

## Bills to update regulation of news and entertainment

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India's media and entertainment industry has seen an explosive surge in the past decade. While new media agencies are constantly vying with old hands to gain a foothold in the industry, the existing agencies have smoothly taken to newer media platforms with gusto. Add to that, international publications and media houses are making a beeline to India's shores. Suddenly new regulatory concerns have cropped up and several bills have been introduced that address them. Three of these bills are outlined below.

### News media

The Press and Registration of Books and Publications Bill, 2013, seeks to consolidate and amend the existing laws on the press and registration of books. The bill would allow Indian entities and citizens (except for those convicted for terrorist acts, unlawful activities and acts against the security of the state) to start newspapers and journals.

Prior approval of the central government would be required to print or publish a newspaper or journal if: (a) the publication is owned or invested in by a foreigner or an entity registered outside India; (b) its title is identical or similar to a foreign journal's title; (c) its foreign news content exceeds the limits prescribed; (d) it is identical to a known foreign publication.

The bill defines an "editor" as a person, by whatever name called, who is a citizen of India and ordinarily resides in India, who controls the selection of the matter that is brought out in a publication. This would limit the selection of editors to citizens of India.

The bill defines "paid news" as publishing any news or analysis in the publication for a price in cash or kind, and proposes that publications may lose registration if they carry paid news.

The bill defines "newspaper" to mean a publication of loose folded sheets usually printed on newsprint, brought out at least once in a week, containing public news or comments on public news, and includes its reproduction in electronic form, i.e. e-papers.

### Depiction of women

The Indecent Representation of Women (Prohibition) Amendment Bill, 2012, was introduced in the Rajya Sabha in December 2013. The bill would amend the Indecent Representation of Women (Prohibition) Act, 1986, which prohibits the indecent representation of women in the print media.

The bill would expand the definition of indecent representation of women to mean the depiction of the figure or form of a woman in such a way that it has the effect of being indecent or derogatory or is likely to deprave or affect public morality.

The bill would add a new definition of "electronic form", meaning any information generated, sent or stored in media, magnetic and optical form (as defined under the Information Technology Act, 2000).

The bill would broaden the scope of media. The definitions of "advertisement" and "distribution" would now include all types of media. A definition of "publish" would be added, which includes printing, distributing or broadcasting through audiovisual media.

The bill enhances penalties and fines for various offences. Films and television serials are not included within the bill's ambit, which has caused some concern.

### Films

The draft Cinematograph Bill, 2013, proposes changes to the Cinematograph Act, 1952. The central government set

up a panel to provide a new legal framework in the wake of the controversy over the ban on the film *Vishwaroopam* by the state of Tamil Nadu, after the Supreme Court had held in 2011 that once a film was certified for viewing by the Central Board of Film Certification (CBFC), no state government could raise objections to its content.

Under the draft bill, once a film has been certified by the CBFC, its screening can only be suspended by the central government. A suspension can be invoked only after a written show-cause notice had been given to the filmmaker, setting out the grounds for proposing the suspension and providing a reasonable opportunity for the filmmaker to respond.

The draft bill adopts the internationally prevalent practice of age-related classification of films. The current UA category (unrestricted exhibition but parental discretion required for children below 12 years) would be replaced by restricted to persons age 12+ and restricted to persons age 15+. The "U" (unrestricted), "A" (restricted to adults) and "S" (restricted to members of any profession or any class of persons) categories have been retained.

Under the draft bill, the definition of "film" would no longer be confined to the "moving picture content of the film" but would include advertising material and the lyrics of songs.

The policy makers need to be constantly on their toes and evolve and adapt regulations to keep up with the ever changing industry. So far the government has been proactive in its approach to put in place appropriate rules and guidelines to govern the media and entertainment industry.

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