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Cinematography Act

Objects of Act

- To create an authority to censor the films and control the contents of the films in the interest of state and individuals
- to provide guidelines to censor the films before they are permitted for exhibition
- Certificate for exhibition is made mandatory in view to control obscenity and criminality like violence and objectionable matters.

Film Certification

- Film Certification will ensure
- responsibility of medium and sensitivity to values and standards of society
- Artistic expression and creative freedom are not unduly curbed
- certification is responsive to social change
- clean and healthy entertainment
- aesthetic value and good standards

Board of Film Censors

- To ensure that human sensibilities are not offended by vulgarity, obscenity or depravity
- scenes degrading or denigrating women are not presented
- scenes involving sexual violence against women like attempt to rape, rape or any form of molestation or scenes of that nature are not shown.

Board of Film Censor

- If such scenes are ***germane to the theme***, they shall be reduced to the minimum and no details are shown
- Clause 3 says the Board shall ensure that the film is ***judged in its entirety*** from the point of view of the overall impact and
- is examined in the light of the ***period*** depicted in the film and the contemporary standards of society.

Bandit Queen Case

- Supreme Court permitted the exhibition of the film without cuts proposed by the Delhi High Court. It held that grant of A certificate is valid and its quashing by HC is bad. Film should be judged in its entirety.
- In tune with theme, nudity, details of rape scene, expletives are relevant to arouse revulsion against criminals, pity for victim

Section 5B

- Film shall not be certified for public exhibition if any part of film is against the interests of decency.
- Act prescribes certain guidelines
- The Board of Film Certification makes the pre-censorship of the films and issues certificate according to its viewing standards.

Doordarshan exempted

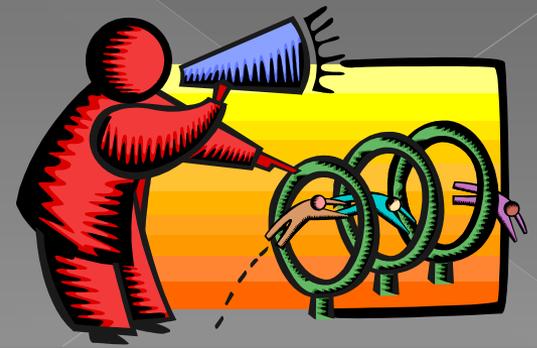
- By Administrative Order the Doordarshan is exempted from the application of Cinematography Act
- It is expected that the officers while selecting programmes for telecast would consider same questions of decency and related aspects which would be considered by Film certification board.

Exemption not extended

- Exemption from Cinematography Act is not extended to
- -Foreign Channels
- -Cable Television
- -Commercial Advertisements
- Delhi Metropolitan Court directed to examine the issue and asked to censor TV programmes also.

Obscenity & Indecent representation of women

- Encouraging some one to engage in a crime is an offence, for procuring obscene object is an offence 292 imprisonment and fine, Indian Penal Code
- Procuring, distributing, communicating and publishing obscene objects or writings is an offence.





- Young Persons (Harmful Publications) Act 1956, publishing harmful material is an offence
- S 293 prohibits sale, hire, distribution, exhibition or circulation or attempt is offence. *Ranjit D Udeshi v Maharashtra*, AIR 1965 SC 881, Obscenity defined.

Controversial Tuffs Shoe Ad



Tuffs Shoe



- Model Madhu Sapre will face a trial for charges of obscenity and indecent representation of women, along with Milind Soman.

A photograph of the Tuff shoes advertisement, in which Sapre had posed nude with Soman, had appeared with a news item in a newspaper on July 23, 1995, sparking off protests.

O



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- Indecent Representation of women (prohibition) Act, 1986, prohibits indecent or obscene representation of ads and material or photos.
- Indecent representation means depiction in any manner of figure of a woman, her form or body or any part thereof in such a way as to have the effect of being indecent, or derogatory to, or denigrating, women or is likely to deprave, corrupt or injure the public morality or morals.

Section 3 offence

- No person shall publish, or cause to publish or arrange or take part in publication or exhibition of any advertisement which contains indecent representation of women in form,

Books etc

- 4. No person shall produce or cause to produced, sell, let to hire, distribute, circulate or send by post any book, pamphlet, paper, slide, film, writing, drawing, painting, photograph, representation or figure which contains indecent representation of women in any form

Exception

- ◉ For public good in interest of science, art, or learning, or other objects of general concern or
- ◉ Which is kept or used for religious purposes;
- ◉ Sculptured, engraved, painted or otherwise represented in ancient monuments, any temple.

Power to enter

- Any Gazetted officer authorized by State can enter, inspect, seize material containing indecent representation of women.
- No entry in private dwelling house without warrant
- Penalty for offences under SS 3,4, 2 yrs jail plus 1000 for first, up to 5 yrs and one lakh for second and subsequent offences.