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An Overview on Cinematograph Certification

Introduction

Films use certification to accomplish a number of important goals, chief among them being the protection of audiences from potentially dangerous or offensive content, especially for children and vulnerable groups, by guaranteeing that films meet standards of decency, legality, and morality. Furthermore, certification helps viewers make informed decisions about what to watch by classifying movies according to age appropriateness. This approach reflects societal norms and values, respects cultural sensitivities, and helps shield children from exposure to unsuitable content. Furthermore, film certification guarantees adherence to laws pertaining to public display, censorship, and content control, which promotes ethical film production and distribution methods. Essentially, certification promotes both artistic expression and the welfare of viewers by striking a balance between societal interests and artistic freedom.

Recent Progress in Cinematograph Certification

In compliance with the Cinematograph (Amendment) Act of 2023¹, the Indian Ministry of Information and Broadcasting introduced the Cinematograph Rules², with the goal of modernizing and streamlining the certification procedure for movies. These regulations are in line with digital certification procedures, which shorten certification lead times. They also include characteristics that facilitate accessibility for those with disabilities. Now they provide greater gender representation in the Central Board of Film Certification (CBFC) Board and Advisory Panels (preferably women occupying half of the seats) and introduced age-based certification categories (UA 7+, UA 13+, and UA 16+) to help the guardians to determine whether the film is suitable for the children or not. Furthermore, measures for priority screening speed up certification, and certificates issued by the CBFC have everlasting validity instead of

¹ Cinematograph Act, 1952.

² Cinematograph (Certification) Rules, 2024.

the former 10-year limit. Re-certification is necessary for films cut for television broadcasts, meaning that only films certified for Unrestricted Public Exhibition can be televised. These guidelines represent a contemporary approach to the film business, taking into account demographic shifts and technical improvements with the ultimate goal of strengthening efficiency as well as competitiveness on a global scale.

Meaning of Adult Content

We have witnessed films certified U, A, U/A, and so forth. U denotes an unrestricted public display, whereas U/A denotes an unrestricted public exhibition subject to parental supervision for minors less than twelve, A denotes adult audiences only, while S denotes a particular class of people alone.

The fact that the term "adult content" is not defined in either the Act or the Rule makes this situation problematic. The most concerning aspect is that society continues to overlook critical elements and exclusively classify sex-related material on its own as adult content. The Guidelines for certification of films for public screening³ by the Ministry of Information and Broadcasting in exercise of the powers conferred by the Act⁴, have been affirmed by the court in a number of situations.⁵ However when it comes to applicability, they fall short. As a matter of fact, it is imperative to take into account not only the sexually explicit films but also the criminal acts that are portrayed to the children, particularly in light of the current wave of psychopath killer films.

Recent Trends

In 1961, psychologist Albert Bandura became the first to correlate media violence to aggressive behavior in children⁶. He proposed that youngsters often copy what they see, and they are quicker to pick up negative than good information. There have been several instances where kids have mimicked the bad traits of heroes. Many people choose to express themselves as heroes by fighting, exacting revenge, and abusing drugs and alcohol after the trend of performers doing so. Even their style of proposing their loved ones and expressing the life after breakups are influenced by these.

³ Issued in S.O. No. 836(E) dated December 6, 1991.

⁴ Sub-section (2) of section 5B of the Cinematograph Act, 1952.

⁵ Sebin Thomas Vs Union of India and Ors. 2023 SCC OnLine Ker 2215.

⁶ Bandura, A. (1979). Social Learning Perspective: Mechanisms of Aggression. In H. Toch (Ed.), Psychology of Crime and Criminal Justice (pp. 198-236). NCJ Number 118243.

The recent trends are more violent, psycho thriller movies which normalise inhuman killings to an extent. The majority of psychopaths—real or reel—express their childhood trauma. There might be kids like that in our immediate vicinity who may have a minor or serious trauma. Naturally, if it is severe, they will act psychotropic, but if it is mild, they might believe that committing these crimes is the most effective method for them to cope with their trauma. They won't just copy aggressiveness but will act accordingly⁷. Kids should watch some movies only after they reach a certain degree of maturity as they witness considerable media violence can become desensitized — or less shocked by violence, less sensitive to the pain and suffering of others, and less likely to show empathy for victims of violence. Psycho thrillers like SAW, Por Thozhil, Anjaam Pathiraa etc., are given U/A certification but the scary part is most of the children watched these movies in the absence of their guardians making the certifications just a useless tag. The effects of these kinds of movies are more dangerous for the wellbeing of society than the sexually explicit contents shown to the kids.

Need for Change in The Field of Cinematograph Certification

The lack of proper definition for 'adult content' in India may lead to ambiguous dealing of cases as the industry is developing rapidly. A comprehensive definition may be included in the Act so as to cope up with the upcoming trends of the Indian film industry, focusing on all important aspects as per the guidelines (supra) and not exclusively on obscenity.

The Supreme Court once established in a criminal appeal⁸ that the decision of the censor board, under Section 6 of the Act, 1952, to grant a film certificate should not be disregarded, as an expert committee evaluates the films' appropriateness for the viewing public. The expert committee is more knowledgeable and has a greater grasp of the main components of the obscenity. But the members of the Advisory Panel are from different walks of life who are nominated by the Central Government and such nomination may not always be based on their expertise in this field leading to potential biases in certifying films. The presumption of expertise and the lack of such criteria in their nomination is still a curse.

The certifications are to be given a wide scope breaking the limit of public exhibition. Changes shall be brought in the sector of OTT release too in line with the new amendment regarding the exclusive televising of unrestricted movies, as OTT platforms are sweeping off the ground in this era.

⁷ Bandura, Ross, & Ross. (1963).

⁸ Raj Kapoor v. State AIR 1980 SC 285.

Conclusion

Film industry owes a huge responsibility towards society and movies play a vital role in molding people. Due care and diligence are to be taken while drafting the rules and should make proper amendments so as to satisfy the developing needs and technological advancements of the society without any fault.