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CINEMA AND THE LAW IN INDIA: A STATUTORY AND JUDICIAL ANALYSIS OF THE CINEMATOGRAPH ACT, 1952

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I. INTRODUCTION

Cinema occupies a distinctive and influential position in Indian society, operating simultaneously as a medium of artistic expression, a tool of mass communication, and a major commercial enterprise. Unlike other creative works, cinematographic films are composite creations that integrate multiple intellectual inputs such as literary scripts, musical compositions, sound recordings, dramatic performances, choreography, and visual art into a single cohesive work. This layered nature of filmmaking renders cinematographic works legally complex, particularly in relation to ownership, authorship, and exploitation of rights.¹

Over the decades, the Indian film industry has experienced unprecedented growth, evolving into one of the largest film-producing industries in the world in terms of volume and reach.² The expansion of regional cinema, increased participation in international co-productions, and the proliferation of digital platforms have significantly enhanced the global visibility of Indian films.³ Indian cinema today functions not merely as entertainment but also as a vehicle for cultural representation, social discourse, and economic activity, contributing substantially to employment generation and revenue creation.⁴

¹ Copyright Act, 1957, § 2(f), No. 14, Acts of Parliament, 1957 (India).

² FICCI-EY Media & Entertainment Industry Report, 2023, 18 J. INT'L MEDIA ECON. 11 (2023).

³ WIPO, Audiovisual Works and Copyright Report, 34 WIPO J. INT'L L. 101 (2020).

⁴ FICCI-EY Media & Entertainment Industry Report, 2023, 18 J. INT'L MEDIA ECON. 11 (2023).

However, this rapid growth has been accompanied by a range of legal challenges. Issues relating to copyright ownership, protection of moral rights, contractual enforcement, regulatory control, and freedom of expression have assumed heightened importance in an industry driven by both creativity and commerce⁵. The involvement of multiple stakeholders in the filmmaking process often results in competing claims over rights and revenues, necessitating a clear and effective legal framework to prevent disputes and ensure equitable treatment.

Given the powerful influence of cinema on public opinion and social values, the State has historically asserted its authority to regulate the production, certification, and exhibition of films. Indian courts have recognised that films possess a greater capacity to affect audiences than other forms of expression, thereby justifying a distinct regulatory approach.⁶ Consequently, the legal framework governing the film industry seeks to strike a careful balance between safeguarding creative freedom under Article 19(1)(a) of the Constitution and protecting public order, morality, and decency.

The present research paper undertakes a comprehensive examination of the legal aspects of the Indian film industry, with particular emphasis on the Cinematograph Act, 1952, as the principal statute governing film certification and regulation. It further analyses the role of intellectual property laws, contractual and commercial arrangements, and judicial oversight in shaping the functioning of the industry.⁷ The scope of the study extends to contemporary developments such as digital distribution and emerging enforcement challenges. The research adopts a doctrinal methodology, relying on statutory provisions, judicial precedents, reports, and scholarly literature to critically analyse the existing legal framework and assess its adequacy in addressing the evolving needs of the film industry.

II. EVOLUTION AND STRUCTURE OF THE INDIAN FILM INDUSTRY

Indian cinema traces its origins to the release of *Raja Harishchandra* in 1913, directed by Dadasaheb Phalke, which marked the beginning of indigenous filmmaking in India.⁸ This early

⁵V.K. Ahuja, *Intellectual Property Rights in India* (LexisNexis 2018).

⁶ K.A. Abbas v. Union of India, (1970) 2 SCC 780.

⁷ P. NARAYANAN, *COPYRIGHT AND INDUSTRIAL DESIGNS* (Eastern Book Company 2010).

⁸ B.M. GANDHI, *INDIAN COPYRIGHT ACT* (Eastern Book Company 2015).

phase of Indian cinema was characterised by silent films rooted in mythological and historical narratives, reflecting the cultural ethos of the time. The transition from silent films to talkies with *Alam Ara* in 1931 marked a significant technological and artistic shift, enabling dialogue, music, and sound to become integral components of cinematic storytelling.

As technology evolved, Indian cinema progressed from black-and-white films to colour productions, incorporating advanced cinematographic techniques and diverse narrative styles. These developments mirrored broader socio-cultural transformations in Indian society, including changes in political consciousness, social norms, and artistic expression.⁹ Post-Independence cinema increasingly engaged with themes of nation-building, social reform, and identity, while contemporary cinema reflects globalization, urbanisation, and technological change.¹⁰

Structurally, the Indian film industry functions as a highly collaborative ecosystem involving multiple stakeholders, each performing a distinct yet interdependent role.¹¹ Producers occupy a central position by financing projects, acquiring intellectual property rights, coordinating talent, and assuming the primary commercial risk associated with film production. Directors, on the other hand, shape the creative vision of films, translating scripts into visual narratives while managing artistic and technical teams.¹²

Screenwriters, lyricists, and music composers contribute original literary and musical works, which constitute the foundational intellectual property of films. Performers bring these works to life through acting, choreography, and vocal performances, while cinematographers, editors, and technicians provide technical expertise essential for production quality. Each of these contributions is independently protected under copyright law, further adding to the legal complexity of cinematographic works.¹³

Beyond production, distributors and exhibitors play a crucial role in the commercial exploitation of films. Distributors acquire territorial or platform-specific rights to circulate films, while exhibitors — such as cinema halls and digital platforms — facilitate public access

⁹ P. SINGH, INTELLECTUAL PROPERTY LAWS IN INDIA (LexisNexis 2017).

¹⁰ WIPO, Audiovisual Works and Copyright Report, 34 WIPO J. INT'L L. 101 (2020).

¹¹ FICCI-EY Media & Entertainment Industry Report, 2023, 18 J. INT'L MEDIA ECON. 11 (2023).

¹² P. SINGH, INTELLECTUAL PROPERTY LAWS IN INDIA (LexisNexis 2017).

¹³ Copyright Act, 1957, No. 14, Acts of Parliament, 1957 (India).

to films.¹⁴ The emergence of multiplexes and over-the-top (OTT) platforms has significantly altered traditional distribution models, expanding audience reach and reshaping revenue structures.

Economically, the Indian film industry contributes substantially to employment generation, attracting investment and supporting ancillary industries such as advertising, tourism, and digital media.¹⁵ Culturally, cinema serves as a powerful medium for storytelling, social commentary, and representation of diverse regional and linguistic identities. Indian films increasingly receive international recognition at global film festivals, enhancing their artistic credibility and commercial value.¹⁶

The evolution and structure of the Indian film industry thus reveal a dynamic interplay between creativity, technology, and commerce. This complex ecosystem necessitates a robust legal framework to regulate rights, responsibilities, and regulatory oversight — an aspect that becomes particularly significant when examining intellectual property protection and regulatory mechanisms governing films.

III. INTELLECTUAL PROPERTY RIGHTS IN CINEMATOGRAPHIC FILMS

Cinematographic films are expressly recognised as copyrightable works under Indian law¹⁷ and are treated as distinct from the underlying literary, musical, and artistic works that contribute to their creation. While a film incorporates a screenplay, songs, and performances, the law views the completed cinematographic work as a separate subject of copyright protection.¹⁸ This distinction is crucial in determining ownership and control over the exploitation of films.

Under the Copyright Act, the producer is generally considered the first owner of copyright in a cinematographic film, unless there is an agreement to the contrary.¹⁹ The rationale behind this position lies in the producer's role in financing, organising, and coordinating the production process. This principle was clearly affirmed by the Supreme Court in *Indian Performing Right*

¹⁴ FICCI–EY Media & Entertainment Industry Report, 2023, 18 J. INT'L MEDIA ECON. 11 (2023).

¹⁵ FICCI–EY Media & Entertainment Industry Report, 2023, 18 J. INT'L MEDIA ECON. 11 (2023).

¹⁶ NUJS Law Review, Film Law Symposium, Indian Cinema: Legal Dimensions, 12 NUJS L. REV. 45 (2021).

¹⁷ Copyright Act, 1957, § 13(1)(b), No. 14, Acts of Parliament, 1957 (India).

¹⁸ Copyright Act, 1957, § 13(1)(b), No. 14, Acts of Parliament, 1957 (India).

¹⁹ Copyright Act, 1957, § 17, No. 14, Acts of Parliament, 1957 (India).

Society Ltd. v. Eastern Indian Motion Pictures Association, where the Court held that producers acquire copyright in films due to their substantial financial investment and overall responsibility for bringing the work into existence.²⁰ The judgment recognised the commercial realities of the film industry and the need to vest primary ownership in the party assuming economic risk.

At the same time, authors, lyricists, and music composers retain independent copyright in their respective works, subject to the terms of any contractual arrangements entered into with the producer.²¹ Their rights over literary and musical works continue to subsist even when such works are incorporated into a cinematographic film, highlighting the layered nature of copyright ownership in the film industry.²²

Performers' rights in India have undergone significant development, particularly after the 2012 amendments to the Copyright Act. These amendments strengthened the legal position of actors, singers, and other performers by granting them both moral and economic rights over their performances.²³ Performers are now entitled to receive royalties for the commercial exploitation of their performances, reflecting a shift towards greater recognition of creative contribution.

Moral rights play an especially important role in protecting the personal connection between creators and their works. Section 57 of the Copyright Act safeguards the right of attribution and the right to protect the integrity of the work against distortion or mutilation.²⁴ The importance of moral rights was strongly emphasised by the Delhi High Court in *Amar Nath Sehgal v. Union of India*, where the Court held that an artistic work embodies the dignity, reputation, and personality of its creator.²⁵ Although the case concerned a sculpture, the principles laid down are equally relevant to cinematographic works, where alterations or misuse may harm the creative integrity of filmmakers and performers.

Despite this comprehensive legal framework, effective enforcement of rights in the film industry remains a major challenge. Rampant piracy, unauthorised digital distribution, and

²⁰ *Indian Performing Right Society Ltd. v. Eastern Indian Motion Pictures Association*, (1977) 2 SCC 820.

²¹ P. NARAYANAN, *COPYRIGHT AND INDUSTRIAL DESIGNS* (Eastern Book Company 2010).

²² Copyright Act, 1957, No. 14, Acts of Parliament, 1957 (India).

²³ Copyright Act, 1957, §§ 38–38B, No. 14, Acts of Parliament, 1957 (India).

²⁴ Copyright Act, 1957, § 57, No. 14, Acts of Parliament, 1957 (India).

²⁵ *Amar Nath Sehgal v. Union of India*, Delhi High Court, 21 Feb. 2005.

technological ease of copying continue to undermine copyright protection.²⁶ These challenges expose gaps between legal recognition and practical enforcement, underscoring the need for stronger mechanisms to protect the rights of creators and stakeholders in the evolving film ecosystem.

IV. THE CINEMATOGRAPH ACT, 1952: OBJECTIVES AND REGULATORY FRAMEWORK

The Cinematograph Act, 1952 was enacted with the primary objective of regulating the public exhibition of films in India, recognising the profound influence cinema exercises over public opinion and social behaviour.²⁷ Unlike other forms of expression, films combine visual, auditory, and emotional elements, thereby possessing a greater capacity to impact audiences across age groups and social strata. The Act seeks to strike a balance between protecting freedom of expression and safeguarding public order, morality, and decency.²⁸

A central feature of the Act is the requirement of prior certification before any film can be publicly exhibited.²⁹ Films are classified into categories such as “U”, “UA”, “A”, and “S” based on age suitability and content sensitivity. This classification system is intended not to prohibit expression but to regulate audience access in a manner consistent with societal norms and constitutional values.³⁰

The Act empowers designated authorities to examine films and, where necessary, require excisions or modifications to content that may be considered harmful to public order, decency, morality, or the sovereignty and integrity of India.³¹ The grounds for refusal or conditional certification mirror the reasonable restrictions enumerated under Article 19(2) of the Constitution, thereby aligning statutory regulation with constitutional principles.³²

²⁶ WIPO, Enforcement of Intellectual Property Rights Report, 38 WIPO J. INT'L L. 78 (2021).

²⁷ Cinematograph Act, 1952, No. 37, Acts of Parliament, 1952 (India).

²⁸ K.A. Abbas v. Union of India, (1970) 2 SCC 780.

²⁹ Cinematograph Act, 1952, § 5A, No. 37, Acts of Parliament, 1952 (India).

³⁰ Cinematograph Act, 1952, No. 37, Acts of Parliament, 1952 (India).

³¹ Cinematograph Act, 1952, § 5B, No. 37, Acts of Parliament, 1952 (India).

³² K.A. Abbas v. Union of India, (1970) 2 SCC 780.

Importantly, the Act incorporates procedural safeguards to prevent arbitrary exercise of power. Filmmakers aggrieved by certification decisions have access to appellate remedies, including review by higher authorities.³³ These safeguards ensure transparency, accountability, and fairness in the certification process, reinforcing the legitimacy of regulatory intervention.

The constitutional validity of pre-certification under the Act was upheld by the Supreme Court in *K.A. Abbas v. Union of India*, where the Court acknowledged that cinema's mass appeal justified a distinct regulatory regime.³⁴ The judgment emphasized that such regulation must be exercised cautiously and reasonably, without stifling legitimate creative expression.

V. ROLE OF THE CENTRAL BOARD OF FILM CERTIFICATION (CBFC)

The Central Board of Film Certification (CBFC) is a statutory body constituted under the Cinematograph Act, 1952 to implement the film certification process.³⁵ The CBFC's primary responsibility is to examine films and grant appropriate certificates that determine the categories of audiences permitted to view them. Its role is regulatory rather than punitive, aimed at facilitating lawful public exhibition rather than suppressing creativity.³⁶

A crucial legal distinction emphasized by the judiciary is that the CBFC functions as a certifying authority and not as a censoring body. In *S. Rangarajan v. P. Jagjivan Ram*, the Supreme Court held that freedom of expression cannot be curtailed merely because a film presents unpopular or controversial viewpoints.³⁷ The Court observed that intolerance of opposing views is incompatible with democratic values, and certification must not be used as a tool to silence artistic expression.

Judicial oversight has played a vital role in ensuring that CBFC decisions remain reasonable, proportionate, and legally justified. In *Prakash Jha Productions v. Union of India*, the Supreme Court reiterated that certification decisions must be guided by statutory standards and not by subjective moral judgments.³⁸ Courts have consistently intervened where certification

³³ Cinematograph Act, 1952, § 5C, No. 37, Acts of Parliament, 1952 (India).

³⁴ *K.A. Abbas v. Union of India*, (1970) 2 SCC 780.

³⁵ Cinematograph Act, 1952, § 3, No. 37, Acts of Parliament, 1952 (India).

³⁶ *S. Rangarajan v. P. Jagjivan Ram*, (1989) 2 SCC 574.

³⁷ *S. Rangarajan v. P. Jagjivan Ram*, (1989) 2 SCC 574.

³⁸ *Prakash Jha Productions v. Union of India*, (2011) 8 SCC 372.

conditions were found to be excessive or arbitrary, thereby reinforcing constitutional safeguards.

From an industry perspective, certification by the CBFC is essential for the commercial exploitation of films. Without certification, films cannot be lawfully distributed or exhibited, directly affecting revenue generation and market access.³⁹ Consequently, delays or inconsistencies in certification can have significant economic implications for filmmakers and producers.

At the same time, the CBFC operates within an evolving media landscape marked by digital platforms and changing audience sensibilities. This has increased the need for objectivity, transparency, and consistency in certification practices to maintain public confidence in the regulatory process.⁴⁰

VI. CONTRACTUAL AND COMMERCIAL DIMENSIONS OF THE FILM INDUSTRY

The Indian film industry functions through a dense network of contractual and commercial arrangements that regulate the creation, exploitation, and monetisation of cinematographic works.⁴¹ Given the collaborative nature of filmmaking, contracts play a central role in defining the rights, obligations, and financial interests of multiple stakeholders, including producers, artists, technicians, distributors, and exhibitors.⁴² These agreements not only facilitate production but also provide legal certainty in an industry marked by high financial risk and creative subjectivity.

1. Producer–Artist and Technician Agreements

Contracts between producers and creative contributors such as actors, directors, screenwriters, composers, and technicians form the foundation of film production.⁴³ These agreements typically specify the scope of work, duration of engagement, exclusivity clauses, remuneration, and conditions for termination. In many cases, artists

³⁹ FICCI–EY Media & Entertainment Industry Report, 2023, 18 J. INT’L MEDIA ECON. 11 (2023).

⁴⁰ FICCI–EY Media & Entertainment Industry Report, 2023, 18 J. INT’L MEDIA ECON. 11 (2023).

⁴¹ Indian Contract Act, 1872, No. 9, Acts of Parliament, 1872 (India).

⁴² P. SINGH, INTELLECTUAL PROPERTY LAWS IN INDIA (LexisNexis 2017).

⁴³ Indian Contract Act, 1872, No. 9, Acts of Parliament, 1872 (India).

are engaged either on a fixed-fee basis or through profit-linked arrangements, depending on their market standing.

Such contracts also address issues of credit attribution and creative control, which often intersect with the moral rights of authors and performers. Disputes may arise where creative contributions are altered without consent or where agreed credits are denied, highlighting the importance of clearly drafted contractual terms.

2. Assignment and Licensing of Rights

A critical commercial dimension of the film industry lies in the assignment and licensing of intellectual property rights.⁴⁴ Producers generally obtain assignments of copyright from screenwriters, composers, lyricists, and performers to enable the commercial exploitation of the film across various platforms.

- Assignment results in the transfer of ownership of rights to the producer,⁴⁵
- Licensing allows limited use of rights without transferring ownership.⁴⁶

The Copyright Act mandates that assignments be in writing and specify essential elements such as duration, territorial extent, and consideration.⁴⁷ Non-compliance with these statutory requirements can invalidate assignments and expose stakeholders to legal uncertainty.

3. Revenue Sharing, Royalties, and Profit Participation

Commercial success in the film industry depends heavily on revenue-sharing mechanisms that govern income generated from theatrical releases, satellite broadcasting, OTT platforms, and ancillary rights.⁴⁸ These arrangements determine how profits are distributed among producers, distributors, exhibitors, and creative contributors.

Despite statutory recognition of royalty rights for authors and composers, disputes frequently arise due to lack of transparency in accounting practices and unequal

⁴⁴ Copyright Act, 1957, §§ 18–19, No. 14, Acts of Parliament, 1957 (India).

⁴⁵ Copyright Act, 1957, § 18, No. 14, Acts of Parliament, 1957 (India).

⁴⁶ Copyright Act, 1957, § 30, No. 14, Acts of Parliament, 1957 (India).

⁴⁷ Copyright Act, 1957, § 19, No. 14, Acts of Parliament, 1957 (India).

⁴⁸ FICCI–EY Media & Entertainment Industry Report, 2023, 18 J. INT'L MEDIA ECON. 11 (2023).

bargaining power. Courts have increasingly been called upon to interpret contractual clauses in light of industry customs while ensuring fairness and statutory compliance.

4. Distribution and Exhibition Agreements

Distribution and exhibition contracts regulate the circulation of films across geographical territories and platforms. These agreements typically define territorial exclusivity, minimum guarantees, revenue splits, and timelines for release and promotion.

Judicial enforcement of such agreements is illustrated in *Yash Raj Films Pvt. Ltd. v. Sri Sai Ganesh Productions*, where the court upheld the binding nature of distribution contracts and rejected commercial inconvenience as a defence for breach. This reflects the judiciary's consistent approach in preserving contractual sanctity within the film industry.⁴⁹

5. Dispute Resolution Mechanisms and Industry Practices

Given the frequency of contractual disputes, arbitration has emerged as a preferred mode of dispute resolution in the film industry. Many film contracts incorporate arbitration clauses to ensure confidentiality, efficiency, and industry-specific adjudication.⁵⁰

In addition to formal legal mechanisms, trade associations and industry bodies often play an informal role in dispute resolution. However, courts retain ultimate authority to intervene where statutory rights are infringed or arbitral awards require enforcement.

6. Commercial Risks and Legal Safeguards

Filmmaking involves substantial financial investment and uncertainty, prompting the inclusion of risk-mitigation clauses in contracts.⁵¹ These include force majeure provisions, insurance obligations, completion bonds, and indemnity clauses aimed at protecting producers, financiers, and distributors.

⁴⁹ *Yash Raj Films Pvt. Ltd. v. Sri Sai Ganesh Productions*, Madras High Court, 2013.

⁵⁰ P. SINGH, *INTELLECTUAL PROPERTY LAWS IN INDIA* (LexisNexis 2017).

⁵¹ FICCI-EY Media & Entertainment Industry Report, 2023, 18 *J. INT'L MEDIA ECON.* 11 (2023).

While these contractual safeguards are essential for maintaining commercial stability, their effectiveness is increasingly tested by rapid technological change, digital exploitation of content, and evolving modes of distribution.⁵² These developments expose limitations in traditional contractual frameworks and highlight emerging areas of legal friction.

The growing complexity of contractual relationships, coupled with technological advancements and digital dissemination, has given rise to new legal and commercial challenges. These issues, ranging from piracy and platform regulation to questions of authorship and enforcement, are examined in the following section.

VII. CONTEMPORARY CHALLENGES AND EMERGING ISSUES

The Indian film industry is presently undergoing a significant transformation driven by technological advancements, digital dissemination, and changing modes of content consumption. While these developments have expanded accessibility and commercial opportunities, they have simultaneously introduced complex legal challenges that existing regulatory frameworks are not fully equipped to address.⁵³

1. Rise of Digital Platforms and OTT Services

The emergence of digital platforms and over-the-top (OTT) services has fundamentally altered traditional models of film distribution and exhibition.⁵⁴ Unlike theatrical releases, OTT platforms enable instant and cross-border access to content, thereby raising concerns relating to jurisdiction, content regulation, and classification standards.⁵⁵

- Absence of a uniform certification mechanism for OTT content,⁵⁶
- Regulatory inconsistency between theatrical and digital exhibition,
- Difficulty in monitoring compliance with content guidelines.

⁵² FICCI–EY Media & Entertainment Industry Report, 2023, 18 J. INT'L MEDIA ECON. 11 (2023).

⁵³ Information Technology Act, 2000, No. 21, Acts of Parliament, 2000 (India).

⁵⁴ Ministry of Information & Broadcasting Guidelines on Digital Media Regulation, 15 IND. J. MEDIA & COM. L. 22 (2021).

⁵⁵ Information Technology Act, 2000, No. 21, Acts of Parliament, 2000 (India).

⁵⁶ Ministry of Information & Broadcasting Guidelines on Digital Media Regulation, 15 IND. J. MEDIA & COM. L. 22 (2021).

These challenges necessitate a re-evaluation of existing regulatory norms to ensure consistency across modes of exhibition.⁵⁷

2. Copyright Infringement and Film Piracy

Film piracy remains one of the most pressing challenges confronting the Indian film industry. The digital environment has facilitated rapid and unauthorized dissemination of cinematographic works, undermining economic returns for rights holders.

- Proliferation of pirated content through websites and messaging platforms,
- Jurisdictional challenges in identifying offenders operating across borders,
- Limited effectiveness of takedown mechanisms.

Despite the existence of statutory remedies, enforcement remains weak, resulting in substantial financial losses.

3. Technological Advancements and Artificial Intelligence

Technological innovations, particularly artificial intelligence, pose novel challenges to traditional concepts of authorship and originality.⁵⁸ AI-assisted tools are increasingly being used in screenplay development, music composition, and post-production processes.

- Lack of clarity regarding authorship of AI-generated works,
- Ambiguity concerning ownership and attribution,
- Absence of statutory provisions specifically addressing AI in creative industries.

These developments necessitate timely legal adaptation to ensure that innovation does not dilute intellectual property protection.

4. Contractual Imbalances and Informal Industry Practices

⁵⁷ FICCI–EY Media & Entertainment Industry Report, 2023, 18 J. INT'L MEDIA ECON. 11 (2023).

⁵⁸ WIPO, Artificial Intelligence and Intellectual Property Policy Report, 40 WIPO J. INT'L L. 56 (2022).

Despite its commercial growth, several segments of the film industry continue to rely on informal contractual arrangements.

- Power imbalance between producers and creative contributors,
- Inadequate protection of royalty and revenue-sharing rights,
- Ambiguous contractual terms leading to frequent disputes.

Strengthening contractual clarity and enforcement mechanisms is essential to ensure fair industry practices.

5. Enforcement and Regulatory Limitations

While India possesses a comprehensive legal framework governing cinema and digital media, effective enforcement remains a concern.

- Procedural delays in regulatory decision-making,
- Limited administrative capacity to monitor digital content,
- Lack of coordination among enforcement agencies.

Enhancing institutional capacity and adopting technology-driven enforcement strategies are crucial for effective regulation.

6. Need for Legal Harmonisation and Reform

The fragmented nature of laws governing cinema, digital media, and intellectual property underscores the need for harmonisation.

- Overlapping regulatory jurisdictions,
- Outdated statutory provisions unsuitable for digital realities,
- Absence of industry-specific dispute resolution mechanisms.

Comprehensive legal reform is essential to ensure that the regulatory framework remains responsive to the evolving needs of the film industry.

7. CONCLUSION AND SUGGESTIONS

The Indian film industry represents a complex intersection of creativity, commerce, and social influence, making it one of the most legally intricate sectors within the creative economy. As this research paper has demonstrated, the legal framework governing the film industry in India

seeks to balance multiple competing interests — creative freedom, commercial viability, intellectual property protection, and societal concerns — through a combination of statutory regulation and judicial oversight. The Cinematograph Act, 1952, along with copyright and contract laws, forms the backbone of this regulatory structure, addressing both expressive and economic dimensions of filmmaking.

The analysis reveals that Indian law has made significant strides in recognising the composite nature of cinematographic works and the diverse rights involved in their creation and exploitation. Judicial interpretations have played a crucial role in clarifying ownership, protecting moral rights, and preventing arbitrary regulatory interference, thereby reinforcing constitutional safeguards under Article 19(1)(a). At the same time, courts have acknowledged the unique impact of cinema on society, justifying a calibrated regulatory approach that differs from other forms of expression.

However, despite a relatively comprehensive legal framework, persistent challenges continue to undermine its effectiveness. Rampant piracy, weak enforcement mechanisms, contractual imbalances, and regulatory inconsistencies — particularly in the digital and OTT space — highlight the gap between legal recognition and practical implementation.⁵⁹ Technological advancements such as artificial intelligence further complicate traditional notions of authorship and ownership, exposing limitations in existing statutes that were not designed to address such developments.

In light of these findings, certain measures merit serious consideration. First, there is a pressing need to strengthen enforcement mechanisms, particularly against digital piracy, through improved coordination between regulatory authorities, adoption of technology-driven monitoring tools, and expedited adjudicatory processes. Second, greater transparency and consistency in film certification practices are essential to ensure that regulatory discretion does not result in uncertainty or undue restriction on creative expression.

Third, contractual practices within the film industry must be formalised and standardised to address power asymmetries and protect the economic interests of creators, especially authors and performers. Clearer statutory guidelines on royalty-sharing, attribution, and revenue accounting would enhance fairness and reduce litigation. Fourth, legislative reform aimed at

⁵⁹ FICCI–EY Media & Entertainment Industry Report, 2023, 18 J. INT'L MEDIA ECON. 11 (2023).

harmonising laws governing cinema, digital media, and intellectual property would help eliminate regulatory overlaps and adapt the legal framework to contemporary modes of content creation and distribution.

In conclusion, while the existing legal framework governing the Indian film industry reflects a conscious effort to balance creative freedom with regulatory control, evolving technological and commercial realities demand continuous legal adaptation. A responsive, harmonised, and enforcement-oriented approach is essential to sustain the growth of the film industry while safeguarding the rights and dignity of its creators. Strengthening this balance will not only promote artistic innovation but also ensure that Indian cinema continues to thrive as a culturally significant and economically vibrant sector.