

REPORT OF  
THE COMMITTEE OF EXPERTS  
TO EXAMINE ISSUES OF CERTIFICATION  
UNDER  
THE CINEMATOGRAPH ACT 1952

28<sup>TH</sup> SEPTEMBER 2013

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### *Appendices*

- 1. The proposed Cinematograph Bill*
- 2. Office Memorandum No.2/12/2004-FCAT(Vol.IV) dated 04.02.2013*
- 3. Office Memorandum No. 2/ 12/ 2004- FCAT (Vol'IV) Pt. I dated 01.07.2013*
- 4. Office Memorandum No. 2/12/2004-FCAT (Vol IV) Pt. I dated 09.09.2013*
- 5. The Minutes of the Meetings held by the Committee*
- 6. Material received in writing and representations from various parties, associations of producer, directors etc., social organizations and other sections of the film industry*

CHAPTER I  
PRELIMINARY

1. Cinema is an artistic expression of ideas, stories and often opinions, sometimes inspired by reality occasionally set to music, designed to enthrall, enchant, or simply to entertain. There are few other mediums of communication that can claim rival levels of pervasive influence and presence in our daily lives. History shows that films have sparked off political debate and threatened governments, heralded social change causing society to deviate from age old dogma and also sent real life lovers to their death in their misplaced hope of emulating the classic romances. It is perhaps in salute to such impelling powers of persuasion that it is the only form of art, deemed fit to be regulated by an Act of Parliament.
2. The present Cinematograph Act was enacted in the year 1952. Cinema has undergone a radical change since. The medium of cinema, the tools and technology associated with it and even its cherished audience have metamorphosed through time. Upon this Committee falls the task of reviewing and recommending legislation which will regulate, certify and license facets of this every changing and precocious art form. We have endeavored to accomplish this task to the best of our ability.
3. This Committee was constituted by the Government of India, Ministry of Information and Broadcasting vide Office Memorandum No.2/12/2004-FCAT(Vol.IV) dated 04.02.2013 and comprising of the following members:

i)	Justice Mukul Mudgal, Retired Chief Justice, High Court of Punjab and Haryana	Chairperson
ii)	Sh. Lalit Bhasin, Chairperson, FCAT	Member
iii)	Ms. Sharmila Tagore, former Chairperson, CBFC	Member
iv)	Shri Javed Akhtar, renowned music composer, writer and lyricist	Member
v)	Ms. Leela Samson, Chairperson, CBFC	Member
vi)	Shri L Suresh, Secretary, South Indian Film Chamber of Commerce and former President, Film Federation of India	Member
vii)	Ms. Rameeza Hakeem, Advocate, Supreme Court of India	Member
viii)	Shri Raghvendra Singh, Joint Secretary (Films), Ministry of I& B.	Member – Convenor

4. By subsequent Office Memorandum dated 01.07.2013 No. 2/ 12/ 2004- FCAT (Vol'IV) Pt. I, Sh. Uday Kumar Verma was also appointed as a member to the present Committee. Office Memorandum No.2/12/2004-FCAT(Vol.IV) dated 04.02.2013 and Office Memorandum No. 2/ 12/ 2004- FCAT (Vol'IV)Pt. I dated 01.07.2013 are placed as **Appendix 2** and **Appendix 3** of this report.
5. The terms and reference of the Committee are as under:
  - I) Review the mandate and functionary of CBFC and recommended measures including statutory changes to enable CBFC to deal with contemporary requirements of

certification and increased transparency / efficiency. Such issues, inter alia, may include:

- a) The process of certification under the Act and Rules, including the mechanism followed by Examining and Revising Committees;
  - b) Categories of certification, existing and proposed, under the Cinematograph (Amendment) Bill, 2013.
  - c) Requirement of special categories of certification for the purposes of broadcasting on television channels and radio stations.
- II) To review the mandate and functioning of Film Certification Appellate Tribunal (FCAT) in order to make it a more efficacious appellate body;
- III) Examine the role of Central Government regarding sanctioning of cinematograph films for exhibition under Entry 60, List I of the Seventh Schedule to the Constitution of India vis-à-vis Entry 33, List II of the Seventh Schedule to the Constitution of India;
- IV) To suggest more effective legal remedies and penal provisions in the Act, particularly with reference to making unlawful copies, camcording in cinema halls, interpolation /insertion of clips after certification and such similar issues; and
- V) Any other issues that the Committee may deem fit to deliberate upon.

The Committee was to submit its report to the Central Government within two months from the date of constitution, which date was further extended to 30.09.2013 by Office Memorandum No. 2/12/2004-FCAT (Vol IV) Pt. I dated 09.09.2013 placed as **Appendix 4** to this report.