



TAMIL FILM ACTIVE PRODUCERS ASSOCIATION



REGN NO: SRG/Chennai South/250/2020,
(Registered under Tamil Nadu Societies Act, 1975)



PRESIDENT

P. BHARATHIRAJAA

WORKING PRESIDENT

T.G. THYAGARAJAN

GENERAL SECRETARY

T. SIVA

TREASURER

G. DHANANJEYAN

Vice President

S.R. Prabhu

Joint Secretaries

**S.S. Lalit Kumar
Suresh Kamatchi**

Executive
Committee

**Mukesh R. Mehta
S. Vinodkumar
K. Rajsekar
Arun Mozhi Manickam
Nitin Sathya
R. Rajmohan(a)R. Kannan
P. G. Muthaiah
Kaarthekeyen Santhanam
I. B. Karthikeyan
P. Ranganathan**

Ref: TFAPA/683/2024

February 26, 2024

To,

The Director (Films),

Ministry of Information & Broadcasting,

Room No.655, 6th Floor, 'A' Wing, Shastri Bhawan,

Dr.Rajendra Prasad Road, New Delhi – 110 001.

Sub: Draft Cinematograph (Certification) Rules, 2024 proposed to be notified to carry out the provisions of the Cinematograph (Amendment) Act, 2023, notified on 04.08.2023

Respected Sir,

This refers to the above subject and the Draft Cinematograph (Certification) Rules, 2024 proposed and circulated to us.

We are, Tamil Film Active Producers Association (TFAPA) with over 250 active Producers as its members comprising of eminent Producers of Tamil films, wish to express our following feedback on the draft circulated to us.

Rule no.7. Constitution of Advisory panel at each of the regional offices of the Board
– The draft states, the Central Government may, after consultation with the Board, appoint any person whom it thinks fit to be a member of an advisory panel:

We recommend that to maintain neutrality and objectivity of the board, a member of the advisory panel (both in examining committee and revising committee) should not be affiliated to any political party, directly or indirectly as it is bringing in a bias during the certification process otherwise. A board member appointed must be a neutral person, eminent and known for his achievements in writing (novels, short stories, literary work, screenplay etc.), filmmaking, film production or in any important field of film production, literature or arts. Business persons or persons with political affiliation should be avoided as a member is our feedback.





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Rule no.21 (g). Application for examination of films – a declaration made in writing by the producer of the film declaring that no cruelty was caused to the animals used during shooting of the films produced in India under any other law, for the time being in force.

Right now, Producers have to get a certificate of approval from Animal Welfare Board of India (AWBI), Haryana by presenting the footage of the animals shot along with a certificate from a veterinary doctor present during that time about no cruelty caused to the animals. This draft circulated does not talk about any such AWBI certification required. Is getting certificate from AWBI has to be continued or discontinued? We as Producers are in agreement for self-declaration as proposed in this draft and please confirm the same.

Rule no.22 (11 and 12). These points mentioned do not take into account the practice of the Examining Committee informing the recommendations of the committee to the applicant immediately after the screening and discussion among the members, which is important to complete the due process of certification of a film. The two points under this rule talk about no involvement of the applicant and taking into account his/her views on the recommendations and coming to a joint agreement on the changes/modifications in the film to finalize the certification and instead tells that the recommendations will be taken up within three working days of screening. This will totally affect the entire process of film certification. Request the point of the involvement of the Applicant to be included in the draft.

Rule no.24 (12). Again, the involvement of applicant must be included as mentioned above. The Revising Committee must meet the applicant after arriving at the recommendations of the committee and finalize the certification of the film during that meeting and not after three working days as mentioned in the points of the rule.

Rule no.25 says, on receipt of the orders of the Board under section 4 or section 5A, the Regional Officer shall communicate the same to the applicant through the e-cinepramaan portal and take such other steps in accordance with the same orders.

This must include that after explaining to the Applicant the modifications and changes recommended by the examining/revising committee, the Regional Officer shall communicate the same to the applicant through the e-cinepramaan. The process of personal meeting and discussion with the Applicant on the recommendations must be a part of the process mentioned for both examining/revising committee.





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Rule no.32. Fees:

Rule no.32 (2) states Application under the **priority scheme** may be made upon **payment of 3 times the fee payable** for examination of the film as per sub-rule (1) of rule 32, for scheduling examination of a film preferably within five days, subject to available slots as decided by CBFC.

We wish to express our reservation about bringing in such tat-kal scheme with three times the charges on the prevailing examination fees to be paid. The censor board in all regions are working professionally and has been completing the examination process within a week of submitting an application currently and the same system can be continued without any introduction of tatkal scheme.

While the tatkal scheme can be introduced it should be at best at two times the cost of regular censor process and not three times. This can be availed in extreme cases by our members if there is an emergency and the queue is long for prioritizing his film for the examining committee.

Even if there is a long queue, the current system of if any Producer is in urgent need to censor a film, he can bring in No Objection Certificate from the other applicants in the queue and based on that the Regional Officer can allocate a priority slot for such a film without asking the Applicant to pay tatkal fee. No other change is required in the current system of allocating slots for examining a film, which will burden the Producers with higher cost for censorship.

Along with this, we request you to include a sub-rule to prioritize the examining and certifying dubbed versions of a film, releasing simultaneously in multiple languages as Pan-India release. Currently, dubbed versions go through once again the queue, which causes delay and creates huge stress with Producers, who have to release their films in multiple languages on the same day. The sub-rule must state that dubbed versions of the film releasing on the same day will be given priority in examining. If there are no queues, no extra charges and if there is a queue, at double the cost maximum, it must be taken up for censoring and clearing for simultaneous release.

Rule no.36 (Points 1 and 2) states the Board shall, within fifteen days from receiving an application under sub-rule (1) refer the film for examination to an Examining committee.





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We strongly feel that it is too long a period and a Regional Team for a language can easily complete the examining process within a week. Hence, no more than one week for every application must be the time period and not two weeks, which will delay the process of examining a film considerably.

Rule No.36 (3) once again talks about priority scheme of three times payment. This must not be implemented is our feedback.

Rule no.36, Point 5 (a) talks about communication to the applicant to be issued within three days. We strongly recommend that after the examination of the film, the communication to the applicant on the recommendations of the committee must be issued within 24 hours for the applicant to make the changes and submit the film.

Rule no.36, Point no.9 talks about the modifications/cuts and the affected contents shall be examined by the regional officer within ten working days of the submission of the same.

We strongly feel that it is too long a period sought and such examinations must be completed within 3 working days of submission by the applicant. The time period sought under the draft will delay the entire process of certifying a film to almost a month if there are cuts and modifications.

Rule No.36, Point no.10 seeks further five working days to prepare and issue the certificate, which is a week time. If the modifications/cuts are found to be due and adequate on the scrutiny of the relevant contents the certificate must be issued within 2 working days is our request for speedy clearance of censor process for films.

THIRD SCHEDULE [Rule 22 (12)]

The Authority of Approving the Content for a Theatrical Long (more than 10 minutes) is reserved with Chairperson, which is not required as the Examination Committee is headed by the Regional Officer and in our view, it should be the Regional Officer who should be the approving authority for all content, not just content less than 10 minutes.

However, the Chairperson can be the approving authority for films, which went through Revising Committee for examination of the process followed by the Regional Officer during examination and revising. For regular film certification, approval being kept with Chairperson, delays the whole process and adds no value to the entire process of film certification.





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In the same manner, Chairperson as the approving authority for Video short – Trailer/Teaser/Promo and other cinematic content must be done away with as it only delays the process. The final authority for all the cinematic content must be the Regional Officer in our view.

We strongly urge the Regional Officers at Regions are empowered and given the authority to complete the process of examination and issuance of certificate within the shortest possible time, rather than including processes of going to Chairperson for approvals, which add no value and delay the certification of films. Except for Revising Committee content, Category conversion content (long) and Revised film category, which can be sent to CEO or Chairperson, all the other certification approvals must be empowered with Regional Officers is our feedback and recommendation for effective functioning of the board in all regions.

While the above are our feedback to the draft circulated, we also wish to recommend two new rules for notification under the Act.

We wish to add the following new rules under this note:

1. An applicant can add a trailer/teaser/video to the film in the beginning as a part of the film and it will be considered as an **integrated part of the total film for examination and censor certificate** and subject to modifications/changes advised by the members of the examining committee, it will be certified as a part of the film for screening.

This permission is necessary for Producers to promote their next film while releasing the current film by integrating with the film as a single unit content. Currently the trailer/teaser of a film of the same Producer are censored and sent separately but are not usually played by cinema theatres. To ensure that the Producers get that support of compulsory play, an integrated content censorship will help.





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2. The Amended Cinematography Act of 2023 (August 4, 2023) brought in stricter rules against film piracy with punishment (jail) and fine of Rs.3 Lakhs. To ensure it is monitored and implemented, a **Regional Anti-Piracy Board** comprising of Regional Officer and members of the Film Industry Associations (Film Producers Association) must be formed in each of the regions (totaling to 5), who have to ensure the new Amendment on Piracy control is strictly implemented and monitored and any violation of the law by any person or organization is punished as provided under the Act, by the Board. This Board can file legal cases against such persons/organizations, who infringe on the copyright of films. The Ministry of Information & Broadcasting can achieve success with Anti-Piracy Amendment Act only by having an empowered Board in each of the region to implement the Act, which will deter the violators.

We earnestly request you to take into account our feedback and recommendations before implementing the provisions of the Cinematograph (Amendment) Act, 2023 modified on 04.08.2023. We are willing to attend any meeting you call for in this regard before notifying the provisions and implement across the country on film certification.

For TAMIL FILM ACTIVE PRODUCERS ASSOCIATION,

P. Bharathirajaa,
PRESIDENT

c.c.: **Shri Prasoon Joshi, Chairman, Central Board of Film Certification (CBFC),**
Films Division Complex, Phase- I Building, 9th Floor,
Dr. G. Deshmukh Marg, Mumbai – 400 026.

c.c.: **Shri Ravinder Bhakar, Chief Executive Officer, CBFC,**
Films Division Complex, Phase- I Building, 9th Floor, Dr. G. Deshmukh Marg
Mumbai – 400 026.

c.c.: **Shri D. Balamurali, IAS, Regional Officer, Shastri Bhavan, 5th Floor, Central Board**
of Film Certification, 35, Haddows Road, Chennai – 600 006.

c.c.: **Shri Shibasish Sarkar, President, Producers Guild of India, 1003-04, 10th Floor, Sri**
Krishna, Fun Republic Lane, New Link Road, Andheri (West), Mumbai – 400 053.

