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# **ARTISTIC FREEDOM & CENSORSHIP: A CRITICAL ANALYSIS ON CINEMATOGRAPHIC FILMS AND TELEVISION**

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## **ABSTRACT**

*The study is all about Media for contemporary entertainment and cultural expression are cinematic films and television. Both media use visual narrative to draw viewers in, but they do it in unique ways and with different forms. Cinematographic films capitalize on the power of the cinematic experience, usually spanning from feature-length productions to short films. High production qualities are frequently used in them, such as complex camera work, sophisticated set designs, and thorough post-production procedures. Character development, thematic exploration, and a well-defined narrative arc are all hallmarks of the film industry's emphasis on storytelling. The next part of the study will be discussing on television offers a wide range of content, including comedy, serial dramas, reality television programs and documentaries. Since the emergence of streaming services, which provide on-demand access to a wide variety of material, it has undergone tremendous change. The study would show an highlighting components on the analysis. In order to allow for more gradual growth and in-depth subject study, television programs frequently examine people and tales over lengthy periods of time. Television's episodic format allows for serialized narrative, audience participation across several seasons, creating special bond between viewers and characters. While television offers more consistent, approachable form of participation, movies. The distinctions between these genres are becoming increasingly hazy due to the constant advancement of technology, and opens new possibilities.*

**KEYWORD:** TELEVISION, FILMS, MEDIA, PRODUCTION, MOVIES

## INTRODUCTION

In India, the battle between sensible constraints and freedom of speech is never-ending, particularly when it comes to entertainment. Beginning in the early 1970s, when the Apex Court first considered the issue of pre-censorship of cinematograph films in light of the fundamental right to free speech and expression guaranteed by Article 19(1)(a) of the Constitution, censorship and artistic freedom became a contentious issue. In India, a filmmaker's creative freedom is restricted and not unqualified. When it comes to censorship, the courts have construed Article 19(2) of the Constitution to include limitations on anything that threatens India's sovereignty, integrity, or security, is libellous, in contempt of court, or encourages the commission of any crime. A film that violates any of the previously specified grounds for expression is subject to censorship by the Censor Board of Film Certification ("CBFC"). Achieving a balance between censorship and artistic expression is crucial. A lack of restriction or excessive freedom would lead to the display of content that is unsuitable for minors or could negatively affect society as a whole. Conversely, an excessive amount of censorship might limit the creative possibilities and impede the right to free speech.

Artistic freedom refers to a creator's ability to convey ideas, emotions, and storylines without limitation. This flexibility is critical in cinematic films and television for encouraging innovation, exploring varied issues, and challenging societal boundaries. However, throughout history, censorship, imposed by governments, organizations, or societal norms, has frequently challenged this freedom in order to regulate content deemed offensive, politically sensitive, or morally objectionable. In the context of film and television, artistic freedom is critical for representing multiple perspectives and confronting contentious issues including politics, religion, sexuality, and social justice. Films and television series are potent storytelling vehicles that may shape society, increase awareness, and even drive societal change. Films like "Schindler's List" and television shows like "The Handmaid's Tale" address difficult issues like genocide and totalitarianism, bringing critical discussions into the public realm.<sup>1</sup>

Censorship occurs when specific authorities, such as government entities or media regulators, place limitations on material. Censorship can take many forms, including

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<sup>1</sup>6Someswar Bhowmik, 'From Coercion to Power Relations: Film Censorship in PostColonial India' (2003) 38 EPW 3148

outright bans, content edits, and ratings that limit the availability of specific works. Governments frequently justify censorship by citing the need to defend public morals, national security, or cultural values. Many countries, for example, have banned films with strong political themes or sexual sequences because they are deemed unfit for popular consumption.

The difficulty lies in striking a balance between maintaining society ideals and ensuring artistic expression. Critics of censorship claim that it stifles creativity and inhibits audiences from interacting with controversial or transformative ideas. Over censorship can stifle artistic freedom, resulting in formulaic storytelling that avoids uncomfortable or thought-provoking topics. Meanwhile, supporters of censorship frequently emphasize the need of media upholding social duty, particularly in safeguarding vulnerable audiences from dangerous content such as excessive violence or explicit material. Finally, the dispute over artistic freedom and censorship in cinema and television is nuanced, with differing viewpoints depending on cultural, political, and ethical factors. The continuous challenge is to protect creative expression while walking the delicate line between regulation and censorship.

### **OBJECTIVE OF THE STUDY**

- i. Understanding about Censorship.
- ii. Understanding Article 19 of “Freedom of Expression”.
- iii. Understanding the actual meaning of what cinema is and its role
- iv. To gather and understand about the barriers and restriction of the Article 19 of the Indian constitution
- v. To analysis and study on Media, Cinema, and how censorship works
- vi. With reference and discussion includes case study for understanding

### **DESCRIPTION OF FREEDOM OF PRESS**

The freedom of press serves as a platform for exercising freedom of speech and expression. It enables individuals to share their views with a large audience without having to physically reach each person. In the past, newspapers were the primary means of expressing opinions, as individuals could communicate through newspapers or in person.

However, these options were limited as not everyone could access or comprehend written news. Consequently, motion pictures, such as films, emerged as an effective medium for expressing opinions, leading to the inclusion of freedom of press in the freedom of speech and expression. Notably, although the Constitution does not explicitly mention freedom of press, Dr. Ambedkar clarified that it is unnecessary as the press and individuals share the same right of expression. The inclusion of freedom of press in the Constitution followed a significant judgment in the Romesh Thaper case, where the apex court recognized that freedom of press guarantees the propagation of ideas through circulation.

Article 19, which encompasses various freedoms, prioritizes freedom of speech as a fundamental right. While citizens are granted freedom of speech and expression, the state can impose reasonable restrictions in the interest of national sovereignty, integrity, security, foreign relations, public order, decency, morality, contempt of court, defamation, or incitement of offenses. These restrictions also extend to freedom of press due to its inclusion in freedom of speech and expression. Regarding motion pictures, the apex court has acknowledged them as part of freedom of press, subject to different regulations compared to newspapers. Unlike newspapers, films are subject to censorship by the authorities, as highlighted in the case of Union of India vs. Eastern India Motion Picture Association. In this case, the Union of India, State of U.P., and West Bengal appealed against a Delhi High Court decision, which had challenged the Cinematography Act, 1952. The act provided for the categorization of films as approved or disapproved by the central government for exhibition purposes. The Delhi High Court's decision in favor of the petition was appealed by the Union of India and the state governments.

### **CENSORSHIP ON FILM IN INDIAN IDEOLOGY**

The citizens of India are guaranteed the fundamental right to freedom of speech and expression under Article 19 of the constitution. However, this freedom is not absolute and is subject to reasonable restrictions. Freedom of speech and expression allows individuals to freely express themselves through various mediums such as speech, literature, art, or any other form of communication. It is considered a crucial concept in modern liberal democracies. Although the Constitution of India does not explicitly mention motion pictures as a medium of speech and expression, the Supreme Court's decision in the case of Rangarajan v. P. Jagjivan Ram<sup>4</sup> established that movies are indeed protected under Article 19(1)(a). Movies have the ability to stimulate thoughts and actions while capturing the attention of the audience through the

combination of visual and auditory elements. Due to their potential to influence and evoke emotions, movies are not equivalent to other forms of communication and therefore cannot operate freely without censorship. Censorship through prior restraint is deemed not only desirable but also necessary considering the unique impact and reach of movies on mass audiences.

### **THE CENTRAL BOARD OF FILM CERTIFICATION (CBFC)**

The Central Board of Film Certification is a legal body that controls the public screening of movies in India. It was established by the Ministry of Information and Broadcasting in line with § 3(1) of the Indian Cinematograph Act of 1952. In India, films can only be shown publicly after receiving certification from the CBFC. The CBFC has a two-tier jury system for certifying films, consisting of the Examining Committee and the Review Committee, as well as an appellate tribunal called the Film Certification Appellate Tribunal. Section 5A of the Act outlines the different film certification categories:

U- Films suitable for unrestricted public screening,

UA- Films containing portions unsuitable for children under twelve but suitable for unrestricted public screening,

A- Films restricted to adult-only exhibition, and

S- Films restricted to specific professions or groups.

The CBFC certifies films according to Section 5(B) of the Cinematograph Act, which states the conditions under which a film should not be certified for public exhibition. It is important to note that the Cinematograph Act, 1952, only regulates film certification or non-certification and does not explicitly grant the Censor Board the power to censor films. The CBFC's power to censor films is derived from Rule 26 of The Cinematograph Rules of 1983, allowing the regional officer to issue a certificate on the condition that specified portions are removed from the film. The Act also authorizes the Central Government to issue guidelines to direct the CBFC. The Supreme Court has ruled that the certification requirement by the censor board, as per the Cinematograph Act of 1952, is a reasonable restriction on the right of speech and expression under Article 19(2).

Before the dominance of screen cinema in India, a traditional theater system had already been established in the 1920s, playing a significant role in cultivating an audience for the art through

its pre-independence era plays<sup>2</sup>. India's first full-length feature film, *Raja Harishchandra*, was produced in 1913, leading to the enactment of The Cinematograph Act, 1918. Censor Boards were established in Bombay, Calcutta, Madras, and Rangoon in 1920 to regulate public screenings and content, similar to the censorship measures adopted by Britain. The Bombay Censor Board specified a list of 43 objectionable subjects, dealing with issues such as kissing, rebellion scenes, and portrayal of national leaders in movies through cuts and bans. As the 1940s approached, art and cinema played a significant role in fueling emotions of the freedom struggle, shifting the focus from passionate kissing to patriotism and love for the country. Gradually<sup>3</sup>, cinema evolved into a powerful medium, influencing people's lives, thoughts, and perspectives.

The Cinematograph Act, 1952 established the Central Bureau of Film Certification (CBFC) as a regulatory body to further solidify the position of censorship. This period, considered the 'Golden Age of Indian Cinema,' celebrated India's success at numerous international film festivals, with the Hindi film 'Mother India' receiving a nomination for the Academy Award for Best Foreign Language Film, marking a promising start for offbeat cinema and the challenges it brought.

The Central Board of Film Certification (CBFC) is a statutory body established under the Cinematographic Act, 1952. The 1959 amendment granted the board the authority to certify films before public exhibition. Known as the Central Board of Film Censorship until 1983, it was renamed the Central Board of Film Certification. Under Section 3 (3) (iv) of the Act<sup>4</sup>, the board was empowered to refuse to sanction the exhibition of a film, apart from certifying its content. In recent times, the board has faced severe criticism for moral policing and for acting as the ultimate authority in deciding what the public can watch. Since 1959, when the Bengali film "Neel Akasher Neechey" was banned for two months due to fear of political disharmony, the CBFC has played a crucial role in the increasing number of films facing censorship issues, being the go-to authority in matters of censorship.

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<sup>2</sup> N Bose, 'The Central Board of Film Certification Correspondence Files (1992–2002): A Discursive Rhetoric of Moral Panic, "Public" Protest, and Political Pressure' (2010) *Cinema Journal* 49, 67-87.

<sup>3</sup> The Cinematograph Act 1952 (37 of 1952).

<sup>4</sup> The Cinematograph Act 1952 (37 of 1952).

## CONTEMPORARY TIMES

In 2019, the movie 'Chidiakhana' depicted the story of a boy from Bihar with a dream of playing football and tackling social issues. The Central Board of Film Certification (CBFC) gave it a U/A rating, but the Children's Film Society contested this decision in the Bombay High Court. They wanted to screen the film in schools, but the CBFC demanded cuts before granting the U/A rating. The court criticized the board, emphasizing that it is a certifying body and not a censor board, and it does not have the authority to decide what people can watch. The court also reprimanded the board for ignoring serious social issues.

In 2018, the CBFC required the makers of 'Aiyaary' to obtain clearance from the Defence Ministry before its release. The film addressed the 'Adarsh Housing Society scam' involving high-profile individuals. After a special screening for officials and making recommended cuts, the film received a censor certificate. In 2016, "The Jungle Book" received a U/A certification from the board, despite being based on a well-known children's classic.

### MOVIES AND FILMS ARE “JUST ENTERTAINMENT”:

Films have transcended mere entertainment and have become a significant reflection of India's rich culture and lifestyle. They have garnered immense fandom, promotions, and business, attracting attention from both domestic and international audiences. Socially relevant films are influential in driving change in society. In *K. A. Abbas v Union of India*, the Supreme Court noted that films evoke emotions more deeply than other art forms, justifying censorship based on the grounds mentioned in Article 19(2)<sup>5</sup>. Cinema's global reach makes it a powerful medium that transcends language and universal acceptance, yet does not need societal approval.

### HOW DOES THE CENSORSHIP PROCESS DONE:

The CBFC, also known as the 'Censor Board,' is composed of a maximum of 25 members and 60 advisory panel members appointed by the Information and Broadcasting Ministry. The CEO oversees administrative matters. Upon receiving an application, the Regional Officer will form an Examining Committee with 4 members and an examining officer, including at least 2 women. The committee will watch the film and provide a report with suggested deletions and modifications. Based on the committee's report, the regional officer will certify the film as U, U/A, A, or S. In case of dissatisfaction, the applicant will be given a list of suggested changes.

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<sup>5</sup> The Constitution of India 1950, art 19(2)

The censor board has a maximum of 68 days from the application date to issue a certificate for the content, including the time needed for any required cuts and mutes. The process is now available online for better transparency. If the applicant remains unsatisfied with the certification, they can escalate to the Revising Committee, and further appeals can be made to the Appellate Tribunal and ultimately to the court.

## **THE LEGAL FRAMEWORK FOR FILM CERTIFICATION IN INDIA IS GOVERNED BY THE CBFC**

It is empowered by Section 5B (2) of the Cinematograph Act. The board provides guidelines on its website covering a wide range of topics, including societal values, discrimination, alcohol, sex, and drugs. These guidelines are quite broad and open to various interpretations.

In addition to these guidelines, the reasonable restrictions outlined in Article 19 (2) of the constitution are also cited under Section 5(b) of the act<sup>6</sup> as grounds for restriction. Films that impact the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or involve defamation or contempt of court, or are likely to incite the commission of any offense, are not permitted for public exhibition in India.

The decisions made by the board regarding films with excessive obscene content may seem reasonable, but given the easy access to pornography on the internet, this defense is not well-received by filmmakers. Furthermore, some films that have been cleared by the censors with a lenient certificate are found to contain objectionable content that the board had supposedly approved without scrutiny.

## **FEW MOVIES ENDS AT SUCCESS AND FEW ENDS UNSUCCESSFUL**

For instance, "Mohenjodaro" was passed by the CBFC with no cuts despite numerous intimate scenes, while "Unindian" faced demands for cuts to its intimate scenes. "Ram Leela" (2013) was given a "U/A" certification despite its violent setting and numerous kissing scenes, whereas "Shahid" (2013), a biopic of lawyer and human rights activist Shahid Azmi, received an "A" certification despite making changes<sup>7</sup>. These instances raise questions about whether the CBFC has demonstrated bias or leniency towards certain filmmakers.

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<sup>6</sup> The Cinematograph Act 1952

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A recent list of recommended beeps by the CBFC has also sparked controversy. In a documentary on the life of Nobel laureate Amartya Sen, the CBFC asked the makers to beep the words "cow," "Hindu India," and "Gujarat" due to their reference to the Prime Minister's home state.

### **CREATIVITY IS BEING RESTRICTED?**

The art of cinema, like any other art form, serves as an expression of an artist's creativity and ideologies. In the past, films were primarily expected to entertain, but now audiences also seek engagement and stimulation for the money they invest. To meet these expectations, directors must focus on creating diverse stories for the screen rather than being constrained by concerns about satisfying the censor board. Frequent forced censorship restricts the potential for creative expression through cinema and instills fear about the reaction of a select few members of the CBFC during the censorship process. When a director is compelled to remove significant scenes in the name of "censorship," it diminishes the integrity of their work. This was evident in the case of the film "Hava Aney Dey" (2004), where the director was asked to make 21 cuts to the 93-minute feature film.

It is perplexing that a film or scene may pass censorship without cuts in countries like the US and UK but face censorship or a ban in India, leading to questions about the reasons behind this disparity. For instance, the CBFC claims that James Bond's character drinking Martini is unsuitable for Indian audiences, yet regional films have been permitted such liberties with the inclusion of statutory warnings. Furthermore, the Oscar-winning movie "Ford v Ferrari" (2019) was asked to blur all alcohol brands in the movie, making the scenes appear awkward and distracting. While it is understandable that traditions may differ, filmmakers should be able to exercise the freedoms granted by the laws of their country.

Ultimately, the choice of what to watch should be left to the audience, and the censor board should not impose its views on what should or should not be seen. In today's rapidly changing world, where people encounter vast amounts of information daily through social networking, it is nearly impossible to keep something hidden for long. Even though some films are banned, they are readily available on piracy sites, undermining the purpose of the ban. A prime example of this occurred with the Hollywood film "Fifty Shades Of Grey" (2015), which was banned due to explicit content, yet people still accessed it through torrent sites. Producers now have the option of choosing OTT streaming services, where they can avoid the issues of forced

ensorship and various restrictions on movie exhibition.

The CBFC has frequently clashed with the judiciary over its controversial decisions regarding film certification. The courts have consistently protected the freedom of speech and expression guaranteed under Article 19 and have emphasized that the body should only serve as a certifying authority, not as the ultimate decision-making authority on what people can or cannot watch. In the case of *Uda Punjab*, the film was initially asked to make 89 cuts, which was later reduced to 40 cuts along with the removal of any reference to the state of Punjab and any political references, including a title change. The board wanted the story to be set in a dystopian land, which was reflective of the real scenario in the state of Punjab. However, the studio approached the Bombay High Court, which allowed the release with just 1 cut. When the matter reached the Apex Court, it found no challenge to the sovereignty and integrity of India after reading the entire script and upheld the High Court's decision. Just as one cannot predict the offense of defamation, one also cannot predict if a material will cause issues before its publication or exhibition, and even if it does, the concerned parties may approach the court and challenge the film after its publication or exhibition.

### **INTERNATIONAL PERSPECTIVE ON CBFC**

Censor Boards worldwide have varying approaches to handling films. For example, the CBFC in Pakistan is stringent in its portrayal of the country and Muslims in films, leading to the banning of Indian films like "*Baby*" (2015) and "*Haider*" (2014), among others. On the other hand, the United States and United Kingdom have a more straightforward film rating system.

The Motion Picture Association of America (MPAA) uses a 6-tier rating system, including G for General Audience, PG for Parental Guidance suggested, PG-13 for content inappropriate for those under 13, R for restricted to those over 18 or allowed with an adult, NC-17 for no one under 17, and NR (or) UR for movies not submitted for rating. Similarly, the British Board of Film Classification (BBFC) uses U, PG, 12A, 15, 18, and R 18 for films restricted to licensed adult cinema halls.

These boards typically base their ratings on the received film version and seldom demand cuts, only recommending them. They leave the decision of fate to the filmmakers. While not lenient, they decide based on what they receive, allowing people to determine what is suitable for them and reducing potential censor issues. All censor boards are strict on strong sexual content and

excessive violence, which is understandable.

## OUTLOOK OF FILM CENSORSHIP

The history of film censorship provides insight into the history of the right to freedom of speech and expression. The right to freedom of speech and expression is guaranteed as a fundamental right under Part IV of the Constitution of India. This right is subject to reasonable restrictions in the interest of various factors such as sovereignty, integrity of India, security of the State, friendly relations with foreign States, public order, decency, morality, contempt of court, defamation, or incitement to an offense.

The Supreme Court has historically upheld the validity of laws that allow pre-censorship of motion pictures to protect public order and morality as safeguarded by Article 19(2) for the sake of safeguarding public interest.

When the newly formed government of independent India removed the Indian Press (Emergency Powers) Act, 1931, it eliminated the imposition of pre-censorship on newspaper media, but similar efforts were not made to free Indian cinema from such imposed restrictions. Debates of the Constituent Assembly indicate that the greater level of scrutiny placed on films may have been related to Gandhian concerns about the moral effects of cinema.

The mounting criticism against the Censorship Board led to the establishment of the Enquiry Committee on Film Censorship (Khosla Committee), headed by Justice G. D. Khosla and comprising film professionals and bureaucrats. During the 1960s, the Indian Government used the Central Censor Board to censor films that portrayed its ally in a negative light, including demanding deletions from British filmmaker David Lean's *Doctor Zhivago*. This prompted backlash against the censors, with the Khosla Committee sympathizing with Lean and accusing the Central Censor Board of succumbing to political pressure.

Filmmakers informed the Khosla Committee that the state of censorship had made them reluctant to address social and political themes boldly and frankly. The Committee stated in its report that certain items in the Censorship Guidelines were beyond the ambit of reasonable restrictions as defined in Article 19(2) of the Indian Constitution and that some decisions made by the Censor Board based on these restrictions would be difficult to defend in Court. This conclusion was supported by the Committee's study of seminal cases on Article 19(1)(a) and

Article 19(2) of the Constitution.

Pre-censorship in Indian cinema was allowed under the Constitution as a reasonable restriction. The significance of this trial is evident through two key outcomes: the establishment of the FCAT to hear appeals against the Central Censor Board's decisions, and the renaming of the Central Censor Board as CBFC, indicating a policy change that required marked removal or banning for certification. In the years following these changes, disputes between filmmakers and the CBFC have become more frequent, with court rulings overturning CBFC decisions, revealing an increasingly authoritarian trend in the CBFC's decisions.

For example, the hold on the release of "Bandit Queen" and the demanded cuts were overturned by the FCAT, a decision further upheld by the Supreme Court. Moreover, the Court emphasized that artistic freedom cannot be outweighed by certifying guidelines and the list of forbidden subject matters. In the case of Anand Patwardhan's film "Jang Aur Aman" criticizing the BJP government's nuclear missile testing, the demands for cuts by the CBFC, the revising committee, and even the FCAT were all overturned by the Bombay High Court. Similarly, in the case of Mani Ratnam's "Bombay," the Bombay High Court criticized the CBFC and the FCAT for misunderstanding their powers and overturned their decision, emphasizing that individuals in important positions should be able to accept criticism gracefully. Notably, the film "Udta Punjab," which portrays the drug crisis in Punjab, faced challenges with the CBFC, leading to extensive re-evaluation and discussions on the ethics of film censorship in India.

## **HISTORY OF FILM CENSORSHIP IN INDIA**

Censorship is never experienced in isolation; it is always a matter that involves the influence of a community or a group. We all partake in watching movies and reading books. While watching a movie can be a personal experience, it can also be enjoyed in a group setting, such as in a theater with 200-500 people. However, each of the 200-500 individuals has their own unique experience of watching the movie. This raises the question of who identifies objectionable content. It is not an individual, but rather individuals within groups. When examining the history of film censorship in India, it becomes apparent that a film is banned or censored for the following reasons:

- i) Sexuality,
- ii) Politics,
- iii) Religion,

- iv) Communal conflict,
  - v) Misrepresentation of someone or something,
  - vi) Extreme violence.
- i) Sexuality: Indian society adheres to a strict social structure. Although marriage allows for sexual relationships between a man and a woman, other forms of sexual relationships such as homosexual or lesbian relationships have been rejected by Indian society. Any portrayal of sexuality in written or audio-visual media that is not openly accepted by Indian society is banned on the grounds that it may undermine the morals of Indians. For example, the film *Kamasutra*, which depicted sexual and homosexual content, was banned in India. Additionally, Deepa Mehta's film *Fire* was banned in India for its portrayal of a lesbian relationship, which sparked significant protests by Hindu fundamentalists. The film *The Pink Mirror* (*GulabiAaina*) was banned in India due to its depiction of transsexual content, and *The Girl with the Dragon Tattoo* was banned for its adult scenes of rape and torture. The movie *Water* faced objections from Hindu organizations in Varanasi as it depicted controversial subjects like misogyny and ostracism. These examples illustrate that sexuality has not been openly discussed in India, and some religions completely discourage all forms of sexuality. Furthermore, imparting sex education in Indian schools has been a topic of debate but has not been included in the curriculum.
- ii) Politics: Political forces are intricately linked to the topic of censorship. The censorship of a film by a political entity is often supported by parties that are directly or indirectly associated with the authority. When a medium describes a political situation allegorically or directly, it may be banned by a government that is involved in it. For instance, the Bengali language film *Neel AkasherNeechey*, directed by Mrinal Sen, was the first film to be banned by the Government of India due to its overt political overtones. Another example is the film *Gokul Shankar*, which was banned in 1963 by the Government of India for portraying the psychological motivations behind NathuramGodse's assassination of Mahatma Gandhi<sup>8</sup>. When Sikkim was perceived to be threatened by both India and China, a ban was imposed on the film "Sikkim" by the Indian government. The ban was lifted

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<sup>8</sup> Arnab Banerjee, 'Political Censorship and Indian Cinematographic Laws: A Functionalist Liberal Analysis' (2010) 2 Drexel L Rev 557.

in 2010 after Sikkim became a part of India in 1975. The Tamil drama film "Kuttrapathirikai" faced delays in its release until 2007 due to its portrayal of the assassination of Rajiv Gandhi and the civil war in Sri Lanka. The Hindi movie "Aarakshan" was banned in Andhra Pradesh, Uttar Pradesh, and Punjab over concerns that it could negatively impact marginalized communities by depicting the politics of educational institution reservations<sup>9</sup>. The film "Udta Punjab" directed by Abhisek Chaubey sparked controversy in June 2016.

- iii) Religion: it plays a significant role in film censorship in India, as any distortion of religious figures can lead to criticism and censorship. The 1984 American adventure film "Indiana Jones and the Temple of Doom" was temporarily banned in India for depicting the goddess Kali as a representative of the underworld. Similarly, "The Da Vinci Code" was banned in multiple states over concerns of hurting Christian religious sentiments. Films that may incite communal conflict in India, a heterogeneous nation, are also subject to censorship. The 2004 documentary "Final Solution" was banned due to its focus on the Gujarat riots, as it was feared it could lead to communal violence. "Hawayein," a 2003 Bollywood film set against the backdrop of the 1984 Sikh genocide, was banned in Delhi, Haryana, and Punjab. Another film, "Amu," depicting the 1984 Sikh riots, was allowed for release with some audio cuts. In 2013, "Vishwaroopam" was banned due to objections from Muslim groups regarding their portrayal in the film<sup>10</sup>.
- iv) Incorrect portrayal of famous actress/actor: A popular individual once objected to the way they were portrayed in a film, leading to temporary banning of the movie by the Delhi High Court. The film "Bandit Queen" was based on Phoolan Devi and was temporarily banned after she sued, claiming it was not authentic. Similarly, "Main Hoon Rajinikanth," a Hindi comedy film, faced criticism from Rajinikanth, who took legal action to prevent its release, fearing it would harm his image. The film "Jodhaa Akbar" was also temporarily banned due to protests from the Rajput community over the depiction of Jodha Bai as Akbar's wife, but it was eventually released.
- v) Violence: Portraying extreme violence in films can have a psychological impact on viewers, despite the fact that violence is a part of life. An unreleased Indian film

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<sup>9</sup> A Acharya and K Sundar, 'Silencing Talkies – India's Politicised Film Censorship' (The Bastion, 12 September 2018)

<sup>10</sup> Vishwaroopam: Madras HC upholds ban, Kamal Haasan to move SC, The Times of India, <http://timesofindia.indiatimes.com/india/Vishwaroopam-Madras-HC-upholds-ban-Kamal-Haasan-to-move>

called "Paanch," directed by Anurag Kashyap, faced objections from the Central Board of Film Certification due to its depiction of violence. Although it was eventually allowed for release with cuts, it still faced challenges in getting released.

## CONCLUSION

Artistic freedom in cinema and television remains a cornerstone of creative expression, enabling filmmakers and creators to explore bold ideas, push societal boundaries, and foster critical dialogue. However, this freedom is often in conflict with censorship, a tool used by governments, institutions, and sometimes social forces to regulate content deemed inappropriate or sensitive. The tension between these two forces—artistic freedom and censorship—reflects deeper questions about society's values, power structures, and the role of media in shaping public opinion. Censorship in cinematographic films and television is often justified on the grounds of protecting public morality, national security, or social stability. Governments, particularly in authoritarian regimes, may impose strict censorship to control political narratives, prevent dissent, or promote a unified cultural identity. For example, films that criticize ruling governments or challenge dominant religious ideologies are frequently censored or banned, as seen in countries where freedom of speech is limited. In democratic societies, censorship tends to be more subtle, often taking the form of content rating systems or broadcasting standards aimed at shielding children and sensitive audiences from violence, sexual content, or hate speech. The ongoing tension between artistic freedom and censorship in cinema and television reflects broader societal dynamics. While censorship can be necessary in preventing harm and maintaining public order, it must be exercised with caution to avoid stifling creative expression. The key is to strike a balance that protects the rights of creators to tell bold, meaningful stories while ensuring that media content remains ethically and socially responsible. Ultimately, societies that embrace a diversity of ideas, even when they are controversial or uncomfortable, are better positioned to grow, evolve, and foster innovation. Artistic freedom should be upheld as a fundamental right, with censorship applied judiciously to safeguard against real harm without infringing on the power of storytelling to challenge, inspire, and transform.

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