
**REPORT OF COMMITTEE OF EXPERTS
CHAired BY SHYAM BENEGAL**

TO RECOMMEND

**BROAD GUIDELINES/ PROCEDURE FOR
CERTIFICATION OF FILMS
BY THE CENTRAL BOARD OF FILM
CERTIFICATION (CBFC)**

26 April 2016

New Delhi

Constitution and Terms of Reference

1.1 Vide Office Memorandum F. No. M-34016/3/2015-DO (FC)-Part II dated 1 January 2016, the Government of India, Ministry of Information & Broadcasting constituted a Committee, chaired by Mr. Shyam Benegal, in order to evolve broad guidelines / procedures for the benefit of the Chairperson and members of Central Board Film Certification (CBFC), Advisory Panel Members and Examining Officers of CBFC. The orders dated 1.1.2016 (whereby the Committee was appointed), dated 14.1.2016 (whereby Mr. Kamal Hassan and Mr. Goutam Ghose were co-opted to the Committee), and the order dated 7 March 2016 (whereby the date for submission of report was extended to 30 April 2016) are appended herewith at **Annexure-1**.

1.2 The terms of reference of this Committee were as follows –

- a. *“To study the extant procedures with respect to certification process being followed by CBFC which include formation of Examining Committee, Revising Committee and their composition, procedures being adopted for certification of original version of films, dubbed version or recertification for screening in different platforms (telecast etc.).*
- b. *To study the existing guidelines and procedures/practices being followed for certification process and also study various directives of Courts with respect to certification of films as well as notifications issued by other Government agencies having an impact on the certification process (Ministry of Health and Family Welfare, Ministry of Environment & Forest).*
- c. *Recommend a broad guideline / procedure which will set principles which shall guide the Board with respect to certification of films within the ambit of the existing provisions of the Cinematograph Act, 1952, Cinematograph (Certification) Rules, 1983 and guidelines for certification of films for public exhibition.*
- d. *To study the existing staffing pattern and recommend a suitable staffing structure with a view to render efficient and user-friendly service.*
- e. *Any other issue that the Committee may deem fit to deliberate upon towards providing the said recommendations.”*

1.3 Subsequent to the formation of the Committee, the members met the Union Minister of Finance and Information & Broadcasting, Shri Arun Jaitley, the Union Minister of State for Information & Broadcasting, Shri Rajyavardhan Singh Rathore, and Secretary, Ministry of Information & Broadcasting, Shri Sunil Arora, on 9 January 2016. Broadly, the Committee was asked to look into the following aspects -

- a. Improvements required in the administrative aspects of certification process.
- b. Procedures being followed by CBFC including the existing guidelines may be re-examined and appropriate guidelines/frameworks are suggested which are very clear so as to avoid any discretion while interpreting them.
- c. Look into the appointment of members of Board and Advisory Panels and recommend how the advisory panel members should be appointed and the checks and balances to be put in place while nominating such members.
- d. Reduction in human interface with a view to ensure that CBFC is not being seen as an arm-twisting body.

1.4 The members were asked to make recommendations which enable the formulation of rules and guidelines that ensure that the process of certification of films for public exhibition is carried out in a uniform, non-discriminatory, and non-discretionary manner within the ambit of the provisions of Cinematograph Act, 1952. The Cinematograph (Certification) Rules, 1983 (laying down the administrative processes) and the Guidelines for certification of films for public exhibition issued vide notification dated 6 December 1991 would need to be re-examined in order to providing a holistic framework for the process of certification.

Meetings of the Committee

2.1 The members of the Committee held the following meetings in the Board Room of NFDC Ltd., Mumbai to deliberate upon the terms of reference and the brief assigned to them –

Date of Meeting	Attended by
1. 16 February 2016	Shyam Benegal Rakeysh Om Prakash Mehra Bhawana Somaaya Goutam Ghose Nina Lath Gupta K. Sanjay Murthy
2. 14 March 2016	Shyam Benegal Kamal Hassan Rakeysh Om Prakash Mehra Piyush Pandey Bhawana Somaaya Nina Lath Gupta K. Sanjay Murthy
3. 23 March 2016	Shyam Benegal Goutam Ghose Kamal Hassan Rakeysh Om Prakash Mehra Piyush Pandey Bhawana Somaaya Nina Lath Gupta K. Sanjay Murthy
4. 27 March 2016	Shyam Benegal Rakeysh Om Prakash Mehra Bhawana Somaaya Nina Lath Gupta K. Sanjay Murthy
5. 6 April 2016	Shyam Benegal Rakeysh Om Prakash Mehra Bhawana Somaaya Goutam Ghose Nina Lath Gupta K. Sanjay Murthy
6. 13 April 2016	Shyam Benegal Rakeysh Om Prakash Mehra Kamal Hassan Piyush Pandey Bhawana Somaaya Nina Lath Gupta K. Sanjay Murthy

Current Process of Certification of Films

3.1 Before proceeding to examine various aspects relating to the tasks assigned to the Committee, it is essential to understand the existing mechanism for certification of films for public exhibition.

3.2 The Central Board of Film Certification (CBFC) is a content certifying statutory body for the purpose of sanctioning films for public exhibition, set up under the Cinematograph Act, 1952. It functions under the Ministry of Information and Broadcasting, and regulates public exhibition of films under the provisions of this Act. All films, music videos, and documentaries meant for public exhibition, irrespective of their length, and media type (Celluloid, video, CD, or DVD version) are subject to certification by CBFC.

3.3 As on date, the CBFC discharges its function of certification in accordance with the following provisions –