

[AS PASSED BY THE SENATE]

A

Bill

to amend the Motion Pictures Ordinance,

1979

WHEREAS it is expedient to provide for the certification of films and the regulation of exhibition of films by means of cinematographs or other materials being used for satellite television channels, cable television, internet and by other modern devices and systems;

AND WHEREAS it is expedient to amend the Motion Pictures Ordinance, 1979 (XLIII of 1979), in the manner and for the purposes herein appearing;

It is hereby enacted as follows:

1. Short title and commencement. –

- (1) This Act shall be called the Motion Pictures (Amendment) Act, 2024.
- (2) It extends to Islamabad Capital Territory (ICT) and the areas under administrative control of the Federal Government.

2. Amendment of Section 2, Ordinance XLIII of 1979. – In the Motion Pictures Ordinance, 1979 (XLIII of 1979), hereinafter, referred to as the said Ordinance, in section 2,-

- (a) the existing clause (a) shall be re-numbered as clause (aa) and be substituted, namely: “Board” means Federal Board of Film Certification (FBFC) established under section 3;
- (b) before clause (aa), re-numbered as aforesaid, the following new clause shall be inserted, namely:
“(a) “authorized documents” means documents required for film certification as notified by the division concerned;”;
- (c) the existing clause may be substituted, namely:
“(b) “Chairperson”, in relation to the Board means the Chairperson of the Board
- (d) in clause (c) after the word “apparatus”, the expression, “modern devices or systems” shall be inserted;
- (e) after clause (c), amended as aforesaid, the following new clause shall be inserted, namely:-
“(ca) “division concerned” means the Ministry of Information and Broadcasting;”;
- (f) after clause (d), the following new clause shall be inserted, namely:-

“(da) “NOC” means the No Objection Certificate issued by the Division concerned for the Certification of Film”

(g) after clause (f), the following new clause shall be inserted, namely:

“(g) “respective administration” means the District and Cantonment Board Administration”

(h) after clause (g), the following new clause shall be inserted, namely: “vice-chairperson”, in relation to the Board means the Vice-Chairperson of the Board

3. Amendment of section 3, Ordinance XLIII of 1979. – In the said Ordinance, in Section 3,-

(a) in sub-section (1), for the words "Federal Government", the words "Division concerned" and for “as many boards” the words “a board” and for words “each such board” the words “the board” shall be substituted.

(b) for sub-section (2), the following shall substitute, namely:

(2)(i) The Board shall consist of Fifteen (15) members. The composition is as follows:

(a) Two (02) ex-officio members i.e. Chairperson (BS-21) and Vice-Chairperson (BS-20) from Ministry of Information and Broadcasting (Information Group) appointed under Rule 6 of the Civil Servants (Appointment Promotions and Transfer) Rules 1973.

(b) Six (06) ex-officio Members including an officer / representative not below (BS-20) from Ministry of Information and Broadcasting (Main Secretariat), an officer not below (BS-20/19) from External Publicity (EP) Wing; two officers not below (BS-20) from Ministry of Defence; and one officer not below (BS-20) each from Ministry of Interior and ICT Administration.

(c) Seven (07) Private Members i.e. persons of eminence from media, law, performing arts, social services and civil society etc. Of the Seven private members, two members shall be women.

(ii) The Board shall also be assisted by BS-19, BS-18 and BS-17 officers along with a Secretary (BS-19) to be appointed/posted by the Division concerned for duties and powers as may be prescribed.

(c) For sub-section (3), the following shall be substituted, namely:

(3) (i) Seven private members of the Board shall be appointed by the Minister in-charge and shall hold office for a period of three years and may be nominated again for one term. All members shall receive emoluments, if any, as may be determined by the Division concerned in consultation with the Ministry of Finance.

(ii) A member, other than ex officio and official members, shall be deemed to have vacated his/her office if he/she absents himself/herself from three consecutive Board meetings without the leave from the Division concerned.

4. Amendment of section 4, Ordinance XLIII of 1979.- In the said Ordinance, in section 4, for the sub-section (2), the following shall be substituted, namely:-

“(2) Any person desiring to submit any film for certification for public exhibition shall, in the prescribed manner, make an application to the Board for a certificate in respect thereof along with its recording, print or such equivalent material as the Board may determine, including sound track of speech, songs, music, effect, cast, credit, NOC and authorized documents, thereafter the Board shall examine the film in the prescribed manner.”

5. Amendment of section 6, Ordinance XLIII of 1979, In the said Ordinance, in Section 6, in sub-section (2),

for the words “Censorship Code” the words “Certification Code” shall be substituted

6. Amendment of section 7, Ordinance XLIII of 1979. – In the said Ordinance, in section 7, in sub-section (1),

for the words “Federal Government”, the words “Appellate Committee (constituted by the Division concerned)” shall be substituted.

7. Amendment of section 8, Ordinance XLIII of 1979.- In the said Ordinance, in section 8,-

(a) in sub-section (2), for the words “District Nazim”, the word “District Magistrate” shall be substituted

(b) in sub-section (4), after the expression “exhibition,”, the words shall be added, namely:-

“the chairperson him/herself or on advice of”; and

(c) in sub-section (5), for the words “District Nazim”, the word “District Magistrate” shall be substituted

(d) after sub-section (5), the following sub-section (5a) shall be inserted:

(5a), where the police officer mentioned in the sub-section (5) is not available at the spot and there is sufficient reason to believe that the film is being exhibited in contravention of any provision of the Motion Picture (Amendments) Act 2025 an officer authorized by the board, may take into possession cinematograph and other exhibiting material and immediately present a report to the Board.

(e) in sub-section (6), for the words “Federal Government” wherever occurring, the word “Division concerned” shall be substituted.

8. Amendment of section 9, Ordinance XLIII of 1979.- In the said Ordinance, Section 9 may be substituted namely, -

9. Constitution of an Appellate Committee. – (1) The Division concerned will form an Appellate committee to address the complaint of a person who is aggrieved by any order of the Board while applying for certification of a film. The appellate committee will:

(a) Hear appeals against orders and penalties.

(b) Examine record/evidence in respect of the certification of a film.

(c) Will uphold, modify or dismiss an order or penalty of the Board.

(2) The Appellate Committee shall comprise of the following:

(a) Minister Information and Broadcasting – Chairperson

(b) Secretary/Representative not below BS-21 from Ministry of Information and Broadcasting, Ministry of Interior and Ministry of Defense – Members

(c) Joint Secretary Ministry of Information and Broadcasting – Secretary to the Appellate Committee

9. Amendment of section 11, Ordinance XLIII of 1979.- In the said Ordinance, in section 11, for the words “Federal Government”, the words “Division concerned” shall be substituted.

10. Amendment of heading of Chapter III, Ordinance XLIII of 1979.- In the said Ordinance, in Chapter III, in heading, after the word “Cinematograph”, the following shall be added, namely:-

“or other materials being used for satellite tv channels, cable tv, internet or any other apparatus”

11. Amendment of section 13, Ordinance XLIII of 1979.- In the said Ordinance, in section 13,-

- (a) in the heading of Section 13, after the word “exhibition”, the words (Cinema Building/House or Projection Hall/Premises) shall be inserted;
- (b) in the sub-section (1), after the word “place”, the words “(Cinema Building/House or Projection Hall/Premises)” shall be inserted
- (c) in sub-section (1), after the word “cinematograph”, the words “or other modern devices or systems” shall be inserted;
- (d) in sub-section (2),
 - (i) for the words “Provincial Government”, the words “Respective Administration” shall be substituted;
 - (ii) in the proviso, for the words “Provincial Government”, the words “Division concerned” and for the word “Province”, the words “Islamabad Capital Territory (ICT) and the areas under administrative control of the Federal Government” shall be substituted; and
- (e) in sub-section (5), for the words “Provincial Government”, the words “Division Concerned” shall be substituted.

12. Amendment of section 14, Ordinance XLIII of 1979.- In the said Ordinance, in section 14,

for the words “Federal Government or the Provincial Government”, the words “Division concerned or Respective Administration” shall be substituted.

13. Amendment of section 16, Ordinance XLIII of 1979.- In the said Ordinance, in section 16,

for the word “Chairman”, the term Chairperson and for the words “a Board”, the term “The Board” shall be substituted.

Point 13 in the previous draft removed in this draft about section 15 omission

14. Amendment of section 17, Ordinance XLIII of 1979.- In the said Ordinance, in section 17,-

in sub-section (1), for the words “Federal Government”, “a Provincial Government” and “a Board”, the expression “Division concerned” and “Respective Administration” and “The Board” shall be substituted.

15. Amendment of section 18, Ordinance XLIII of 1979.- In the said Ordinance, in section 18,-

(a) in sub-section (1), for the words “one lac”, the words “one million” and for the words “ten thousand”, the word “one hundred thousand” shall be substituted;

(b) in sub-section 2, for the words “ten thousand”, the words “one hundred thousand” and for the words “two thousand”, the words “ten thousand” shall be substituted; and

(c) after sub-section (5), the following new sub-section shall be added, namely:-

“(6) Any copyright infringement and piracy shall be punishable under the Copyright Ordinance, 1962 and as amended from time to time.”.

STATEMENTS OF OBJECTS AND REASONS

In order to cater to the technological advancements, insertion has been made in the preamble for certification of films and the regulation of exhibition of films by means of cinematographs or other materials being used for satellite television channels, cable television, internet and by other modern devices and systems.

2. Post 18th Amendment to the Constitution of Pakistan 1973, certification and exhibition of cinematograph films is a provincial subject. Therefore, application of Motion Pictures (Amendment) Bill, 2023 has been limited to Islamabad Capital Territory only.

3. Keeping in view the text of the Bill and in order to strengthen the monitoring/regulatory function of Central Board of Film Censors (CBFC), a few new expressions like 'authorized documents', 'modern devices or systems' etc. have been added in the 'definitions' section of the Bill.

4. The name of the organization has been changed from 'Central Board of Film Censors' to 'Central Board of Film Certification'. As the word 'censor' carries negative connotation, it has been replaced with the word 'certification'.

5. In light of the Supreme Court's decision in the Mustafa Impex Case, Federal Cabinet in Case No. 419/19/2017, dated 08-09-2017 directed that all Ministries/Divisions, in consultation with the Law and Justice Division, shall make amendments in respective Acts/Ordinances/Rules and replace the word "Federal Government" with appropriate authority(ies). The Federal Cabinet reiterated its earlier directions in cases No. 241/15/2018, dated 12-04-2018 and No. 64/05/2022 dated 15-02-2022, so that the Cabinet is not burdened with frivolous cases. Accordingly, appointing authority in case of Chairman CBFC and private members has been changed from Federal Government to Prime Minister. In certain clauses of the proposed Bill, the authority from 'Federal Government' has been changed to 'Division concerned'.

6. In Section 9, for the expression 'Censorship of Films Act, 1963 (XVIII of 1963)', the expression 'Censorship of Film Rules, 1980' has been substituted as 'Censorship of Films Act, 1963 (XVIII of 1963)' was repealed by 'Motion Pictures Ordinance, 1979' and since then the films are being certified under 'Censorship Rules, 1980' made under 'Motion Pictures Ordinance, 1979'.

7. In order to ensure transparency and right to appeal, new sub-sections have been added in Section 9 which provide right to appeal to an applicant for a certificate or any other person to whom the rights in the film have passed, is aggrieved by any order of the division concerned in pursuance of sub-section (1) and sub-section (2) of Section 9.

8. In case of violations on the part of owner or a person in-charge of a cinematograph, the amount of fine has been increased in Section 18, keeping in view the impact of the fine.

9. In order to prevent piracy and copy rights violations, a new sub-section pertaining to copyright infringement and piracy has been added in Section 18.

10. There are certain other amendments which have been proposed in the Motion Pictures (Amendment) Bill, 2023 to resolve the procedural issues of CBFC.



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