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CIVIL SERVICES ACHIEVERS' POINT

A ONE STOP SOLUTION FOR UPSC/APSC/SSC & BANKING

THE HINDU

DAILY EDITORIAL ANALYSIS

DATE - 1st July, 2021

For Preliminary and Mains examination

(Also useful for APSC and other government examinations)

CSAP

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Leadership through knowledge...

CENTRES: BELTOLA, SILCHAR, KOKRAJHAR, COTTON UNIVERSITY, SONAPUR COLLEGE, MARGHERITA

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EDITORIALS

An attempt to silence the film fraternity (GS 2 - Government policies and interventions)

Context

- The draft **Cinematograph (Amendment) Bill, 2021** for which the **Ministry of Information and Broadcasting** has asked for opinions before presenting it to Parliament.
- Cinema is an auteur's medium. But it is also the voice of the people and hence the voice of the institution of democracy. Now the Central government is keen to seize that voice of democracy by a single act of Parliament.
- The draft Cinematograph (Amendment) Bill proposes to add a proviso to sub-section (1) of Section 6 of the Cinematograph Act **to grant revisionary powers to the Central government to direct re-examination of films that have already been certified for public exhibition.**
- This is done predominantly with a view to empower the government to interfere and influence the independence of the **Central Board of Film Certification (CBFC)** in certifying films and, more dangerously, to reopen records of already certified films.
- It is pertinent that we understand the present scenario to clearly perceive the excess of the proposed amendment.
- While the current censorship rules are archaic and redundant and we have been crying ourselves hoarse to abolish the same, inviting artistes to be their own censors, the amendment to provide for revisionary powers to any government after certification is a step further back.
- This amendment comes close on the heels of the government's decision, in April 2021, to abolish the **Film Certification Appellate Tribunal**. Consequently, the only resort available now to any film-

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maker who is aggrieved by a decision of the CBFC is to approach the relevant High Court which would be too expensive and time-consuming for most film-makers.

- Through this amendment, the Central government has sought to usurp powers that are held to be “unconstitutional” by the Supreme Court of India. Portions of Section 6(1) of the principal Act were held to be unconstitutional by the Supreme Court in *Union of India v. K. M. Shankarappa* (2000).
- The Court held that “Section 6(1) is a travesty of the rule of law which is one of the basic structures of the Constitution”.

Revisionary powers

- The impression that the Central government is trying to create now is that it is powerless to act against complaints received.
- It is that avenue which this amendment opens out to any government to use its revisionary powers, which it anyway has. The government is well empowered to act against complaints received, by submitting itself to judicial review against decisions of the CBFC granting certification, instead of trying to impose executive excess, which was the core principle laid down by the Supreme Court through its order.
- The Central government seems to have manipulated and manoeuvred this situation since the Tribunal has recently been struck down.
- The draft Bill will only restrict freedom of speech and put a gag on the film fraternity, preventing film-makers from making films on bad governance, social evils, and so on.
- Further, any executive authority may be emboldened to ban films based on frivolous petitions of groups with vested interests or fringe groups. In this age of the Internet, every person is more than a mere soapbox orator. The government is aiming to silence its people.
- All those who trust and are invested in liberty, equality and fraternity should voice their protest. If temporary myopia is the problem of certain sections of the media and other political parties.

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Cinematograph (Amendment) Bill, 2021

Key Provisions :

- **Revision of certification:** This provision will give the Centre “revisionary powers” and enable it to “re-examine” films already cleared by [the Central Board of Film Certification \(CBFC\)](#).
- **Age-based certification:** It seeks to introduce age-based categorisation and classification. It proposes to divide the existing categories (U, U/A and A) into further age-based groups: U/A 7+, U/A 13+ and U/A 16+.
- **Provision against piracy:** At present, there are no enabling provisions to check film piracy. Violation shall be punishable with imprisonment and fine.
- **Eternal certificate:** It proposes to certify films for perpetuity. Currently a certificate issued by the CBFC is valid only for 10 years.

Concerns associated:

- Power of the Centre to order for recertification may lead to an additional layer of direct government censorship going beyond that envisaged by the existing process run by the Central Board for Film Certification (CBFC).
- This provision also goes against the Supreme Court’s view that the government has no right to demand censorship once the Board has certified a film has left the Centre powerless.
- Various groups or individuals often object to a film just before the release, but after the certification process. with the implementation of the proposed new rules, films could be held up longer for re-certification based on random objections, even if it is already certified by the cbfc.

What does the government say on this?

- The government cites the “reasonable restrictions” placed by the constitution in Article 19 of the constitution to justify exercising its powers to act as a super-censor for films about which it receives complaints – even if the CBFC, which is the official body empowered to implement the Act, finds those film do not trigger those restrictions.