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State Approach and Film Censorship

by
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I. INTRODUCTION

In August 2014, CBI¹ arrested CBFC²'s then CEO, Rakesh Kumar, for purportedly accepting a bribe to clear a Chattisgarhi film under a provision for emergency certification³. The arrest questioned the functioning of the CBFC. This was followed, in January 2015, by the resignation of then chairperson of the CBFC, Leela Samson in the midst of debate over clearance for **Messenger of God** featuring Dera Sacha Sauda chief Gurmeet Ram Rahim Singh⁴. More than half of other board members quitted soon afterwards. The resignation was made amid complaints of interference, coercion and corruption. Actually the ban of the said movie was revoked by FCAT⁵. Leela and 13 members protested that the government was treating the board in a high handed and cavalier way⁶. Samson did face external pressure in the past also when the CBFC refused a government demand to trim scenes from **PK**, a movie depicting the emergence of self-styled gurus in the society. "There was total interference on every film, big and small", said Samson after resigning.



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Soon after resignation of Samson, the Bollywood director Pahlaj Nihalani, who was the mind behind the BJP campaign video '*Har Har Modi Ghar Ghar Modi*', was designated in her place. Almost every new member which was subsequently appointed to the board was linked with BJP-RSS⁷. The composition of the new board - especially the number of BJP sympathisers on it - does little to allay the accusations made by Samson and her co-workers. During a television interview, Nihalani said he was proud to be a "BJP person", and called Modi his "action hero" and "the voice of the nation"⁸. One of the newly appointed members of the CBFC even contested the 2014 general elections on a BJP ticket⁹. Immediately after taking charge, Pahlaj Nihlani focused on cleaning up Indian cinema¹⁰. He blamed the previous government for all the current problems of the Board. He came up with a list of words and actions that India's film censorship board sought to enforce their ban in films. Although the list was kept on hold on account of media uproar, but it again questioned the way CBFC works.

Although, Nihalani has been propagating his desire to restore the CBFC's "battered image" but there's a issue about CBFC and its chief Pahlaj Nihalani virtually every month¹¹. A few filmmakers have whined of arbitrary 'suggested' cuts or objections by CBFC. **NH 10**, produced by Anushka Sharma, had certain words muted out despite it's 'A' certificate¹². **Titli's** producer Dibakar Banerjee and director Kanu Behl had to mute nearly all cuss word from their film despite being certified Adult. A kissing scene in the latest James Bond film, **Spectre**, has been abbreviated¹³. Notwithstanding deliberate cuts and mutings of cuss words, the CBFC examining committee asked the makers of **Angry Indian Goddesses** to beep out reference to a man as a woman's lunch, and obscure visuals of goddesses Lakshmi and Kali¹⁴. Than recently there was lots of politics over depiction of drug abuse in Punjab in **Udta Punjab**.

II. BASIC ISSUES

All these developments have aroused considerable concern. From an academic point of view, the basic issues of film censorship are at stake in

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India. Surprisingly, the resignation episode specifically posits film censorship against the representation of delicate themes/matters in films.


However, the scope of film censorship/certification per se is not confined to intervention over moral and sexual issues in cinema. At global level, the Film censorship operates in three areas; obscenity, violence and politics. India is no special case in such manner. Yet intercession over representation of brutality in India appears to have been completed more by unwinding than by recognition. The blood smeared scenes of shocking savagery or realistic depiction of assault on silver screen for the sake of authenticity is declaration to this impact. It has not made as much contention as that over sexual representation. Current pattern is that heat and dust have picked up over political matters.

The well-known view of the film censorship machinery is that of moral police only. Truth be told, post-freedom, the polemics on Indian film censorship have by and large spun around sensuality, sexuality, nudity and permissiveness. In spite of the fact that in the fiftieth year, endeavors were made by the then chairperson of CBFC, Late Vijay Anand who wanted to give a new look to the Indian Cinematographic Act, 1952. His aim was to bring in a new act that would be pertinent for the next fifty years or in other words, something, which would be free from the burden of the past. However that couldn't happen as he was unceremoniously removed in July 2002. Ongoing debates around film censorship particularly post Leela Samson's resignation demonstrates that nothing has changed even today. We are as yet proceeding with the legacy of Victorian morality, pretention and social conservatism. The Indian film censorship administration mirrors an exceedingly risky engagement between the colonial past and the post –colonial present that goes much beyond this 'victorian' legacy.

A better understanding of this issue requires a critical examination of these two adjacent but subjectively distinctive periods. They are characterized by their respective social, political and cultural parameters.

One needs to inspect how far is the present a takeoff from the past and to what degree is the past recorded in the present. In the context of film censorship in India, neither the past nor the present is an independent substance. They are not fundamentally unrelated either. They have forged a somewhat intriguing relationship. In this scenario, the arrangement of what(s), how(s) and why(s), or basically the stuff, has additionally finished a trip considerably more mind boggling than a straightforward conjunctive or disjunctive movement starting with one period then onto the next.

Over the period of time, the film censorship administration in India has come under intense scrutiny, for one reason or another. But from time to

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time, it has been encircled within the domain of post-colonialism, which explains the simplified, and often partial, perception, which clarifies an intersection between

continuity and change.

The film censorship foundation in India is an astounding site of this wonder. While the methods of substance control, characteristic to the colonial film censorship administration, are especially with us even today, the operational components are experiencing ceaseless control in light of rising methods of location, making a façade of progress. To be sure changes have been organized a great deal more than foundations have been changed. It has offered ascend to a captivating reality.

On one level, film censorship in independent India goes a long way past an operational confinement on a medium with the assistance of regulatory instruments. Its agenda incorporates an attack on the aggregate mind of the Indian natives, who keep on responding decidedly and eagerly to the images woven by moving pictures anticipated on the screen. It additionally speaks to an attack on the social development of the post-colonial Indian culture of which silver screen has been an essential, yet underestimated, component. Lastly, it advanced into an attack on the political privileges of the residents of a democratic India, in any event the silver screen cherishing ones, on the guise of societal interest. Such a methodology was figured and put into practice with noteworthy energetic promptness and a lot of civility after the autonomy. In any case, it additionally included a complex political session of force relations.

After more than six decades of the Indian Cinematograph Act, 1952, the exercise of power around film censorship has procured a more extensive range and many more enunciations than was the case before independence. If the sheer volume and weight of such articulation overwhelm us, their wide differences disguise the real import of film censorship in this country. The state, the media, the citizenry and even the judiciary go on highlighting its 'ethical' parameters. The media buildup and open verbal confrontations that seethed around the reasonableness of movies like *Fire* (1996), *Kama Sutra* (1996), *Nishabd* (2007), *CheeniKam* (2007), *Delhi Belly* (2011), *Arakshan* (2011), *Khap* (2011), *Oh My God* (2012), *Vishwaroopam* (2013), *Haider* (2014), *PK* (2014), *Messenger of God* (2015), *Dharam Sankat Mein* (2015), *Udta Punjab* (2016) for the Indian audience, revolved round 'moral' issues and bypassed more valid and substantial questions of new social realities cropping up in the wake of globalisation.

However inspite of the lopsided accentuation on moral ramifications of film censorship in this nation, political proclamations keep on impacting film control. Just these have turned out to be a great deal more



unpretentious, complex, and in spite of prominent observation, across the board and powerful.

In the past, the State has promoted jingoist feature movies like *Border* and *Gadar-Ek Prem Katha* regularly instigating audiences enough to yell against Pakistan. But the producer of the documentary *Jung aur aman* had to look for judicial mediation against CBFC for questioning homemade jingoism. The state permitted *Sathya* on one go, which depicted aimless violence whereas documentaries like *The Final Solution* and *Amu* were initially declined certificate for portraying real violence during riots.

In 1970s, two films *Aandhi* and *Kissa Kursi Kaa* were seen to have delineated the biography of the then-Prime Minister Indira Gandhi, for which one was denied a censor certificate and the other was withdrawn from the cinema halls. 'Aandhi' was re-released a few weeks later when Indira Gandhi herself cleared it after consulting some

critics. On other hand, 'Kissa Kursi Kaa' ended up being the most disputable film ever constructed in the history of Indian cinema. The film was accused of criticising the functioning of the Government under Indira Gandhi. The film reel was burnt by the then ruling party minister and the film had to be re-shot. In fact, national film industry had truly a troublesome time amid Emergency plotted by Gandhi. The industry was put under intense pressure to aid the Government's propaganda campaigns. Film makers and artists who refused to cooperate were blacklisted, and films were denied exhibition certificates by the Censor Board¹⁵.

Things didn't change much after emergency too. The post emergency Janata Regime (1977-1979), which vouched for fundamental rights and civil liberties, battered two documentaries on political prisoners: *Prisoners of conscience* and *Mukti chai*. Later in 1994, while formulating new guidelines for the film producers, the Government sought to eliminate denigration of ministers and public officers. Fortunately, it got nowhere. Then in 2008, the Mumbai unit of the Bahujan Samaj Party (BSP) sent a note to the Indian Motion Pictures Producers Association and the Indian Film Directors Association requesting them to intimate the party before they come up with any film on either BSP founder Kanshi Ram or BSP present head Mayawati¹⁶. On the off chance that such a claim is made and no consent in reality is concurred, resistance would be defended. Recent confrontation among political parties over the release of *Udta Punjab* added another feather to the same.



So what we examine that political manipulation of film censorship includes not simply refusal or withholding of censor certificate to objectionable films yet ponder promotion of favourable films. It is evident that such activities have been executed by progressive administrations independent of their ideological predisposition or political motivation. Astoundingly, these have been supplemented by mainstream/media backing or lack of care.


Out of Vijay Anand's ouster emerged another facet of political censorship. He was not a political radical by any stretch of imagination. He attempted to bring film censorship out of its ethical conservatism, without aggravating its political fanaticism. In any case, his unceremonious ouster just demonstrated that one couldn't separate film censorship's ethical motivation from its political agenda. What's more, in February 2004, the Indian government chose to refuse entries of Indian movies to the Mumbai International Film Festival for short films unless they were accompanied by censor certificate. This unprecedented move not only deprived many critical documentaries from getting universal introduction, but additionally disregarded international agreed standards.

The reality is that no state endeavor or action concerning film censorship machinery in India is without political undertone. It is discernible in the choice of personnel for the CBFC. It is unmistakable in the framing of rules and guidelines purported to govern the activities of the CBFC, and finally it becomes palpable in the verdicts of the CBFC. In any case it is the sort of politics that cuts across party lines and even rises above party politics. It has assumed a more unpropitious and inescapable structure, in the attire of legitimacy. This sort of politics may be termed as 'reasons of state', but in any case, that is not all. Sometimes confronting and sometimes even colluding with but this politics of the state is the politics of pressure indulged in by citizens, through different vested parties. It all has a clear bearing on our film censorship

framework.

III. CONCLUSION

The above mentioned incidents mirror the dictatorial and discretionary nature of the authorities, vested interests of political parties and their endeavors to unnecessarily curb the freedom of expression through films which they cannot digest. To exercise their constitutional right to expression, the filmmakers have to depend either upon the fantasies of anti-democratic forces or to fight delayed legal battles with lots of unpredictability. Accordingly, it can be pertinently concluded that if democracy has to advance, the screening of movies and documentaries should never be denied for reasons based on mere speculation because banning motion pictures amounts to banning the right of freedom of speech and expression

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enshrined under Constitution of India. It is high time that we wake up to the different manifestations of political manipulation of film censorship in India. The political parties must understand that public in India today is mature enough to handle truth and fiction, understanding the difference between the two. Cinema must be a part of the lives of all of us. It must belong to the masses of our people as well as the few.

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¹ Central Bureau of Investigation (CBI) is the national investigation agency for investigation and collection of criminal intelligence information in India.

² Central Board of Film Certification (CBFC) is a statutory body under the Ministry of Information and Broadcasting, Government of India regulating the public exhibition of films under the provisions of the Cinematograph Act, 1952. (Available at <http://cbfcindia.gov.in/>) accessed 15 September 2016.

³ <http://indianexpress.com/article/explained/simply-put-how-does-the-censor-board-work-why-is-it-controversial/> accessed 15 September 2016.

⁴ *Ibid.*

⁵ The Film Certification Appellate Tribunal (FCAT) is a statutory body, constituted under Section 5D of the Cinematograph Act, 1952 (37 of 1952), under the Ministry of Information and Broadcasting, Government of India. The Tribunal hears the appeals filed under Section 5C of the Act under which any applicant for a Certificate in respect of a film who is aggrieved by an order of the Central Board of Film Certification (CBFC), can file an Appeal before the Tribunal. The Tribunal has its headquarters in New Delhi. Available at <http://mib.nic.in/fcat/> accessed 15 September 2016.

⁶ *Ibid.*

⁷ <http://timesofindia.indiatimes.com/entertainment/hindi/bollywood/news/Im-proud-to-be-a-BJP-man-and-Narendra-Modi-is-my-action-hero-new-censor-board-chief-Pahlaj-Nihalani-says/articleshow/45956537.cms> accessed 15 September 2016.

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ <http://indianexpress.com/article/explained/simply-put-how-does-the-censor-board-work-why-is-it-controversial/> accessed 15 September 2016.

¹¹ *Ibid.*

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ Madhavi Goradia Divan, Facets Of Media Law 46 (Eastern Book Company 2006).

¹⁶ <http://archive.indianexpress.com/news/making-a-film-on-mayawati-or-kanshi-ram--check-with-us-first-says-bsp/292347/> accessed 15 September 2016.

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