

Film Censorship in India

1) Introduction

- The suppression or control of ideas, public communication and information circulated within a society is termed as censorship.
- The freedom of speech guaranteed by the Constitution of India can be suppressed if it is considered objectionable, harmful, or necessary to maintain communal harmony.
- It is always necessary to balance conflicting rights in order to determine what can and cannot be censored.
- A classic example of censorship in India is the Central Board of Film Certification or Censor Board, which comes under the purview of Ministry of Information and Broadcasting.

2) Legal provisions

- The Constitution of India guarantees freedom of speech and expression with certain restrictions such as that of morality, decency, public order etc.
- the Indian Penal Code allows cramping free speech on grounds of outraging religious feelings, making statements creating or promoting enmity, hatred or ill-will between classes
- According to the Information Technology Rules 2011, objectionable content includes anything that “threatens the unity, integrity, defence, security or sovereignty of India

3) Reasonable restrictions

- In India, freedom of speech and expression is ensured by Article 19(1) (a) of the Constitution
- But this is limited by Article 19(2), which allows the government to place “reasonable restrictions” on this right “in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence
- This provides the government with a wide net to seize and censor almost anything that is disfavoured.

4) Film censorship

- The Central Board of Film Certification, the regulatory film body of India, regularly orders directors to remove anything it deems offensive, including sex, violence or subjects considered politically subversive.
- Film censorship becomes necessary because a film motivates thought and action and assures a high degree of attention and retention as compared to the printed word.
- Therefore, it has as much potential for evil as it has for good and has an equal potential to instil or cultivate violent or bad behaviour.
- The government appointed Mukul Mudgal Committee Report (2013) and recently-formed Shyam Benegal Committee (2016) on film censorship.
- Around the world the utmost concern of censors is the depiction of violence and sex.
- Intention in censorship is simple yet complex as in one way we are not letting a director to show the originality of the situation and on the other we are trying to protect the nation with any interference between society (as we saw in udta Punjab)

5) Shyam Benegal Committee report

- The Shyam Benegal committee was formed to suggest ideas for film certification taking into account best practices in the world

- It recommended that CBFC should no longer have the power to suggest/make cuts but have the right to deny certification to films if they are contrary to reasonable restrictions under article 19.
- However, these restrictions are very broad and give the board the power to refuse certification for the film if there is an issue with just one scene, instead of suggesting a cut
- This may curb the 'space for artistic expression' of film makers.

6) Why Censorship is required?

- It keeps religious conflicts at bay, this can hold especially true in a country like India.
- If the 'Censor Board' notices a part of a film that can offend a certain community on religious grounds, it will go ahead and cut that part out which helps keep religious conflicts out of reach.
- A country's army is always full of secrets and the secrets are mostly military. This is when censorship steps into the picture to help maintain secrets of a country's army.
- Books and films that can stir up negative emotions and actions amongst the general public, and are usually not allowed passing through the watchful eyes of the Censor Board.
- Censorship actually prevents companies from making tall claims about the products and services they have on offer.
- If it wasn't for censorship, almost all of us would have been victims to the marketing gimmicks of companies' world over.
- When political, environment, world, or economic disasters occur, People begin to panic and believe everything that they see, by controlling the information that is out, and they can help to prevent riots and other problems from happening.

7) Disadvantages Of Censorship

- One of the biggest banes of censorship can be pointed out to the fact that it strangles creativity.
- When it comes to sex-related topics, unnecessary cutting out or doing away which makes it difficult for film-makers and even writers to educate children on the dark side of sex.
- Some critics believe they should be allowed to watch and read whatever they want. This belief stands in direct opposition to the government's take on allowing its people to only see and read what it seems fit for them.
- Everyone deserves to enjoy the right to know. However, censorship at times prevents people from gaining access to knowledge that shouldn't really be restricted or kept out of bounds.
- Censorship would halt free speech and the ability to express people's views and concerns, and would restrict people from putting out different viewpoints and opinions on world topics.
- Giving excessive power to a group of individuals for censorship leads to unnecessary regulation and violation of freedom of expression under art 19(1) (A) of the constitution.

8) Way forward

- The freedom of speech and expression embodies the right of individuality.
- Any threat to such 'individual thinking' leads to an aggressive campaign against reasonable restrictions as well.
- Film is the reflection of society. Sometime true stories are depicted and it is censored with the fear of in-fuelling communal harmony etc. it is the time to change the society and mindset and not cut the film.
- It is important that transparency in the functioning of CBFC is ensured by reforming the process for its nomination.

9) Conclusion

- Censorship is a powerful tool that can work for or against society and the people.
- It can either result to disseminating balanced information or mask the truth about issues people deserve to know.
- What is important is for members from both sides of the spectrum, supporters and critics, to continue debating on the issue to achieve a kind of censorship that will work for the majority.
- Though censorship is required for films, its exercise should be exceptional, transparent and free from political influence.

