

Bill No. XI of 2019

THE CINEMATOGRAPH (AMENDMENT) BILL, 2019

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BILL

further to amend the Cinematograph Act, 1952.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Cinematograph (Amendment) Act, 2019.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

37 of 1952.

2. After section 6A of the Cinematograph Act, 1952 (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

Insertion of new section 6AA.

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‘6AA. Notwithstanding any law for the time being in force, no person shall, without the written authorisation of the author, be permitted to use any audiovisual recording device in a place to knowingly make or transmit or attempt to make or transmit or abet the making or transmission of a copy of a film or a part thereof.

Prohibition of unauthorised recording.

Explanation.—For the purposes of this section, the expression “author” shall have the same meaning as assigned to it in clause (d) of section 2 of the Copyright Act, 1957.’

14 of 1957.

Amendment of
section 7.

3. In section 7 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

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“(1A). If any person contravenes the provisions of section 6AA, he shall be punishable with an imprisonment for a term which may extend to three years or with fine which may extend to ten lakh rupees or with both.”.

STATEMENT OF OBJECTS AND REASONS

The Cinematograph Act, 1952 (the Act) was enacted with a view to make provisions for the certification of cinematograph films for exhibition and for regulating exhibitions by means of cinematographs.

2. Section 3 of the Act provides for the constitution of a Board of Film Certification which certifies the films for public exhibition. The medium of cinema, the tools, the technology associated with it and its audience have undergone radical changes over a period of time and the certification process for public exhibition needs to be contemporised in order to make the process in tune with the changed time. There have also been many changes in the field of cinema with the proliferation of Television channels and cable network throughout the country. Further, the film industry is facing huge losses due to the advent of new digital technology, decline in number of the people visiting cinema theatres, increase in piracy, particularly release of pirated version of the films on internet, copyright violation, etc., which in turn causes loss to the government exchequer.

3. With a view to overcome the aforesaid difficulties and to prohibit the unauthorised recording of films, it is proposed to amend the Cinematograph Act, 1952 by a Bill, namely, the Cinematograph (Amendment) Bill, 2019, which provides for—

(i) insertion of a new section 6AA in the Act so as to provide that no person shall, without the written authorisation of the author, be permitted to use any audiovisual recording device in a place to knowingly make or transmit or attempt to make or transmit or abet the making or transmission of a copy of a film or a part thereof; and

(ii) to amend section 7 of the Act so as to punish the persons who contravenes the provisions of section 6AA for a term which may extend to three years or with fine which may extend to ten lakh rupees or with both.

4. The Bill seeks to achieve the above objectives.

Col. RAJYAVARDHAN RATHORE (Retd.)

NEW DELHI;
The 8th February, 2019.

FINANCIAL MEMORANDUM

The Bill, if enacted would not involve any financial expenditure either recurring or non-recurring from the Consolidated Fund of India.

RAJYA SABHA

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further to amend the Cinematograph Act, 1952.

*(Col. Rajyavardhan Rathore (Retd.), State Minister, Ministry of Information and
Broadcasting)*