

# AN APPRAISAL OF THE NIGERIAN FILM INDUSTRY AS A TOOL FOR NATIONAL DEVELOPMENT: DRAWING INSPIRATIONS FROM INDIA AND THE UNITED STATES

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## ABSTRACT

Over the years, Nollywood continues to contribute to the daily lives of Nigerians in form of entertainment and has provided a platform through which people in the diaspora can connect to home. Nollywood has always projected the Nigerian culture, norms and values to both local and international audiences. This projection is now regarded as our identity. However, the fact remains that this mega film industry is yet to purposefully use its films as a strong tool of positive propaganda to bring about social transformation of its society, the focus is more on primitive, to the utterly ridiculous, and do not offer optimal solutions to pressing issues bedeviling the Nigerian social context. This paper examines the role of the film industry as a thought moulder highlighting social vices and correcting the ills in society. The existing legislation and laws that are in place with regards to censorship are examined and a comparison with the American and Indian laws on censorship is examined. The paper concludes that there needs to be a concerted effort to use the industry as a tool for development.

**Keywords-** Nollywood, Film Industry, Film Censor, National Development

## INTRODUCTION

The prominence of globalization has engineered the role the film industry now plays as a contributor to any national economy.<sup>i</sup> Films have grown from the cinemas into box-office which now commands the attention of the government both as an economic and censorship tool. Film as an economic tool attracts the government to regulate, control and support the industry because it employs and engages highly skilled personnel in the craft of entertainment and the investment into the industry are massive. The return on investment is highly encouraging, hence the attention of the government being drawn to it. Film as a censorship tool draws the attention of the government because of its ability to influence the citizenry. It is also an avenue for the government to establish its agenda and propaganda. The film industry promotes our culture, entertains its audience, employs and engages professional, and contributes to national development and the economy at large.<sup>ii</sup>

Over five decades ago United Nations Educational, Scientific and Cultural Organization (UNESCO) stated in its Report and Papers on Mass Communication that:

*“Developing countries, anxious to accelerate the processes of economic and social change which will offer their people a better life, have turned increasingly to film as a means of supplementing or replacing traditional communication forms. And despite the advent of radio and television - even space communication - the possibilities of film in development have only begun to be exploited.*

It stated categorically that the

*“manual was addressed to those connected with film-making in the developing countries, to students of film, and perhaps more especially to all officers of government and other agencies concerned with the urgent and central work of development and who need some knowledge of how films are made and the many ways in which they can be used in development.”*

The report gave an insight into the fact that films can be used as a means of passing on a message in a subtle way that drives home the message and at the same time pleasing to the senses. Watching movies, films or a docu-series of cinematographic images usually entertains the mind and provides pleasure to the viewer. Little did we know that behind every film been

shown, there is a message that is being passed. Although, images and videos have always had either a negative or positive impact on the lives of their viewers. A Bruce Lee film showed the martial arts ability of the Asian people. For instance, cinematographic images of the Biafra Civil War which projects starvation, loss of life, and destruction can create bitterness in the mind of some viewers. To incite war or, genocide, record a movie that steers up emotions about a nation, or a tribe played it in a public place will trigger an angry population; to inspire greatness in young athletes, show them documentaries about past legends of the sport, and your athlete will most likely succeed. The mission of the film industry is essential and ranges from promoting national identity and cohesion to galvanizing the resolve of peoples in achieving progress and development as well as meeting contemporary challenges. In developing countries, and viable film industry like the one in Nigeria can become the instrument of training and imparting patriotism that ingrains belief and commitment to motivate the youth and citizens. This article appraises the Nigerian film industry by examining the legal frameworks for the censorship of the films produced by the industry. The article in a bid to drive home the point that the Nigerian film industry's potentials have not been fully harnessed comparatively examines the film industries in India and the United States.

## **BACKGROUND OF THE NIGERIAN FILM INDUSTRY AND UNIT**

A cursory look at the films produced in the Nollywood industry in Nigeria, one would understand that the fabrics of the Nigerian society are laced with a traditional family, community and societal values. Cultures, language, food, fashion, and art are always displayed through films. This reflects the typical lifestyle Nigerians are accustomed to. Through the film industry, non-Nigerians now understand the different ethnic groups in Nigeria and their beliefs, culture and values. Watching Nigerian films, one would see the difference between burying a Christian and a Muslim and the ceremonial process that goes into it. The film industry is a tool for international exposure. Apart from showcasing Nigeria's culture for entertainment, it can be used as a channel for national development to reflect what we stand for as a nation. This is evident in the production of films and development of careers actors and actress as well as the creation of economic opportunities for diverse professionals such as make-up artist,

cameramen, costume designers etc. This is not peculiar to Nigeria, to understand the American culture and lifestyle, watch their movies. To understand the Indian perspective towards life, watch their films. While *konfu* is a good self-defense technique, the Chinese culture will explain to you through their films that it is a norm in China. Although the business of illicit drugs is illegal in most countries in the world, most Mexican and *Latino* movies will show you that it creates gangs, drug lords and it is a deadly business to venture into in the first place. Beyond the cultural values, technologies of the future are better explained through a film. Artificial Intelligence (AI) enthusiast will not be surprised at the feat AI has achieved thus far. Movies such as “Ex-Machina”, “AI” and “2036 Origin Unknown”<sup>iii</sup> depicts both the positive and negative aspects of the technology. The importance attached to the film industry has earned it a national status and worldwide fame of Nollywood, although the government through films are yet to project its policies and use as a means of disseminating motivational information to the people, knowing fully well that what one watches and listens to sticks to the memory especially for young children. Hence, the government can use these films to project the image of Nigeria in a positive light. In the 1970-80s TV series like “*Cock Crows at Dawn*” by George Mentas TV series and “*My Father’s Burden*” by Wole Soyinka helped shaped and promoted the sovereignty of Nigeria. A film like any other aspect of the theatre arts is a melting pot of all the arts-painting, costumes, writing; prose, drama, poetry, short story, acting, directing, producing, photography, tourism and so on.<sup>iv</sup>

The economic importance of the film industry in Nigeria cannot be overstated; this is evident in its status as the second-largest film producers in the world.<sup>v</sup> This is credited to its reputation of storytelling in creative and innovative ways. The production of movies in Nigeria is a multi-billion-naira industry that has generated economic opportunities for Nigerians which provides a source of livelihood for professionals both at home and abroad. From actors, actresses, make-up artists, cameramen, sound mixers, technicians to directors and movie editors, they all play a vital role in the production of a movie. The industry contributed 0.21% to the Nigerian Gross Domestic Product (GDP) at about ₦270 billion in 2018,<sup>vi</sup> and generated 87 billion in the first quarter of 2019 worth 0.27% of Nigeria's GDP.<sup>vii</sup> In view of this, the government has identified Art, Entertainment and Recreation in its Economic Recovery and Growth plan as one of the priority sectors based on the projected export revenue of \$1billion by 2020. Nollywood did

not attain its height, prestige and popularity in the world today because of sheer luck as its history can be traced to the colonial and post-colonial eras. The Nigerian film history has been divided into four major eras; the Colonial period: 1903 – 1960; the Independence period: 1960 -1972; the Indigenization Decree period: 1972 – 1992; and the Nollywood period: 1992 – present.<sup>viii</sup> The first film was exhibited in August 1903 at the Clover Memorial Hall, Lagos.<sup>ix</sup> Herbert Macaulay's invitation of Balboa and Company to the film the West African Coast to Nigeria engineered the interest of both the colonial government and the European film exhibitors to Nigeria.<sup>x</sup>

The colonial government through the Colonial Film Unit (CFU) projected to its colonies that the British and its colonies had a common enemy while to the outside world that excellent work was being done in the colonies.<sup>xi</sup> This was the picture they portrayed through the use of the Film Unit. In the post-colonial era before the emergence of Nollywood, the Nigeria Television (NTV) now National Television Authority (NTA) has been the image-maker of the country through its deliberate programming to uphold Nigerian values and patriotism. The 1980s through 1990s ushered in a lot of movie producers of which the content projected had no theme for national development and pride that they followed or that the government required them to follow. The industry grew in the millennia like wide grass and now requires trimming to project a message about whom we are and what we stand for as a nation to drive reorientation. The National Film and Video Censors Board (NFVCB),<sup>xii</sup> is the regulatory agency for films and videos, the Board was established by Act 85 of 1993,<sup>xiii</sup> and this Board will be discussed later concerning censorship of the film industry. Film ratings are an important part of developing a film that corresponds with how a nation wants to be perceived the Board represents a filter of a bad and good movie to prevent people from conceiving through their eyes images and videos that could affect their minds and in turn the society at large.

In a bid to decentralize the colonial film production in the colonial days, the Nigerian Film Unit (NFU) was established in 1949.<sup>xiv</sup> The NFU has regional representation in compliance with the constitutional changes in 1954.<sup>xv</sup> The Colonial Film Unit (CFU) commenced film production and exhibition in the 1920s. As earlier alluded to, and as noted by Rice<sup>xvi</sup> the CFU projected to the world that the colonies are developing thus depicting celebrations and achievements. The



NFU deployed the use of mobile cinema vans which exhibited non-theatrical films. Through these films, the NFU promoted educational and health films (thereby creating awareness on good hygiene, sanitation and health care- Anti-Plague Operations, Lagos 1937 which was created to stimulate interest in vaccination; highlighted the developments achieved during the colonial era; promoted agricultural training films (Good Business in 1947); developed a network of the non-theatrical exhibition across the country; promoted developments in local communities (community developments in Agwu in 1949); and created an avenue for government propaganda.<sup>xvii</sup> One wonders why these laudable objectives were not followed even though films were known to influence the minds and behaviour of people.<sup>xviii</sup>

## **THE FILM INDUSTRY AS A THOUGHT INFLUENCER**

The general perception of people, especially foreigners, is that a film from another nation describes the way of life of people in the other country. This is prevalent in Nigeria, where Hollywood movies depict greatness and heroism in American society. As such Nigerian perceives Americans as heroes who through audacious trials come out triumphant. This perception reinforces believe that all Americans are heroes, although this may not be entirely true. The Nigerian Film Industry – Nollywood – produces films whose theme revolves around, cultural and ethnic disposition; deity worship and ritual practices; denigrating the status of a woman as either a full housewife or prostitute; social vices such as armed robbery, kidnapping and the likes; house help.<sup>xix</sup> According to Collins, there are two unique roles the film industry plays as an opinion moulder and that role is a scientific one. It has been scientifically proven that what humans feed their minds on shape them,<sup>xx</sup> meaning that a movie can alter the belief of the person watching it. The human mind shapes our health, eases our pain, helps us grow smarter, and gives us a sense of belonging. These are some of the qualities that make either a good or bad film influence our person. It is noted that in the colonial days, Nigerians did not receive enlightenment on subject matters such as sanitation or health via a billboard or newspaper; this was carefully done by watching films on sanitation or health. The effect of this on the people was that they are to keep their environment clean which helps them to stay healthy.<sup>xxi</sup>

The second role is the cultural role. As earlier alluded to, as a film can shape one's mind positively so also can it corrupt the human mind. A young man can be influenced to commit a violent crime like murder by simply spending hours watching films where murder and violence is the central theme; a good example of a violence driven movie are *Evil Dead* – an American Horror film; while *Violence of Fraternities* is a Nigerian Film themed with violence. Indecent dressing is now common within our society thanks to the exposure of youths to western films and which is evident in the glorification of western culture in Nigerian Films. An average assessment of Nigerian youth is not limited to those on the streets but it includes those in the tertiary institution as a whole. For instance, a research study indicates that the indecent dressing of students was a result of their exposure to western films.<sup>xxii</sup> Perhaps the notion of general perception is more amplified by Osofisan,<sup>xxiii</sup> a celebrated Nigerian dramatist, when he expressed his thoughts at the Sixth Lagos International Forum on Cinema, Video and Motion Picture in Africa over a decade ago as follows:

"The films also have a significant influence on the way that others see us, and hence on the way, they relate to us. We cannot but be concerned, therefore, about what they are saying, what attitudes they are promoting, and what image of us they are projecting. Precisely because they have deservedly won ovation everywhere, the Nollywood films have come to assume authority over our values and our lives, such that what people see in them comes to be taken not as just a fictional projection of one imaginative consciousness, but as the true, authentic mirror of what we are, as a veritable market of what our society represents, and much worse, of the ideal that we aspire, or must aspire, towards. ("From Nollywood"). Osofisan's thought supports the argument that films produced in Nigeria should not just be for entertainment purposes only rather an avenue to promote the good image of our society by exhibiting its values, ethos, and the overall culture of our people. As echoed by Osofisan, nothing can be far from the fact that a fictional projection of one imaginative consciousness is truly the reflection of how we see others and vice versa through our films. The younger generation has been greatly influenced due to the amount of time they spend time watching films that promote depraved themes. For instance, hardly do we see Nigerian film promote technology, science, counter-terrorism, finance, intelligence gathering and the likes. The film industry is primarily focused on arts, culture, history, and language, communal and ethnic tradition which in itself is not a bad thing

but when the concentration is on the debauched areas then it becomes the norm rather than the exception. The promotion of artificial intelligence, futuristic science, and fiction in a society like America has clearly distinguished between fact and fiction.<sup>xxiv</sup>

Idachaba resonating various scholars advised that producers of video films should know that they owe the larger society a duty to promote the greater good of the society, and should realize that the ennobling virtues which the society covets should find expression in their video productions.<sup>xxv</sup> This is a duty placed on the film producers who are expected to shape the thoughts of their audience and the society at large on good virtues which the society itself holds in high regard. Anything short of this standard will be a contradiction to societal values and norms. These scholars are emphasizing the leading role film producers' play. As celebrities, the youths within the society may be directly influenced by their films either to commit crimes of all categories or contribute positively to the society in their capacity which will benefit members of the society.<sup>xxvi</sup>

## **THE FILM INDUSTRY AND NATIONAL DEVELOPMENT**

The term “national development” has been defined by various institutions and scholars. According to Lawal and Oluwatoyin “national development, therefore, can be described as the overall development or a collective socio-economic, political as well as religious advancement of a country or nation. This is best achieved through development planning, which can be described as the country's collection of strategies mapped out by the government.”<sup>xxvii</sup> The United Nations Decade Report has defined it as “National development is growth plus change. Change in turn is social and cultural as well as economic and qualitative as well as quantitative”.<sup>xxviii</sup> National development is the change in growth and development, which includes social, cultural and economic change. A country can improve the social welfare of the people. It would be the expansion and growth of people in a defined territory or government.<sup>xxix</sup>

Many developmental strategies have been mapped out by Nigeria over the years, they include the First National Development Plan (1962-1968); Second National Development Plan (1970-



1974); Third National Development Plan (1975-1980); Fourth National Development Plan (1981-1985); Structural Adjustment Programme; Vision 2010; National Economic Empowerment and Development Strategy (NEEDS); Vision 2020; and lately Agenda 2050 and Medium-Term National Development Plan (MTNDP). Whether it's a Plan an Agenda or a Vision growth and change is what is yet to be seen as we keep on kicking the ball down the road.

The major challenge in the industry remains, unlike most other countries, that the Nigerian film industry receives limited support,<sup>xxx</sup> the UNESCO Institute for Statistics (UIS) affirmed that many countries' national film industry directly or indirectly benefits from public subsidy policies and mechanisms:<sup>xxxi</sup> these include 12 of the top 15 countries with the highest production and market share.<sup>xxxii</sup> The lack of funds contributes to the poor quality of production, making them unfit for commercial exhibition. A semblance of a national initiative to fund the Film industry was announced in 2010 by the Federal Government giving an intervention fund financed by the Bank of Industry in conjunction with Nigerian Export and Import (NEXIM) promising to invest US\$200 million (₦30 billion) in the development of the entertainment industry, till now the funds have not been accessible to the beneficiaries. President Goodluck Jonathan pledged a \$200 million government loan for the film industry, and "Project ACT-Nollywood," to back training and skills acquisition for film production and distribution which was later cancelled by President Muhammad Buhari. Nollyfund is another source of a fund established by the Bank of Industry.

It is indisputable that Nollywood contributes to the economy and is a big employer of labour as noted above. As of 2019, it was estimated that Nollywood directly employs 300000 and over a million indirectly.<sup>xxxiii</sup> The film industry serves as a projector of the culture and way of life of a people as well as preserves it. In the 1990s there were many films and song created for Planned Parenthood Federation of Nigeria promoted the adoption of child spacing and encourage the use of contraceptive practices among couples and individuals. The promotion of child spacing has led to an elite generation that has two or three children at most compared to 6-10 children which was the norm. Mass Mobilization for Self-Reliance, Justice and Economy recovery (MAMSER) in the 1980s used films and televisions and radio to engage its audience

for social mobilization and information on patriotism, re-orientate on corruption ethnic and religious bigotry among others its effect was felt as it impacted on the need to use made in Nigeria. Today we have the National Orientation Agency (NOA) promoting patriotism, national unity and development used films to create awareness of outbreak of a disease such as COVID -19, Ebola virus, HIV/AIDS but it has been done in the most ineffective ways. Put succinctly there is a need to adopt" themes which emphasize the desirable rather than the negative aspect of present social existence in the country.<sup>xxxiv</sup>

## **THE EXISTING LEGISLATIONS ON CENSORSHIP OF FILMS IN NIGERIA**

The National Film and Video Censors Board Act regulate the censorship and public exhibition of films and videos among other things in Nigeria. The Act is enforced by the National Film and Video Censors Board ("the Board") which carries out its functions of licensing persons to exhibit films and videos, premises for that purpose, censorship of the work, regulate and prescribe safety measures on licensed premises and regulate and control cinematographic exhibitions.<sup>xxxv</sup> The Act is divided into IX Parts, the main content starts from Part V. It is mandatory to obtain a license to exhibit a film or video, and for the use and safety of the premises. Besides, a person, either a filmmaker or movie producer is required to obtain a censorship certificate from the Board through an application as contained in Form 4 of the Second Schedule to the Act.<sup>xxxvi</sup> The Board is widely known for its censorship role and rating to determine the suitability of the film or video to the populace; however, their duties go beyond these as restated by the Court of Appeal in *UKPABIO v. N.F.V.C.B.*<sup>xxxvii</sup> as follows:

*"Under section 2 of the National Film and Video Censors Board Act, 1993, it shall be the duty of the Board: (a) license (i) a person to exhibit films and video works; (ii) premises to exhibit films and video works (b) to censor films and video works (c) to regulate and prescribe safety precautions to be observed in licensed premises (d) to regulate and control cinematographic exhibitions."*

The decision of the Appellate Court when further streamlined reinforces the duties of the Board to licensing, censoring, regulating and prescribing for safety precautions and control of cinematographic exhibitions. In modern times, one wonders how it will perform its duties when Nigerian Citizens can view films from all over the world without any censorship or licensing from the Board. Films streamed or downloaded on Netflix, YouTube or Amazon are not controlled or licensed by the Board yet Nigerians still watch movies streamed on these platforms. This is a gap in the law as well as a limitation to the duties of the board in light of the modern realities. This lacuna can easily be cured by amending the existing laws to correspond with the change realities of technology and means of broadcast. The Act also provides an exemption to some exhibitions such as films for private purposes only;<sup>xxxviii</sup> documentary films imported, produced or issued on the direction of the Federal or State Government of Nigeria,<sup>xxxix</sup> diplomatic representative of Commonwealth or a foreign country,<sup>xl</sup> the United Nations (UN) (or any organ of the UN) or other regional or global organization,<sup>xli</sup> and an educational, scientific or cultural body or society including any broadcasting and television organization.<sup>xlii</sup> An applicant who desires to import a film that falls under the exempted exhibition shall give a thirty (30) days' notice to the Board.<sup>xliii</sup> Upon notification, the Board will register the film.<sup>xliv</sup> The application shall be made in the prescribed form.<sup>xlv</sup> The Board, if it so desires may arrange a viewing of such film or verify the information given to it by the applicant.<sup>xlvi</sup> Where in the opinion of the Board, the film is to be censored the provisions of the Act shall be enforced.<sup>xlvii</sup>

### ***The Censorship Criteria under the Law***

Films are not censored by merely being reviewed by the Board but are subject to some statutory scrutiny which the Board must enforce. The Film Censors Committee shall ensure that such a film has an educational or entertainment value, apart from promoting the Nigerian culture, unity and interest.<sup>xlviii</sup> Thus, Films that may likely undermines national security,<sup>xlix</sup> induce or reinforce the corruption of private or public morality,<sup>l</sup> encourage or glorify the use of violence,<sup>li</sup> expose the people of African heritage to ridicule or contempt,<sup>lii</sup> encourage illegal or criminal acts,<sup>liii</sup> encourage racial, religious or ethnic discrimination conflict<sup>liv</sup> and by its contents to be blasphemous or obscene<sup>lv</sup> maybe censored by the Board.

Where in the opinion of the Board a film is indecent, obscene or likely to be injurious to morality;<sup>lvi</sup> likely to incite or encourage public disorder or crime;<sup>lvii</sup> and undesirable in the public interest,<sup>lviii</sup> the Board shall not approve such a film. The Film Censors Committee may by its absolute discretion approve a film unconditionally subject to such conditions as it may impose.<sup>lix</sup> The Film Censors Committee shall not later than 30 days notify the Applicant of its decision.<sup>lx</sup> In furtherance of its powers under the Act, the Film Censors Committee may revoke its approval if it is satisfied that the conditions for approval have not been complied with.<sup>lxi</sup> The Applicant is expected to be notified of the withdrawal of approval in the prescribed Form 8.<sup>lxii</sup> The revocation of approval shall be published in a Gazette and other national newspapers. This is one of the provisions that the Board has failed to adhere to in the review of the suitability for films. This failure has led to all sorts of films being produced without any form of restraint. Over the year the Board has banned several films that are not in accordance with the provisions of the law, what is lacking for the Board is to require producers to create content that enhances national development by showcasing the rich culture of most ethnic groups in a way that will attract tourists to the Country. Also, the Board needs to be more active in streamlining negative content that presents the country in a bad light. Unfortunately, most of the films that have been turned out encourage money rituals, seeking divination, encouraging the spiritual innuendos that believe that a sickness is always a form of attack which cannot be dealt with in the hospital.

## **THE FILM INDUSTRY IN OTHER JURISDICTIONS**

### ***The Indian Film Industry***

The entertainment industry in India has evolved with technological advancements as found in other parts of the world. The Industry has grown to be a force to be reckoned with on the global stage. For instance, the rise in digitization has been well harnessed on both digital media and entertainment platforms.<sup>lxiii</sup> Films streamed through digital platforms are a setback for censorship or censor certification in India.<sup>lxiv</sup> Over-the-top (OTT) platforms such as Netflix, Prime, and Amazon makes it challenging for the authorities in India to regulate films streamed on these platforms.<sup>lxv</sup> While there is no law regulating the monitoring of digital content, However, Indian's Supreme Court voiced its authorization for regulating OTT platforms



through Public Interest Litigation.<sup>lxvi</sup> The Apex court has been the voice of the government regarding the censorship of films. This is predicated on the fact that individual lawsuits argue that the censorship of films by the Indian government limits the right to freedom of expression and speech. The court has rightly noted that the government has the powers to censor films because the collective social interests of the people cannot be sacrificed on the altar of individual interests/rights.<sup>lxvii</sup> The case of *K.A. Abbas v. Union of India* is important to this discussion.<sup>lxviii</sup> The Apex Court considered an important question relating to the pre-censorship of cinematograph films with the fundamental right of freedom of speech and expression conferred by Article 19 (1) (a) of the Constitution.<sup>lxix</sup> Hidayatullah, C.J. made it clear that censorship of films including pre-censorship was constitutionally valid in India as it was a reasonable restriction within the ambit of Article 19 (2).<sup>lxx</sup> The primary legal framework regulating films in India is the Cinematograph Act, 1952,<sup>lxxi</sup> Clear principles are guiding the certification of a film which states that " a film shall not be certified for public exhibition if, in the opinion of the authority competent to grant the certificate, the film or any part of it is against the interests of 3 [the sovereignty and integrity of India] the security of the State, friendly relations with foreign States, public order, decency or morality, or involves defamation or contempt of court or is likely to incite the commission of any offence.<sup>lxxii</sup> The sovereignty and integrity of India rank foremost as part of the growth and development of the film industry. The statutory body regulating the censorship of films in India is the Central Board of Film Certification ("CBFC").<sup>lxxiii</sup> The CBFC further expatiated on section 5B of the Cinematograph Act, 1952 by setting out what guides their decision for film certification. It listed the objective for certification is to ensure the medium of film remains responsible and sensitive to the values and standards of society; artistic expression and creative freedom are not unduly curbed; certification is responsive to social changes; the medium of film provides clean and healthy entertainment; and as far as possible, the film is of aesthetic value and cinematically of a good standard amongst other guidelines.<sup>lxxiv</sup>

The various law regulates different aspect of the film, video, TV and Cable in India but the objectives are similar to that of the NFVCBA in Nigeria, such that expression and creative freedom is not curbed in so far as they are in sync with the provisions of the law and in line with the value the country wants to portray. The Board is empowered by the law, after



examining the film too; sanction the film for unrestricted public exhibition, sanction the film for public exhibition restricted to adults; direct such excisions and modifications in the film before sanctioning the film to any unrestricted public exhibition or for public exhibition restricted to adults; and refuse to sanction the film for public exhibition.<sup>lxxv</sup>

Based on the strategic objectives of the film industry has evolved into a multi-dimensional sector in its reach attracting FDI and has become a force to reckon with. The film industry was earmarked as a key sector at the inauguration of the Make in India in 2014<sup>lxxvi</sup> although it contributes less to the GDP of the country in comparison to Nigeria.<sup>lxxvii</sup> The government has taken several initiatives to affect growth in the sector such as:

- a) *significant steps towards supporting independent filmmakers by way of a co-production film fund,*
- b) *Incentivizing foreign productions for filming in India,*
- c) *Single window clearance mechanism for filming in India for foreign and Indian film producers through web portal under the Film Facilitation office*
- d) *Promoting single-screen cinema exhibition in smaller towns in India.*<sup>lxxviii</sup>

These kinds of incentives can strengthen the already vibrant industry and can be a game-changer for the industry and the country by diversifying the employment portfolio, creating tourism to boost the economy.

### ***The Film Industry in the United States of America***

The United States of America (USA) remains the highest-grossing film industry in the world. Hollywood is a big industry that attracts a lot of attention worldwide through its films and TV series. Also, the final total for the 2019 domestic box office clocked in at \$11.4 billion. The U.S. media and entertainment (M&E) industry gross \$717 billion in 2019 while the industry is expected to reach more than \$825 billion by 2023.<sup>lxxix</sup> Because of the importance of Hollywood to the economy of the US, the government at various levels gives tax breaks to encourage the production of a film in a particular state. Over the years the State government has put in place funding for example the Film Industry grant given in North Carolina for films and TV series. Georgia has a similar initiative that provides Film, Television and Digital Entertainment tax

credit of up to 30 per cent and Georgia's Entertainment Industry Investment Act provides a 20 per cent tax credit for companies that spend \$500,000 or more on production and post-production in Georgia<sup>lxxx</sup> This has made Georgia an attractive destination for shooting big-budget projects like the \$356 million “Avengers: Endgame” and \$8-million-per-episode “Stranger Things.”<sup>lxxxii</sup>

It may be surprising that no legislations are regulating the film industry in the USA, although there are controls and regulations put in place by the government on certain issues. The industry is largely self-regulated by Association such as Motion Pictures Producers and Distributors Association (MPPDA) was founded in 1992 to improve the image of the American film, the Motion Picture Association of America (MPAA) thereafter made efforts to prevent immorality in movies without much change. The incessant complaints led the MPAA in 1934 to establish the Production Code Administration (PCA) which made it compulsory for movies to be certified by MPAA before they distributed. The MPAA was granted authority to fine theatres where movies without their certificate were released. In extreme cases, the Motion Picture Association of America could also demand script changes. In all the First Amendment to the United States Constitution protects the freedom of speech and expression against all levels of government censorship. This freedom and protection is an essential component of the American experience and allows the country to have the arguably most diverse population in the world. This protection extends to cyberspace and thus there is relatively minimal governmental technical filtering of online content in the United States.<sup>lxxxiii</sup> The laws regulating censorship in the United States is not only limited to films, it also includes the internet. The US Constitution (2<sup>nd</sup> Amendment), Digital Millennium Copyright Act, 1998, Communications Decency Act, 1996, Child Online Protection Act, 1998, Children’s Online Privacy Protection Act, 2000, and Children Internet Protection Act, 2000 are all laws that relate to regulation and censorship of film including online streaming.

Censorship in the United States is different from the other meaning stated in this paper. There is a general perception in the US that censorship connotes the government’s act of banning or altering media, free speech, or performances.<sup>lxxxiii</sup> Areas of censorship include: displaying excessive or graphic violence, public safety, and content matters of a mature nature depicting

persons in various stages of undress.<sup>lxxxiv</sup> Earlier in 2020, former President of the United States, Donald Trump, released signed an executive order on preventing online censorship.<sup>lxxxv</sup> EO directs federal agencies to take several actions designed to narrow the scope of Section 230.<sup>lxxxvi</sup> Section 230 relates to the protection for private blocking and screening of offensive material. Apart from prevention of online censorship the E.O. also provides that Federal Taxpayer Dollars from financing online platforms that restrict free speech,<sup>lxxxvii</sup> review of unfair or deceptive acts or practices,<sup>lxxxviii</sup> and State Review of Unfair or Deceptive Acts or Practices and Anti-Discrimination Laws.<sup>lxxxix</sup>

Its common knowledge that Hollywood was an arm of the US military during World War II. The Office of War Information (OWI) was created in 1942, some six months after the bombing of Pearl Harbor. The OWI served as an important U.S. government propaganda agency during World War II.<sup>xc</sup> "Between 1942 and 1945, the Bureau reviewed 1,652 scripts, revising or discarding anything that portrayed the U.S. unfavorably, including any material that made Americans seem "oblivious to the war or anti-war."<sup>xcii</sup> OWI documented America's mobilization for the war effort in films, the American way of life and culture during the early years of World War II, texts, photographs, radio programs, and posters. The ideology behind the formation of OWI was clearly to boost morale and patriotism, promoting democracy, exporting the ideology of economic growth, encourage people to participate in the war effort and, most importantly, control all information Americans received about the war and win the war.<sup>xcii</sup> The campaign was also extended overseas. This ideology continues to date most of the US movies show the US marines as the most skillful in the world and that they can overcome any hurdle. The use of the film industry has given the whole world the belief that American soldiers are the best.

Unlike laws on censorship in Nigeria, there is no specific law protecting the privacy of children from the use of the internet as it is in the US. Although the duty to protect children rests on their parents or guardians, the law has always provided that the welfare of the children is the paramount interest under the law.<sup>xciii</sup> It can be argued that protecting the children from the use of indecent materials on the internet constitutes a welfare obligation placed on the parents under the law. The protection of children from obscene materials can be regarded as censorship. This

is good censorship. The prominence and ubiquitous use of the Internet have sparked different reactions from the government on the censorship of freedom of speech and expression. As earlier alluded to, the film is a means of communication, these regulations also impact film streamed on the Internet. Different states in the US have laws that regulate speech on the internet. In California, Assembly Bill 132, enacted July 1997 requires schools to adopt an Internet access policy regarding student access to sites with materials that is harmful to minors;<sup>xciv</sup> the State of Connecticut enacted House Bill 6683 July 1997 which creates criminal liability for sending an online message “with intent to harass, annoy or alarm another person”;<sup>xcv</sup> Senate Bill 156 enacted May 1996 in the State of Florida, amends the existing child porn law to hold owners or operators of computer online services explicitly liable for permitting subscribers to violate the law;<sup>xcvi</sup> the State of Kansas enacted House Bill 2223 May 1995 to expand the child pornography statute to include computer-generated images.<sup>xcvii</sup>

## **CONCLUSION AND RECOMMENDATION**

To further increase the prestige and overall importance of the film industry in Nigeria the challenges permeating the film industry can better be resolved if all stakeholders intentionally and intuitively commit themselves to reduce the prevailing obstacles to the barest minimum. The film industry has not only proved to be a catalyst for national development, it is also a tool for economic empowerment for all the businesses and individuals in the industry. Given the increasing numbers of viewership across digital platforms, the government must realize its role in providing a robust regulation that seeks to catch up with the evolving film industry in Nigeria without stifling the innovative and creative expression of cinematographic work. All countries have regulation of their film industry but the major difference with Nollywood is actual government support to grow the industry and at the same time use it as a path to development.

It is therefore the recommendation of this paper that the Nigerian government should wake up and get involved in what is projected in our films and create themes that emphasize the desirable rather than the negative aspect of present socio-economy decadent that exist in the country. Films should be used as a tool of encouragement even in the face of the obvious



troubles bedeviling the country to give hope. The relevant government agency or body in charge of providing funds to members of the arts and entertainment industry should create a seamless process of accessing funds. The production of movies, documentaries and other motion picture should be done with ease with the involvement of relevant government ministries and agencies, the private sector and civil society, in collaboration with the National Orientation Agency.

## ENDNOTES

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- <sup>lviii</sup> Section 36 (2) (c).
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