further, a draft Concept Note has also been prepared that outlines various research methods that filmmakers and film distributors could adopt to enhance the accessibility in cinema viewing and also includes best practices being followed by few countries worldwide in enhancing accessibility for cinema viewing for persons with disabilities using related technological solutions. The Ministry have also stated that they are in the process of framing draft guidelines for enforcing and implementing accessibility standards for cinema viewing for the benefit of persons with disabilities and consultation meetings with various stakeholders are going on to ensure that the concerns of stakeholders are duly addressed before mandatory guidelines are issued by the Ministry. The Committee may be apprised about the Concept Note and also about the above-mentioned guidelines that are in the making. The Committee also desire to be apprised about the current status of finalisation of both Concept Note and guidelines. The Ministry may inform the Committee about the impediments faced in finalising the guidelines, alongwith the steps taken to address them, if any.

CHAPTER II

OBSERVATIONS/RECOMMENDATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT

(Recommendation Sl. No. 1)

INTRODUCTORY

The Committee note that 'Boards of Film Censors' were setup in 1920 at four places (Bombay, Calcutta, Madras and Rangoon) where films were imported into the country. Thereafter, in 1951, the Board was established as the 'Central Board of Film Censorship'. In 1952, a consolidated statute (Act 37 of 1952) called the 'Cinematograph Act of 1952' was enacted. On 1st June, 1983 through an amendment in the Cinematograph Act, the name of the Board was changed to its present version i.e. 'Central Board of Film Certification (CBFC)'. The Committee note that a lot of water has flowed under the bridge since inception of CBFC and it has witnessed a long and dynamic journey from being 'Board of film censors' to 'Central Board of Film Certification'. The Board has evolved with change in technology, governance, audience, etc., since at that time of inception there was hardly any indigenous industry of filmmaking and the principles of censorship were based on the rules of censorship drawn up by the British Board of Film Censors.

While noting a few significant changes in last few years like notification of 'Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021'; emergence of myriad content viewing platforms; change in 'Allocation of Business Rules, 1961' of the M/o I&B so as to include the mandate for Digital/Online Media yet with no change in the mandate of CBFC; etc., the functioning of CBFC has been taken up for review. During examination of the subject, the Committee heard divergent views varying from need for regulation to complete freedom in film making and viewing. In the process of examination, the Committee learnt that CBFC under its current regime is pragmatic and believes in consultation with the stakeholders/film industry. Nonetheless, the Committee are of the opinion that functioning of CBFC indeed necessitate certain changes to keep pace with the emerging technologies and changes in the film industry today particularly because India is unique not only in being diverse in culture but also in terms of growth and development. Besides, with digital growth, entertainment industry has surpassed all the barriers and has reached to the remotest part of the country requiring CBFC to function in tandem with the changes and fulfill their mandate. Accordingly, in the succeeding paragraphs, the Committee have made their observations/recommendations on various issues of Central Board of Film Certification. The Committee hope that these recommendations would help in better functioning of CBFC and in achieving the mandate of CBFC and objective of film certification which inter-alia include Certification being responsible to social changes, Artistic expression and creative freedom not being curbed unduly, Medium of film remaining responsible and sensitive to the values and standards of society, and so on.

Reply of the Government

Action Taken Notes on the observations/recommendations of the Committee in the Report are given in the succeeding paragraphs.

(Ministry of Information and Broadcasting O.M. No. H-11017/73/2023-DO(FC) dated
17.11.2023)

(Recommendation SI. No. 2)

Human Resource in CBFC

The Committee note that the Central Board of Film Certification (CBFC) is a two tier organization viz. the Board at Mumbai and 9 regional offices at Mumbai, Kolkata, Chennai, Bangalore, Thiruvananthapuram, Hyderabad, New Delhi, Cuttack and Guwahati. At each of the nine regional offices of CBFC, there is an Advisory Panel established for assisting CBFC for discharging its functions efficiently under the Act. CBFC has 12 to 25 members appointed for a term of three years or till such time as per the directions given by the Central Government. The Committee have been informed that all the appointed members are eminent personalities from different spheres like education, art, film, social sciences, law, etc., representing a cross section of the society and the Board has sufficient representation of women. When asked about the adequacy of number of members in CBFC, the Ministry have informed that over last few years the Board has been functioning with 12 Board members and 963 advisory panel members across different offices. Both Board members and panel members have been active participants in the certification process. According to the Ministry no changes are proposed in the role, function and structure of CBFC. The Committee note that the functioning of Board has not witnessed any problem with regard to their numerical strength and there has been sufficient representation of women in the Board. Nevertheless, the Committee feel that it should be made obligatory to have one-third Members as Women in the CBFC Board and Advisory Panel. Further, the Committee also note that in light of the growth of film industry and almost 3 fold increase in the number of feature films certification, the Ministry have conducted a detailed study of human resources of CBFC vis-à-vis workload. The Committee, desire to be apprised about the outcome of the said study alongwith the measures taken for smooth functioning of the Organization. The Committee feel that in addition to the eminent personalities in the CBFC Board, having some representation from general public at large would provide an inclusive face to the composition of the Board. Furthermore, in the light of the concerns expressed by some of the Stakeholders regarding functioning of Regional Boards/Officers, the Committee desire to be informed about action taken on any such grievances received by CBFC/Ministry during last five years alongwith the details of complaints regarding functioning of the Members of the Board and Advisory Panel Members and action taken thereon.

Reply of the Government

The Cinematograph Act, 1952 has been amended through the passing of the Cinematograph (Amendment) Act, 2023 during the Monsoon Session, 2023 of the Parliament. Ministry of Information and Broadcasting is now in the process of comprehensively reviewing and amending the Cinematograph (Certification) Rules, 1983 framed under the Cinematograph Act, 1952. The recommendation of the Standing Committee to have one-third Members as women in the CBFC Board and Advisory Panel is noted.

The CBFC's manpower vis-à-vis workload study broadly recommends taking necessary measures to enhance/augment the human resources for smooth working of the organization. In view of the increasing number of films every year, it is felt that the pool of Examining Officers available to every Regional Office of CBFC needs to be increased. The existing manpower requires to be suitably augmented in line with the increasing workload. Therefore, vacancies/posts for Examining Officers as per the extant requirements are proposed to be created in consultation with Department of Expenditure and Department of Personnel and Training.

As regards Committee's recommendation for having representation from general public, it is informed that the Members of regional Advisory Panels are drawn from various walks of life, being persons who are qualified to judge the effect of films on the public. Generally, these members of the panel come from different walks of life like social sciences, education, legal, film making, art, etc. and represent a cross-section of population.

Some of the grievances received by the CBFC/Ministry during the last 5 years are given below:

- (i) A grievance was received from a Filmmaker against the then Regional Officer, CBFC, Thiruvananthapuram in respect of her behavior towards applicants/filmmakers etc. in November 2022. Suitable action was taken to repatriate the Regional Officer.

- (ii) An Advisory Panel Member, CBFC, Mumbai casted serious allegations of harassment and corruption against regional officer, CBFC, Mumbai and subordinate staff on social media. Considering his act of defaming and unnecessary dragging of senior officer/staff of CBFC on social media as a gross violation of conduct norms and highly unbecoming behavior, a show cause notice dated 31.03.2023 was issued to him.

(iii) A Show cause notice dated 13.7.2023 for violation of conduct norms and failure to maintain confidentiality while acting as Advisory panel member was issued to another advisory panel member with respect to. her posts on social media about a certain film and the examining committee.

(Ministry of Information and Broadcasting O.M. No. H-11017/73/2023-DO(FC) dated
17.11.2023)

**Comments of the Committee
(Please see Para No. 7 of Chapter I)**

(Recommendation Sl. No. 3)

Infrastructure of CBFC

The Committee are informed that the office space of CBFC and its 9 regional offices are mainly used for video film screenings, administrative and certification-related work and for conducting meetings, smaller conferences and workshops. Screenings of theatrical films are also held in Films Division theatre in the same premises. As far as Headquarter office of CBFC is concerned, it also examines films for certification in the auditorium of Films Division located in the same premises. During initial phase of examination of the subject, the Committee were apprised that the Digital Projection System and Digital Theatres could not be procured or installed as planned because of shortage of space in the Films Division Complex at CBFC Headquarter in Mumbai. However, the Committee note with satisfaction that suitable action for providing office space for CBFC have been taken by utilizing the existing auditorium of Films Division in the same building complex and three theatres from Films Division have been allotted in the Films Division Complex. The Committee have also been informed that after merger of media units, the Films Division's space and other space within the campus will be available for CBFC. With these measures, the Committee hope that the space constraints and related problems witnessed by CBFC would be resolved and the theatres are used effectively. Nevertheless, the Committee recommend the Ministry/CBFC to ensure that such constraints are addressed immediately so as to avoid its cascading effect on the functioning of CBFC.

Reply of the Government

CBFC, Mumbai was allotted three theatres from Films Division for redressing the space issue in the Films Division Complex and the theatres are being effectively used by CBFC. This has also helped in improved coordination and saving of time in the film certification process, besides revenue generation. After the merger of media units, the Films Division's space and other space within the campus, more space has been made available for CBFC. The space issue has now been resolved and the existing Audi-I, Audi-II and RR-3 theatres are being effectively utilized for film screening.

(Ministry of Information and Broadcasting O.M. No. H-11017/73/2023-DO(FC) dated
17.11.2023)

(Recommendation Sl. No. 4)

Time limits for the certification process

The Committee note that the Cinematograph (Certification) Rules, 1983 prescribes a time limit of 68 days for the film certification process i.e. from submission of complete application to issuing of certificate. This time limit includes Scrutiny of Application, formation of Examination Committee (EC), forwarding the EC report to Chairman, Communication of the order to the applicant, Surrender of cuts by the producer, Examination of cuts and for Issue of Certificate. The Committee are given to understand that all the films are certified within 68 days and CBFC do not have a backlog of more than a month's time. However, raising concern over delay in film certification, President of 'Indian Motion Picture Producers' Association (IMPPA)' informed the Committee that there is an inordinate delay in previewing the film and even with the advent of online certification the producers were made to wait for weeks to get the SMS regarding the preview and no information is given to the producer over phone or in writing. Referring to a Report of Comptroller and Auditor General of India (C&AG) he submitted that CAG had observed that the time taken by CBFC to issue certificates varied from 3 to 491 days. The Committee express concern that despite repeated requests there has been no change in the timelines of 68 days. When asked for clarification, the representative of CBFC informed the Committee that almost all the films are certified within 20 to 25 days and generally it is done within 15 days. It is only when films go through the Committees, Sub-Committees, and Revising Committees, the delays occur. He also informed that at times it all depended on the workload, but maximum time limit was of 68 days. Besides, with the implementation of e-pramaan, the notice is sent online on the day the film is screened and the Report has to be submitted within that evening. The show cause notice, if any, is given the next day and screening of film is done within one week of filing of application. On another suggestion received by the Committee, to reduce the time for issuing certificate from 64 days to 3-4 days, the Ministry clarified that 68 days is the maximum time that has been mentioned in the Cinematograph (Certification) Rules, 1983, however, CBFC ensured that certification of most of the films is completed within 10-15 days. Regarding submission of the President, IMPPA that in case of big budget films, certification is done within short period whereas for medium and small budget films (which form 90% of the films) it takes almost 491 days or little less, the Committee have been informed that there is no preferential treatment given to big budget films and very occasionally, films have taken longer time of a few months because the filmmakers/applicants have not complied by producing requisite documents (NOCs) or submitted the necessary cuts in time. On the differential treatment in issuing certificate, the CEO, CBFC, informed the Committee that it depends on the kind of compliance. Regarding the inordinate delays in certification leading to huge financial burden on producers, Member CBFC clarified that there is no delay and the process is really expedited.

The Committee note with appreciation that by and large the time limit for certification process of 68 days is adhered to by CBFC. Nonetheless, in the light of the concerns raised by the stakeholders, the Committee recommend the Ministry/CBFC to adhere to time limit for certification process in letter and spirit. The Committee call upon the Ministry/CBFC to reduce the time period by streamlining the entire certification process and ensuring transparency in the working of CBFC. Further, synchronization of

all the stages of certification with SMS facility will enable filmmakers to be updated about each stage concurrently. The Committee maybe kept apprised about the action taken.

Reply of the Government

At present, a film is to be processed and decided by CBFC within a period of 68 days from the date of complete application. But due to digitization of the workflow, this period has been reduced in real time. Table indicating average time taken for certification of feature and short films during the last 2 years is give below:

Sr. No.	Regional Office	2021-22		2022-23		2023 (Up to Sept.23)	
		Feature	Short	Feature	Short	Feature	Short
1	Mumbai	29	4	25	5	29	5
2	Kolkata	33	20	38	15	45	17
3	Chennai	25	5	21	4	17	4
4	Bangalore	43	15	31	12	29	13
5	Thiruvananthapuram	21	8	17	6	14	5
6	Hyderabad	28	3	34	7	38	7
7	New Delhi	34	9	25	9	15	6
8	Cuttak	22	7	33	15	37	9
9	Guwahati	7	5	6	5	8	3
	Average time taken per film	29	5	26	6	28	6

The Certification Rules are being reviewed and shall be adequately modified to be made more contemporary in view of the online processing of applications for certification and the reduced time of certification.

As regards the recommendation of the Committee for synchronization of all the stages of certification with SMS facility, it is informed that CBFC has recently launched a newly developed Mobile App which aims at simplification of certification process by providing more valuable, user-centric, and inclusive features to filmmakers, applicants, and other users in general. The Mobile App provides features such as real-time progress tracking of application status and intimation of tentative screening dates, a facility to respond to intimation and show cause notice, and uploading of required documents (including video of less than 10 minutes duration), thereby encouraging complete automation process and minimal human intervention.

(Ministry of Information and Broadcasting O.M. No. H-11017/73/2023-DO(FC) dated 17.11.2023)

**Comments of the Committee
(Please see Para No. 10 of Chapter I)**

(Recommendation Sl. No. 6)

Certification vis-à-vis Censorship

The Committee note that during examination of the subject, the discussion mainly revolved around the contention whether there should be cut/modification while certifying films or should there be a purely certification model without any cuts/modification or to have no regulation at all. The Committee note that most of the stakeholders from film industry voiced against any form of regulation and desired for having minimal regulation i.e. only Certification. Justification for having only certification model was that certification provided choice to the viewer and content is not being pushed and act of watching film is voluntary. Examining the role of CBFC in this regard, the Committee learnt that CBFC has been working mostly on certification and not on censorship. CBFC informed that many a times to get a certificate under a certain category the filmmakers themselves offer to go for cuts/modification because sometimes the film makers are unaware that a particular scene is violating a Section under the Act/Rule. However, the Committee note with concern that over the years the number of films cleared without cuts have been sharply reducing and the number of controversies over film certification has been on the rise. In this regard, one of the Members of CBFC submitted before the Committee that 'Regulation' is a scary term for media or film industry actors or content makers, however, with absolute no oversight mechanism in a country like India, the main concern would always remain for children being exposed to unwanted contents. Further, in the light of submission of one of the stakeholders that the creative freedom of filmmakers and rights of speech and expression should be protected, the Committee feel that with right to freedom of speech and expression there exists reasonable restrictions on the exercise of the rights conferred by Article 19(1)(a) of the Constitution and Article 19 of the Universal Declaration of Human Rights (UDHR) and International Covenant on Civil and Political Rights, 1966 (ICCPR), that provides for the protection and promotion of the right to speech and expression, carries special duties and responsibilities and have reasonable restrictions for protection of the rights and reputations of others/ national security/ public order/ public health and morals.

Furthermore, during deliberations on the issue of certification, the Member, CBFC submitted before the Committee that there are cultural nuances to every country. For example in France, gender nudity is not a problem while gangster films are and likewise, in other countries other factors can be an issue and thus a country cannot be devoid of the tradition that people belong to. The Committee, therefore, feel that in a country like India which has diverse culture, there is a need to consider the sensibility of the people of the country while making and showing films in our country and therefore there is a need for deliberation and certification. It is important to recollect the words of Supreme Court in K.A. Abbas v. Union of India case wherein it took a stand that treatment of motion pictures must be different from other forms of art and expression because motion picture has the ability to stir up emotions more deeply than any other

product of art. Thus, the Committee are of the opinion that open accessibility to violent and pornographic material, especially to kids, would lead to desensitization and consequent collateral damage cannot be offset by gains to the exchequer. Nevertheless, the Committee also feel that it will be grossly wrong to be heavy handed and to have over regulation. The Committee, feel that a great responsibility lies with the Ministry/CBFC/Film industry as there is a need for striking a balance between freedom of speech/creativity/artistic expression and at the same time being sensitive about the cultural diversity of the country and the impact of content of the film. For this, a preemptive mindset is needed to avoid fire-fighting after the damage is already done. The Committee, therefore, desire and hope the Ministry/CBFC along with the Film fraternity will make all endeavours to achieve this balance as it is imperative duty of the film makers to be considerate about the impact of the content of films on the public at large and on children in particular. Besides, in light of paradigm shift in how content is created and consumed today, the Committee urge the Ministry to holistically examine the type of certification model required for the Country and apprise the Committee accordingly. The Committee also recommend the Ministry/CBFC to increase objectivity in parameters for determining category for film certification because with the advent of new technologies, with digitization and with pragmatic approach, human intervention and personal biasness can be minimized and the certification process can be made responsive to social change. The Ministry may apprise the Committee about the action taken on all the issues highlighted in this paragraph.

Reply of the Government

Our Constitution guarantees freedom of speech and expression as a fundamental right but subjects it to reasonable restrictions. These restrictions are placed in the interest of the “sovereignty and integrity of India, security of the State, friendly relations with foreign States, public order, decency and morality and in relation to contempt of Court, defamation or incitement to any offence”. Keeping in view these provisions of the Constitution, the basic principles for the guidance of the Board in certifying films for public exhibition in India are laid down in the Cinematograph Act 1952. Section 5B(2) of the Act authorizes the Central Government to issue such directions as it may think fit, setting out the principles which shall guide the CBFC in sanctioning films for public exhibition. Accordingly, under Section 5B(2) of the Act, the Central Government issued Guidelines for certification of films for Public Exhibition in 1991.

CBFC always strives to ensure that powers under Section 4 (iii) “powers to direct excisions and modifications” and Section 4 (iv) “power to refuse” of Cinematograph act are used in an objective and restrained manner, without holding any moral compass. It strives to ensure that in a mass consumption medium like cinema, artistic sensibility and freedom are balanced with a modicum of social sensitivity.

A comprehensive review of the Cinematograph Act, 1952 was undertaken in the Ministry to address the various issues concerning the certification process. The Cinematograph (Amendment) Act, 2023 (12 of 2023), passed by the Parliament and

received the assent of the Hon'ble President on 4th August, 2023 shall comprehensively address the issues relating to film certification. First, the Act attempts to address the issue of unauthorized recording and exhibition of films and curb the menace of film piracy by transmission of unauthorized copies on the internet. Second, the Act attempts to improve the procedure for certification of films for public exhibition by the Central Board of Film Certification, as well as improve categorizations of the certifications of the films. Third, the Act attempts to harmonize the law with extant executive orders, Supreme Court judgments, and other relevant legislations.

Age-based categories of certification have been introduced by further subdividing the existing UA category into three age-based categories, viz. seven years (UA 7+), thirteen years (UA 13+), and sixteen years (UA 16+), instead of twelve years. These age-based markers would be only recommendatory, meant for the parents or guardians to consider whether their children should view such a film. Also, these Markers have been harmonized with the Information Technology (Guidelines for Intermediaries and Digital Media Ethics Code) Rules, 2021 to enable a uniform categorization across all platforms as also to align the law in India with global best practices. An exercise has been undertaken to frame category-specific guidelines for the new sub-divided categories of certification under the existing UA category viz., seven years (UA 7+), thirteen years (UA 13+), and sixteen years (UA 16+). The stakeholders shall be consulted before framing the standardized guidelines in this regard

(Ministry of Information and Broadcasting O.M. No. H-11017/73/2023-DO(FC) dated 17.11.2023)

**Comments of the Committee
(Please see Para No. 13 of Chapter I)**

(Recommendation Sl. No. 7)

Validity of Certificate

The Committee note that as per sub-section 3 of section 5A of 'The Cinematograph Act, 1952', the certificate issued by the Board is valid for 10 years and in 1984 the Central Government had passed an order to remove this restriction on validity of certificate. However, the provision in the Act is still in existence. The Committee note that the Ministry have proposed an amendment, relating to 'Validity of the Certificate', in the draft 'Cinematograph (Amendment) Bill, 2021'. Justifying the proposed amendment, the Ministry have stated that although the restriction on validity of certificate for only 10 years was removed through an executive order, the existing provision in the Act is to be amended so that the certificate is valid in perpetuity and the proposed amendment would continue to allow the films to be exhibited without getting

the certification revalidated from time to time. In this regard, the Committee have been informed that Mudgal Committee had also recommended for making the validity of certificates perpetual because it is in tandem with ease of doing business policy of the Government. The Committee note that almost all stakeholders have welcomed and concurred with the amendment proposed regarding validity of certificates in the 'Cinematograph (Amendment) Bill, 2021'. The Committee welcome the move of the Ministry in initiating this amendment.

Reply of the Government

The Cinematograph (Amendment) Act, 2023 (12 of 2023), passed by the Parliament and received the assent of the Hon'ble President on 4th August, 2023 comprehensively addresses the issues relating to film certification. The amendments in the 2023 Act inter-alia provide for removal of the restriction in the Act on validity of certificate for only 10 years for perpetual validity of certificates of CBFC.

(Ministry of Information and Broadcasting O.M. No. H-11017/73/2023-DO(FC) dated
17.11.2023)

(Recommendation Sl. No. 8)

Revisionary power of the Government

While examining the subject, the Committee had noted that another amendment proposed in the draft 'Cinematograph (Amendment) Bill, 2021' related to sub-section (1) of Section 6 which was regarding 'Revisional powers of the Central Government'. In this regard, the Committee had learnt that High Court of Karnataka in its judgment on 2nd April, 1990 in Writ Petition No. 4335 of 1979 - K.M. Shankarappa Vs Union of India, had struck down some clauses in sub-section(1) of Section 6. As a result the Central Government could not exercise revisional powers in respect of films that are already certified by the Board, viz. 'or has been decided by', 'or as the case may be decided by the Tribunal', and 'or to whom a certificate has been granted as the case may be". This was also upheld by the Hon'ble Supreme Court vide judgment dated 28/11/2000 in Civil Appeal 3106 of 1991. During the course of examination of the subject the Committee came across various views regarding amendment proposed to Section 6(1) of 'The Cinematograph Act, 1952'.

Regarding this proposed amendment in ' The Cinematograph (Amendment) Bill, 2021', the Chairperson, CBFC stated that the amendment to sub-section(1) of Section 6 would create an unnecessary layer because even if the intent is to go for the rare cases, yet it will open a Pandora's Box where everything becomes important. Clarifying about the amendment, the Ministry had informed the Committee that the said provision in 'The Cinematograph (Amendment) Bill, 2021' has been largely misunderstood or not understood in the right spirit because the Central Government cannot have the power to re-examine a case that has been decided by the Board or the Tribunal because the Supreme Court has struck down this power. The Ministry had also stated that the Hon'ble Supreme Court vide judgment dated 28/11/2000 in Civil Appeal 3106 in the

K.M. Shankarappa case had also opined that at most, the Government may apply to the Tribunal itself for a review, if circumstances so warrant. However, with the abolishment of the Film Certification Appellate Tribunal (FCAT) the option to apply to the Tribunal for review is no longer available. Therefore, the amendment proposed in the draft 'Cinematograph (Amendment) Bill, 2021' was for cases where the Central Government might receive a complaint either from the Ministry of Home Affairs (MHA) or from the CBFC itself. In such cases, the Government may direct CBFC to re-examine and the decision of the CBFC will be final. Endorsing the need for this exception, the CEO, CBFC informed the Committee that there are certain cases in which some developments come after a film is certified and in that case CBFC does not have any provision to review, because Certification by CBFC is the final process after it has gone through all the revising Committees. He also informed the Committee that CBFC suo-motu cannot take up a film for review after certification is done and so in that case the revisionary power is needed. The Committee also learnt that Central Government cannot recall or re-certify any film certified by the CBFC but sometimes after a film is certified complaints are received against a film that allude to violation of Section 5B(1) of the Cinematograph Act, 1952 which has been derived from Article 19(2) of the Constitution and which are non-negotiable and in that case the Central Government may refer the matter to CBFC for re-examination of the film. Clarifying the intent on the amendment proposed in 'The Cinematograph (Amendment) Bill, 2021', the Ministry had informed that the Central Government will be referring a case for re-examination only on receipt of complaint on account of violation of Principles for guidance in certifying films mentioned in section 5B(1) such as 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 or is likely to incite the commission of any offence. The Ministry had assured that this would be in the rarest of the rare cases and in case the certification of a film is re-examined by the CBFC, the interest of the producers of the film will be safeguarded by giving him an opportunity to be heard before orders are passed by CBFC. At the same time, Rules will be framed to clarify the procedure and circumstances under which this power can be exercised so that there is no arbitrariness in the action taken. While noting that 'The Cinematograph (Amendment) Bill, 2023' has been introduced in Rajya Sabha on 20th July, 2023 the Committee hope that the Ministry have taken into consideration all the concerns raised during deliberations on the subject.

Reply of the Government

The High Court of Karnataka in KM Shankarappa Vs. Union of India case had struck down the revisional powers of the Central Government by stating that the Central Government cannot exercise revisional powers in respect of films that are already certified by the Board. This has also been upheld by the Hon'ble Supreme Court vide judgment dated 28th November 2000 in Civil Appeal 3106 of 1991. In compliance of the aforesaid judgement, the revisional powers of Central Government have been entirely omitted through the Cinematograph (Amendment) Act, 2023.

(Ministry of Information and Broadcasting O.M. No. H-11017/73/2023-DO(FC) dated
17.11.2023)

(Recommendation Sl. No. 10)

Act/ Rules/Guidelines related to functioning of CBFC

The Committee note that CBFC discharges its function of certification in accordance with the provisions of (i) The Cinematograph Act 1952, (ii) The Cinematograph (Certification) Rules, 1983 (iii) The Guidelines issued by the Central Government under Section 5B of the Cinematograph Act, in 1991 and (iv) Article 19(1)(a) and 19(2) of the Constitution of India. The Committee also note that there are various other Acts, Rules and Guidelines that CBFC needs to consider while certifying films. The Committee have been informed that the guidelines issued by the Central Government for film certification in 1991 have been time tested and are relevant even today as they provide broader objectives and issue-specific insights for the Committees to judge the contents for public exhibition. However, the present Cinematograph Act enacted in 1952 needs review/amendment. The Ministry of Information and Broadcasting had notified the draft 'Cinematograph (Amendment) Bill, 2021' on their website seeking public comments. The Committee have been informed that that it was decided that before a final view is taken on the comments received, wider stakeholder consultations would be held in person to allay the concerns of the film industry and to make them active partners in the regulatory ecosystem. Accordingly, two consultation meetings were held with major stakeholders on 3th March, 2022 in Chennai and in Mumbai on 4th March, 2022 to inter-alia discuss the proposed amendments in the Cinematograph Act and improvements in the certification process. The Ministry also informed that a review of the Cinematograph Act, 1952 has been done to address the various issues concerning the certification process in a comprehensive manner. Inter-ministerial consultations (IMC) and the pre-legislative consultations were also done with the major stakeholders. During the course of examination of the subject the Ministry had informed that since the initially proposed amendment has undergone substantial changes, it is required to undertake IMC for approaching the Cabinet for its approval to convey the new Bill in Parliament. After the IMC & Cabinet approval, the Bill will be laid in the Parliament. They also had informed the Committee that the proposed Draft, Bill 2021, is a comprehensive amendment. Further, the Committee note that 'The Cinematograph (Amendment) Bill, 2023' is introduced in the Rajya Sabha on 20th July, 2023.

In addition, the Committee note that the recommendations of the two Committee, viz. Mukul Mudgal Committee and Shyam Benegal Committee, are yet to be implemented in toto. On delayed implementation of the recommendations, the Ministry have submitted that upon examination they felt that the recommendations fall under three categories wherein (i) some would be included in the Act in terms of additional definitions or other amendments, and there could be amendments in the Cinematograph Certification Rules of 1983, (ii) some of the recommendations could be met by issue of Executive Orders, and (iii) certain recommendations made by the Mudgal and Shyam Benegal Committees, are already under implementation. The Committee disapprove the delay by the Ministry in taking concrete action on these two Reports. Having delayed it for more than 6 years, the Committee strongly urge the Ministry to implement the recommendations depending on the feasibility and ensure to avoid such excessive delays in future. The Ministry may also informed whether the

concerns expressed by the Committee on the Subject were considered in 'The Cinematograph (Amendment) Bill, 2023' introduced in the House.

Reply of the Government

The concerns expressed from time to time by the Standing Committee in relation to amendment of the Cinematograph Act, 1952 have been duly considered by the Ministry. The recommendations made by the two Expert Committees constituted under chairmanship of Justice Mukul Mudgal (in 2013) and Shri Shyam Benegal (in 2016) were examined in consultation with various stakeholders to comprehensively address the issues relating to film certification. Wherein it emerged, that not only the piracy issue needed to be tackled more comprehensively, but there was a need of introducing age-based categories of certification and removal of some redundant provisions.

The Cinematograph (Amendment) Act, 2023 (12 of 2023), passed by the Parliament and received the assent of the Hon'ble President on 4th August, 2023 shall comprehensively address the issues relating to film certification. First, the Act attempts to address the issue of unauthorized recording and exhibition of films and curb the menace of film piracy by transmission of unauthorized copies on the internet. Second, the Act attempts to improve the procedure for certification of films for public exhibition by the Central Board of Film Certification, as well as improve categorizations of the certifications of the films. Third, the Act attempts to harmonize the law with extant executive orders, Supreme Court judgments, and other relevant legislations. The amendments in the 2023 Act provide for:

- a) Provisions to Check Unauthorised Recording and Exhibition of Films Amounting to Piracy: To check film piracy by way of cam-cording in the theatres; and most importantly also prohibit any unauthorized copying and online transmission & exhibition of a pirated copy of any film, strict penal provisions have been incorporated.
- b) Age-Based Certification: Introduction of age-based categories of certification by further sub-dividing the existing UA category into three age-based categories, viz. seven years (UA 7+), thirteen years (UA 13+), and sixteen years (UA 16+), instead of twelve years. These age-based markers would be only recommendatory, meant for the parents or guardians to consider whether their children should view such a film.
- c) Aligning with the Supreme Court Judgements: Omission of Revisional Powers of Central Government as per judgment of Supreme Court in the case of K.M. Shankarappa vs Union of India (2000).

d) Perpetual Validity of Certificates: Removal of the restriction in the Act on validity of certificate for only 10 years for perpetual validity of certificates of Central Board of Film Certification (CBFC).

e) Change of Category of Film for Television: Recertification of the edited film for Television broadcast, as only Unrestricted Public Exhibition category films can be shown on television.

f) Reference to Jammu and Kashmir: Omission of references to the erstwhile State of Jammu and Kashmir in line with the Jammu and Kashmir Reorganisation Act, 2019.

(Ministry of Information and Broadcasting O.M. No. H-11017/73/2023-DO(FC) dated 17.11.2023)

(Recommendation Sl. No. 11)

Film Certification Appellate Tribunal (FCAT)

The Committee note that with promulgation of 'The Tribunals Reforms (Rationalization and Conditions of Service) Ordinance, 2021' on 04.04.2021, the Film Certification Appellate Tribunal (FCAT) has been abolished and its functions have been transferred to the High Courts. The role of FCAT was to hear appeals made under Section 5C of the Cinematograph Act, 1952 by an applicant for a certificate in respect of a film in case he was aggrieved by an order of the CBFC. Explaining the reasons for abolishing FCAT, the Ministry has said that under the Cinematograph Act, 1952 and Cinematograph (Certification) Rules, 1983, CBFC has a robust and efficient mechanism to deal with the concerns of the film fraternity and it has a well placed internal mechanism for representation and appeals in the form of revising committees comprising of eminent persons from different fields outside Government as their members. The Ministry also submitted that examining and revising committees of CBFC after patient hearing and through a collaborative effort address the grievances of the film makers. According to the Ministry, the number of films having to go to an appellate body saw a steady decline and during last 2-3 years, only around 0.2% films were taken to FCAT. Thus, considering the miniscule ratio of films approaching FCAT, abolition of FCAT is not expected to have any significant impact on the film industry. While perusing the Statement of Objects and Reasons of 'The Tribunals Reforms (Rationalization and Conditions of Service) Bill, 2021', the Committee learnt that the tribunals that are proposed to be abolished through this Bill/Act are of the kind which handle cases in which public at large is not a litigant or those which neither take away any significant workload from High Courts which otherwise would have adjudicated such cases nor provide speedy disposal. Many cases do not achieve finality at the level of tribunals and are litigated further till High Courts and Supreme Court, especially those with significant implications. Therefore, these tribunals only add to another additional layer of litigation. Having separate tribunal requires administrative action in terms of filling up of posts and such other matters, and any delay in such action further delays disposal of cases. The

Ministry also informed that reducing the number of tribunals shall not only be beneficial for the public at large, reduce the burden on public exchequer, but also address the issue of shortage of supporting staff of tribunals and infrastructure. In the light of the submissions made by the Ministry and keeping in view the larger interest of the public, the Committee see merit in the Government's justification in abolishing FCAT. Nonetheless, the Committee take into cognizance the submissions of the stakeholders that such experts Appellate Tribunal not only enables stakeholders to have an affordable, easily accessible and timely adjudication of grievances but also avoids cumbersome process of going to courts which inhibits most of the filmmakers because time is the essence in release of films. Thus, the Committee feel such decisions of abolishing a body meant for grievance redressal should at least be done after thorough discussions with the respective stakeholders, in this case film industry fraternity. The Committee, therefore, recommend the Ministry to have extensive/wider consultation so as to have negligible grievances and court cases after implementation of such decision. The Committee desire to be apprised about all the related developments/cases/appeals filed after 'The Tribunals Reforms Act, 2021' was passed by the Parliament in August, 2021 and FCAT was abolished.

Reply of the Government

With the promulgation of the Tribunals Reforms (Rationalization and Conditions of Service) Ordinance, 2021 on 04.04.2021, the FCAT has been abolished and its functions have been transferred to the High Courts. Therefore, the filmmakers can exercise their right to appeal by directly approaching the High Court against the decisions of CBFC.

If the filmmaker is aggrieved with the recommendation of Examining Committee, he can approach Revising Committee constituted under Rule 24 of Cinematograph Certification Rules 1983. There is also provision for re-revising committee if the issue is not resolved at the stage of revising committee. Further, in case of any disagreement, the filmmaker/applicant can appeal in the respective High Court for appropriate remedies. The films approaching Revising committees are discussed by the Chairperson and the Chief Executive Officer with the concerned Examining Officers and Board Members and appropriate guidance is given to the officers.

Filmmakers and applicants are involved and their views are considered while deciding on their films. The representations from filmmakers as well as other complainants are considered by the CBFC committees before making final recommendations. Providing hearings to filmmakers has been made compulsory to all committees before writing their reports. Further, Chairperson and all officers of the Board are accessible to general public or various organizations, groups that have any complaints about the contents of the Film. Such complaints are put before the respective committees who decide and dispose the same based on their merit.

(Ministry of Information and Broadcasting O.M. No. H-11017/73/2023-DO(FC) dated
17.11.2023)

(Recommendation Sl. No. 12)

Grievance Redressal Mechanism

The Committee note that at present the representations from filmmakers as well as other complainants are considered by the Committees of CBFC before making final recommendations and it is compulsory for all their Committees to hear filmmakers before writing their Reports. However, an aggrieved filmmaker can approach Revising Committee constituted under Rule 24 of Cinematograph Certification Rules 1983. There is also a provision for Re-revising Committee, if the issue is not resolved at the stage of revising committee. In case of any disagreement, the filmmaker/applicant can appeal in the respective High Court for appropriate remedies. The Ministry have informed that the Chairperson and all officers of the Board are accessible to general public or various organizations/groups that have any complaints about the contents of the Film. Such complaints are put before the respective Committees who decide and dispose the same based on their merit. The Ministry have also informed that they have strived for an environment of dialogue and discourse. Thereby, encouraging a collaborative and facilitative approach to film certification and overall focus has been on detailing and streamlining the processes. As a result there has been improved mutual understanding and appreciation by the film fraternity of the work of CBFC. However, in due course of examination, the Committee have come across numerous problems/constraints encountered by actors, producers, directors, film makers, etc., in getting approval/certification by CBFC.

On the concerns related to submission of NOC from the Animal Welfare Board as a mandatory requirement for application for certification and inconvenience faced by the Producers/Film makers, Committee have been assured that the matter will be looked into it. The Ministry have also informed that whenever there is a sensitive issue and there is requirement of expert comments, CBFC has an expert window where they invite experts on any subject. Regarding violations of certification Rules, the Committee note that during the last 5 years there has been a few cases of violations against certification of films. Further, Out of three vigilance cases that were reported in CBFC, in two cases the investigation/proceedings against the officers which started in 2017 are still in process and has not been settled even after 5 years. Therefore, in addition to the present arrangement of having Chief Executive Officer for administrative matters, CBFC should also have one Chief Grievance Redressal Officer at each regional level for dealing with other matters. The Committee urge the Ministry to expedite the pending vigilance cases along with the grievances of Producers/Directors/other Stakeholders of the Film industry at the earliest and apprise the Committee about the same. Having a single window/platform for complaint registration and to fix a timeline for redressing each category of grievance alongwith a help line number for Grievance Redressal and for any aggrieved party seeking appointment with the Chairperson or Regional Officer

would ameliorate the situation. The Committee may be apprised about the action taken in this direction.

Reply of the Government

Chairperson and all officers of the Board are accessible to general public or various organizations, groups that have any complaints about the contents of the Film. Such complaints are put before the respective committees who decide and dispose the same based on their merit. Chief Executive Officer acts as Chief Grievance Redressal Officer for administrative matters as well as Appellate Authority under RTI Act, 2005.

Filmmakers and applicants are involved and their views are considered while deciding on their films. The representations from filmmakers as well as other complainants are considered by the CBFC committees before making final recommendations. Providing hearings to filmmakers has been made compulsory to all committees before writing their reports.

As for the Committee's observations on the pending vigilance cases, it is submitted that the delay in settlement of the vigilance cases is due to the matters being sub-judice. As regards recommendation of the Committee for having a single window/platform for complaint registration and to fix a timeline for redressing each category of grievance alongwith a help line number for Grievance Redressal and for any aggrieved party seeking appointment with the Chairperson or Regional Officer, it is felt that there should be a transparent grievance receiving and grievance redressal system in every office of CBFC. In addition, the Regional Officers of all the nine regions of CBFC may have Open House sessions with producer associations in their jurisdiction at least twice a year and listen to their issues regarding certification process and address them in a healthy manner.

(Ministry of Information and Broadcasting O.M. No. H-11017/73/2023-DO(FC) dated
17.11.2023)

Comments of the Committee (Please see Para No. 19 of Chapter I)

(Recommendation Sl. No. 14)

International practices

The Committee note that in India, the digital media sector is a sunrise sector which has been evolving at a rapid pace with changes in technology, entertainment patterns and other socio-economic factors. The Ministry have informed that the provisions adopted in Part III of the 'Information Technology (Intermediary Guidelines

and Digital Media Ethics Codes) Rules, 2021' are in consonance with measures adopted globally and it would provide an institutional mechanism for the sector while protecting artistic freedom and creativity. According to the Ministry, it is expected that policy certainty and a level playing field for all stakeholders of the sector would help in attracting higher investments, leading to growth in the industry. The Committee note that the Ministry are making efforts to collaborate and learn from global best practices especially in the field of technology and artificial intelligence. The Ministry have also stated that a comparison between regulations adopted by various countries may need to account for politico-administrative, socio-cultural, legal, and demographic factors. However, since these factors vary from country to country, the Committee feel that the nuances of other countries cannot be compared/implemented in totality particularly in case of assessment of a film and certification which is essentially a human process based on appreciation of content in the light of narrative and theme of the film and people to whom it relates to. Neither it can be mechanized, nor a uniform one-size-fits-all formula be applied to the films while deciding on their classification. Thus, the Committee expect that the Ministry to adopt a balanced approach while bringing any Act/Guideline/Policy changes by ensuring protection to the artistic freedom and creativity taking into consideration the diverse nature of the country. Nevertheless, the Committee recommend the Ministry to take comprehensive, concerted efforts on all the issues affecting the functioning of CBFC and inform the Committee about the action taken.

Reply of the Government

A comprehensive review of the Cinematograph Act, 1952 was undertaken in the Ministry to address the various issues concerning the certification process. The Cinematograph (Amendment) Act, 2023 (12 of 2023), passed by the Parliament and received the assent of the Hon'ble President on 4th August, 2023 shall comprehensively address the issues relating to film certification. First, the Act attempts to address the issue of unauthorized recording and exhibition of films and curb the menace of film piracy by transmission of unauthorized copies on the internet. Second, the Act attempts to improve the procedure for certification of films for public exhibition by the Central Board of Film Certification, as well as improve categorizations of the certifications of the films. Third, the Act attempts to harmonize the law with extant executive orders, Supreme Court judgments, and other relevant legislations. The amendments in the 2023 Act inter-alia provide for:

- a) Provisions to Check Unauthorised Recording and Exhibition of Films Amounting to Piracy: To check film piracy by way of cam-cording in the theatres; and most importantly also prohibit any unauthorized copying and online transmission & exhibition of a pirated copy of any film, strict penal provisions have been incorporated. The proposed amendments in the Act to check film piracy align the law in India with global best practices in jurisdictions such as the

United States of America, Canada, Germany, Italy and Philippines which have anti-camcording legislations in place.

b) Age-Based Certification: Introduction of age-based categories of certification by further sub-dividing the existing UA category into three age-based categories, viz. seven years (UA 7+), thirteen years (UA 13+), and sixteen years (UA 16+), instead of twelve years. These age-based markers would be only recommendatory, meant for the parents or guardians to consider whether their children should view such a film. Also, these Markers have been harmonized with the Information Technology (Guidelines for Intermediaries and Digital Media Ethics Code) Rules, 2021 to enable a uniform categorization across all platforms as also to align the law in India with global best practices.

(Ministry of Information and Broadcasting O.M. No. H-11017/73/2023-DO(FC) dated
17.11.2023)

CHAPTER- III

OBSERVATIONS/RECOMMENDATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN VIEW OF THE REPLIES OF THE GOVERNMENT

(Recommendation Sl. No. 5)

Revenue from Certification and fees

The Committee note that the fees charged by CBFC for examination of films have been prescribed under Rule 36 of the Cinematograph (Certification) Rules, 1983 and the present fees are in accordance with notification dated 27.01.2017. Predominantly Educational (PE) films that generally includes different kinds of documentaries, children's films, scientific films, films on health and environmental awareness, etc. are given a discount. For a two hour long film, the Certification fee works out as Rs. 4350/- for PE films and Rs 21,850/- for other (Non-PE) films. The Committee also note that during the year 2021-22, CBFC received Rs. 12,21,40,116/- as certification charges and from 2017-18 (upto September 2022) they have received Rs. 63,74,97,611/-. The Committee are pleased to learn that the existing fee structure of CBFC is found to be reasonable and that there is no lacunae. The Committee also learn that in the light of increased procedural costs and honorarium of panel members, the Film Certification fees structure is reviewed at regular intervals and there is no immediate likelihood of revision of certification fees due to impact of COVID-19 pandemic on film industry. Nevertheless, the Committee are concerned over the issue highlighted by the President of Indian Motion Picture Producers' Association (IMPPA) wherein it has been stated that since 'A' certified films cannot be screened on Satellite, the producers are forced to re-apply for grant of 'UA' Certificate/'U' Certificate for the same film and in that case the producers are expected to pay the same amount of fees again for a new certificate which is expensive. A request has been made to the Committee that in case of re-certification of 'A' films into 'UA' it should not be treated as new certificate because the already financially suffering producer is made to pay heavy CBFC fees. Taking into consideration the above submission, the Committee would like the Ministry to apprise about the feasibility of waiving off the certification fees in cases when a film is re-submitted for re-certification. The Ministry may look into the grievances related to certification fees and other fees charged by CBFC and provide details of the action taken on such grievances.

Reply of the Government

Fees chargeable for examination of films is prescribed under Rule 36 of the Cinematograph (Certification) Rules, 1983. The present fees charged by CBFC for examination are in accordance with Notification dated 27.01.2017. There is discount given for Predominantly Educational (PE) films that generally includes different kinds of

documentaries, children's films, scientific films, films on health and environmental awareness, etc. For a two hour long film, the Certification fee works out as Rs 4350 for PE films and Rs 21,850/- for other (Non-PE) films. No lacunae have been noted by Ministry in the existing fee structure of CBFC and it is found to be quite rational and logical. As per available records, no grievance related to certification fees and other fees charged by CBFC for re-certification of films have been received. It is also relevant to mention that a major part of film's revenue comes from its telecast on television and therefore waiving off the certification fees, which is quite nominal, may not be necessary.

(Ministry of Information and Broadcasting O.M. No. H-11017/73/2023-DO(FC) dated
17.11.2023)

CHAPTER IV

OBSERVATIONS/RECOMMENDATIONS IN RESPECT OF WHICH REPLIES OF THE GOVERNMENT HAVE NOT BEEN ACCEPTED BY THE COMMITTEE AND REQUIRE REITERATION

---NIL---

CHAPTER V

OBSERVATIONS/RECOMMENDATIONS IN RESPECT OF WHICH REPLIES OF THE GOVERNMENT ARE INTERIM IN NATURE

Digitization / Online Certification system – ‘e-Cinepramaan’

(Recommendation Sl. No. 9)

The Committee note that since 2009 CBFC has been progressively moving from manual operations to automation and on 27th March, 2017 online certification system of CBFC - ‘e-cinepramaan’ was launched. The Committee appreciate that system for paying certification fees has been fully integrated with Bharatkosh e-payment gateway and the work of scanning and digitization of past certification records has also been undertaken by CBFC. The Committee have been informed that the present online certification system has been developed and changes are done in the system from time to time based on the feedback received from all stakeholders including filmmakers and applicants. The Ministry have informed that four years into operation, the online system is functioning satisfactorily and applicants are also comfortable with it. The Committee note that online certification system has not only reduced the time taken for film certification substantially but has also enabled the filmmakers to check the status of their applications through their logins, reply to intimations and make enquiries through dedicated helpdesk of CBFC. This has brought in transparency in documentation processes and has brought down the average time taken for long film certification to less than 10-15 days as compared to earlier 20-30 days. Further, short films certification time has reduced to just 1 to 2 days. Duplications in certifications is eliminated and with QR code implementation, authenticity of certificates can be checked, thereby tackling the problem of forged certificates”. Some system improvements that are being carried out in the second phase based on the suggestions/feedback received *inter-alia* include (i) merging of four different application forms into a common simplified form, also removing redundant entries (ii) Making cut verification process completely online (iii) Informing applicants on the tentative date of screening on their dashboard (iv) Providing alternate and additional payment gateway for deposition of fees, etc. With the launch of ‘e-cinepramaan’, CBFC have also started online examination of short films (films of less than 10 minutes duration), enabling swift certification of these films.

Further, the Committee are given to understand that the next phase of digitization is to make ‘e-cinepramaan’ more user-friendly and Computerisation Phase-II aims at complete automation with minimal human intervention. However, it is a matter of concern to note the grievance raised by film makers with respect to some of the manual processes that are still being followed i.e. there is a need for submission of 8 hard copies of all documents like script/screen play at the time of screening and at the time of scrutiny of all the documents producer's personal presence is compulsorily required and

there is no provision for allowing authorized representative of the producer to complete the formalities, etc. Even after completing the full process of certification the producer is required to collect the certificate personally. Besides, even after the film is cleared, to collect the certificate producer has to visit CBFC office repeatedly because it does not get signed for one or the other reason. The Committee call upon the Ministry that the initiatives being taken for digitization of certification process may address all concerns of the stakeholders. Further, these initiatives be implemented at the earliest.

Reply of the Government

The present online certification system has been developed and changes are done in the system from time to time based on the feedback/suggestions received from all stakeholders including filmmakers and applicants. The Ministry and the CBFC are in the process of making further improvements in the online certification process for complete automation and minimal human intervention. It has been decided to do away with the physical submission of documents (script, synopsis, and any other documents) by the applicant/representative, and all such documents are to be uploaded at the time of online application only. Further, to initiate steps for no manual intervention, it has been decided to scan the copy of the certificate(s) which shall be shared on the registered email ID of the respective applicant. The physical copy of the certificate can be dispatched if requested. Provision shall be made on the e-Cinepramaan portal for digitally signing the certificates and the same to be downloaded by the applicant himself/herself only at their end.

(Ministry of Information and Broadcasting O.M. No. H-11017/73/2023-DO(FC) dated
17.11.2023)

Comments of the Committee (Please see Para No. 16 of Chapter I)

Initiatives for person with special needs

(Recommendation SI. No. 13)

The Committee note that on 01.10.2019 the Ministry had issued an advisory to major Film Industry bodies with the request to persuade and motivate their associated members for making their film more accessible to person with special needs by using Audio Description and closed captioning in films. However, the Committee note with extreme concern that only one film - 'Gandhi' (Hindi) (by Director: Richard Attenborough, produced by NFDC) was certified in accessible format for differently-abled persons after 1st October, 2019. The Committee are perturbed about the shoddy implementation of accessibility standards for persons with disabilities, and feel that such

initiatives should emanate from the industry suo-moto to cater to the special needs of differently-abled persons. The Committee urge the Ministry to ensure that their efforts for sensitizing film makers about the accessibility standards has tangible outcomes.

Reply of the Government

The issue of accessibility standards for cinema viewing for persons with disabilities has been under examination in the Ministry of Information and Broadcasting since 2019 and a number of steps have been taken/initiated for the implementation of the accessibility standards.

In view of the concerns regarding high costs to accessibility features raised by the film makers, the Ministry looked at technology as a solution. The implementation of accessibility standards in the television sector was also reviewed periodically. Various technology solution providers have approached the Ministry from time to time to showcase their solutions for making film watching more accessible and cost-effective at the same time. Under Ministry's directions, CBFC issued a Notice for inviting Expression of Interest in May, 2023 regarding advanced technology solutions from various consulting agencies for providing accessibility in films for persons with disabilities, including hearing and visual impairment and conducted a workshop with the film industry stakeholders in July, 2023. Further, a draft concept note has also been prepared that outlines various research methods that filmmakers and film distributors could adopt to enhance the accessibility in cinema viewing and also includes best practices being followed by few countries worldwide in enhancing accessibility for cinema viewing for persons with disabilities using related technological solutions.

The Ministry is currently in the process of framing draft guidelines for enforcing and implementing accessibility standards for cinema viewing for the benefit of persons with disabilities. Consultation meetings with various stakeholders are going on in earnest to ensure that the concerns of stakeholders are duly addressed before mandatory guidelines are issued by the Ministry.

(Ministry of Information and Broadcasting O.M. No. H-11017/73/2023-DO(FC) dated
17.11.2023)

Comments of the Committee (Please see Para No. 22 of Chapter I)

New Delhi;
15 December, 2023
24 Agrahayana, 1945 (Saka)

PRATAPRAO JADHAV,
Chairperson,
**Standing Committee on
Communications and Information Technology.**

**STANDING COMMITTEE ON COMMUNICATIONS AND INFORMATION
TECHNOLOGY
(2023-24)**

MINUTES OF THE THIRD SITTING OF THE COMMITTEE

The Committee sat on Thursday, the 14 December, 2023 from 1615 hours to 1745 hours in Committee Room No. '3', Extension to Parliament House Annexe, New Delhi.

PRESENT

Shri Prataprao Jadhav- Chairperson

MEMBERS

Lok Sabha

2. Shri Karti P. Chidambaram
3. Smt. Sunita Duggal
4. Dr. Sukanta Majumdar
5. Shri Santosh Pandey
6. Shri Sanjay Seth
7. Shri Ganesh Singh
8. Shri Shatrughan Prasad Sinha

Rajya Sabha

9. Dr. Anil Aggarwal
10. Dr. John Brittas
11. Shri Syed Nasir Hussain
12. Shri Praful Patel
13. Shri Kartikeya Sharma
14. Shri Jawahar Sircar
15. Shri Lahar Singh Siroya

SECRETARIAT

- | | | | |
|----|--------------------|---|----------------------|
| 1. | Shri Satpal Gulati | - | Additional Secretary |
| 2. | Smt. Jyothirmayi | - | Director |
| 3. | Shri Nishant Mehra | - | Deputy Secretary |

2. At the outset, the Chairperson welcomed the Members to the Sitting of the Committee convened to consider and adopt two draft Action Taken Reports on Demands for Grants (2023-24) relating to the Ministries/Departments under their jurisdiction and to have briefing by the representatives of the Ministry of Information and Broadcasting, Department of Telecommunications, Telecom Regulatory Authority of India (TRAI) and All India Digital Cable Federation (AIDCF) on the Subject 'Regulation of Cable Television in India' relating to Ministry of Information and Broadcasting.

3. The Committee, then, took up the following two draft Reports for consideration and adoption:-

- (i) Draft Report on Action Taken by the Government on the Observations/Recommendations of the Committee contained in their Forty-fifth Report on 'Demands for Grants (2023-24)' relating to the Ministry of Electronics and Information Technology.
- (ii) Draft Report on Action Taken by the Government on the Observations/Recommendations of the Committee contained in their Forty-seventh Report (Seventeenth Lok Sabha) on 'Review of functioning of Central Board of Film Certification (CBFC)' relating to the Ministry of Information and Broadcasting.

4. The Committee adopted the Reports without modifications.

5. The Committee authorized the Chairperson to finalize the draft Action Taken Reports and present the same to the House during the current Session of Parliament.

6. XXXXX.....XXXXX..... XXXXX.....XXXXX..... XXXXX.....XXXXX

7. XXXXX.....XXXXX..... XXXXX.....XXXXX..... XXXXX.....XXXXX

The witnesses then withdrew.

Verbatim Proceedings of the sitting have been kept on record.

The Committee, then, adjourned.

XXX...XXX....Matter not related

Annexure-II

ANALYSIS OF ACTION TAKEN BY THE GOVERNMENT ON THE OBSERVATIONS/ RECOMMENDATIONS CONTAINED IN THEIR FORTY-SEVENTH REPORT

(SEVENTEENTH LOK SABHA)

[Vide Paragraph No. 5 of Introduction]

(i) Observations/Recommendations which have been accepted by the Government Rec. Sl. Nos.: 1, 2, 3, 4, 6, 7, 8, 10, 11, 12 and 14	Total Percentage	11 78.57
(ii) Observations/Recommendations which the Committee do not desire to pursue in view of the replies of the Government Rec. Sl. Nos.: 5	Total Percentage	1 7.14
(iii) Observations/Recommendations in respect of which replies of the Government have not been accepted by the Committee and require reiteration:NIL	Total Percentage	NIL 0.00
(iv) Observations/Recommendations in respect of which the replies of the Government are of interim in nature Rec. Sl. Nos.: 9 and 13	Total Percentage	02 14.29