



FILM CENSORSHIP AND CERTIFICATION IN INDIA: A LEGAL ANALYSIS OF THE CINEMATOGRAPH ACT AND ITS EVOLUTION

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ABSTRACT

*This research article explores the complex and frequently controversial domain of film regulation in India, following the tension between the functions of film certification and the actual practice of censorship. It maps the historical development of film regulation in India, from the colonial-era Cinematograph Act of 1918 to the present-day Cinematograph (Certification) Rules, 2024, thereby illuminating the shifting legal structures and regulatory agencies involved. The article conducts a critical examination of the working realities of the Central Board of Film Certification (CBFC), contending that the broad range of discretionary powers affords its decisions the scope to go beyond mere classification, raising relevant questions regarding artistic freedom and the possibility of arbitrary choices. By examining landmark case laws, some, namely, *K.A. Abbas v. Union of India* and *S. Rangarajan v. P. Jagjivan Ram*, the inquiry elucidates the shifting perceptions of the judiciary towards film censorship and freedom of speech. Additionally, by comparing international film regulation models and evaluating the role of political pressures, the article determines the special challenges Indian filmmakers encounter in dealing with politically sensitive or socially pertinent themes, as seen with the controversies over films like *Udta Punjab*, *Padmaavat*, *The Kerala Story*, and *Santosh*. Finally, the study proposes a reform of India's film regulation system, focusing on the requirements of clearer guidelines, increased transparency, increased independence of the CBFC, and a robust mechanism for protecting artistic expression while remaining sensitive to the sentiments of society. The goal is to create a system that really certifies and not censors, empowering the audience with information and upholding the fundamental right of freedom of speech and expression in the realm of cinema.*

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INTRODUCTION: SETTING THE STAGE FOR FILM REGULATION IN INDIA

Film regulation, a practice as old as the medium itself, entails the restriction or supervision of film content based on the prevailing moral, political, or social values of a society. As a powerful instrument for influencing public opinion and shaping societal norms, the advent of cinema in the late 19th century, emerging from the West and slowly spreading to the rest of the world, soon saw the imposition of measures aimed at controlling its dissemination and content, hindering free speech. In India, a country marked by its vast cultural diversity and a complicated history, film regulation poses a peculiar challenge, involving a delicate balance between the constitutionally guaranteed fundamental right of freedom of expression and the need to ensure public order, promote moral standards, and ensure national security. In this legal research article, I will take an exhaustive look at the complex landscape of film censorship and certification in India, tracing the historical evolution, analyzing the working mechanism of the Central Board of Film Certification (CBFC), examining the changing legal framework, conducting a comparative study with international models, analyzing the role of political overtures, and finally, suggesting a way forward towards a more balanced and effective approach.

While the phrases "film censorship" and "film certification" are usually synonymous in everyday vernacular, they are different concepts in the world of media regulation. Film censorship refers to the act of restraining or removing content that is deemed unsuitable by a regulatory agency. Film certification, on the other hand, is a process of classification on the grounds of the appropriateness of films for different audiences in terms of age and content, and generally entails the provision of ratings or certification. In India, the regulating agency, the CBFC, which is technically a "Certification Board," can request changes and even reject certification through the authority vested in it by the Cinematograph Act (1952), thus, in essence, imposing pre-censorship under the guise of certification and regulation in practice. This paper will analyse this trend of excessive censorship, acknowledging the popular criticism made of the CBFC's function as often extending beyond simple classification.

THE GENESIS AND EVOLUTION OF FILM REGULATION IN INDIA

The genesis of the regulation of cinema in India began under British colonial rule with the passing of the Cinematograph Act of 1918. This Act, a copy of the British Cinematograph Act

of 1909, was initiated mainly to ensure the safety of cinema-goers in cinema halls and to prevent the public exhibition of "objectionable" films from public view, as deemed by the colonial state. The Act required a license from the local authorities for exhibitors and for all films to be censored before public exhibition, with approved films being stamped as "suitable for public exhibition". Behind the motive of the first regulation were reasons more than mere safety, such as the suppression of material capable of challenging British authority or propagating nationalist feeling among the Indian masses. This was achieved by setting up censor boards in major port cities like Bombay, Calcutta, Madras, Lahore, and Rangoon by 1920. These boards functioned according to a set of guidelines, usually borrowed from the British Board of Film Censors, to classify both foreign and Indian films as "suitable" for release.

Upon India's independence, the Cinematograph Act, 1952 was passed, replacing the 1918 Act, and providing for a more centralised control of films. The Act created the Central Board of Film Censors, which in 1983 was renamed the Central Board of Film Certification (CBFC).² The 1952 Act, in contrast to the previous Act, distinguished between the certification of films and the licensing of cinemas, leaving the latter to the state governments. It additionally provided reasons for refusal of certification, including jeopardising the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency, and morality. The Act initially provided for two general categories of certification: 'U' for unrestricted public exhibition and 'A' for restricted exhibition to adults. This post-independence regime, although changing to accommodate a newly created nation, maintained state control over the content of the films, the emphasis being on the protection of national interests and social values.

Over the next few decades, the Cinematograph Act was amended and reformed several times to keep pace with the changing socio-political environment and the swift developments in technology. The Cinematograph (Amendment) Act of 1949 introduced the 'A' and 'U' certification system based on the age group of the audience and suggested the creation of a central board of censorship in place of the regional ones. In 1983, the Cinematograph Rules were again amended, with the board now being renamed and two additional categories of certification being added: 'UA' for public exhibition with parental guidance for children under the age of twelve, and 'S' for restricted exhibition to special audiences. In relatively recent times, the emergence of digital media and the growing problem of film piracy led to further

legislative amendments. The Cinematograph (Amendment) Bills of 2019 and 2021 suggested ways to stem film piracy and to alter the current rules of certification to better suit the digital age. These finally made it into the passage of the Cinematograph (Amendment) Act, 2023, which introduced strict penalties against unauthorized recording and exhibition of films to stem digital piracy, further sub-classified the 'UA' certification into age-based indicators (7+, 13+, 16+), and accorded perpetual validity to certificates of films. Of notable significance in the 2023 amendment was the removal of the revisional powers of the central government over films already cleared by the CBFC, and this was a trend of decentralising autonomy to the board.

THE CENTRAL BOARD OF FILM CERTIFICATION (CBFC): MANDATE AND OPERATIONS

The Central Board of Film Certification (CBFC) is the primary statutory organisation in India with the responsibility of overseeing the public exhibition of films in terms of the provisions of the Cinematograph Act, 1952. The CBFC, under the aegis of the Ministry of Information and Broadcasting, has a chairperson and a panel of 12 to 25 non-official members, all of whom are appointed by the Central Government. The board has its headquarters in Mumbai, and it functions through a series of nine regional offices located all over the country, including major filmmaking centres like Kolkata, Chennai, Bangalore, and Hyderabad. The CBFC is assisted in its process of film screening by advisory panels whose members are drawn from a range of backgrounds, from social sciences, education, and law to arts and filmmaking.

The primary responsibility of the CBFC is to control public exhibition of films by certifying them under different categories so that they comply with the guidelines laid down in the Cinematograph Act, 1952, and the rules framed thereunder. The board may issue certificates under four broad categories: 'U' (Unrestricted Public Exhibition), 'UA' (Unrestricted Public Exhibition with parental guidance for children under a specified age, now further sub-divided), 'A' (Restricted to Adults), and 'S' (Restricted to Special Audiences like doctors or scientists). In carrying out its functions, the CBFC has a formal process of film certification. The process typically starts with online filing of an application by the producer through the e-cinepramaan portal, along with the fees payable and the material of the film. Upon receipt of the application, the regional officer constitutes an Examining Committee (EC) consisting of CBFC officers and members of the advisory panel. The EC examines the film and each member draws up a written report recommending the appropriate certificate and deletions or cuts, if any. In the event of a

difference of opinion between the EC or if the applicant does not agree with the recommendation, the film may be sent to a Revising Committee (RC) for examination. The certification decision is taken by the Chairperson of the CBFC. The entire process of certification is subject to laid-down time limits at different stages, though compliance with the same has been subject to question.

CENSORSHIP VS. CERTIFICATION: A DICHOTOMY IN PRACTICE?

The Central Board of Film Certification (CBFC), formally mandated to play a role in film certification, has traditionally been perceived to function as a censorship board, a perception that has become increasingly relevant in modern India. This tension between its formally mandated role and its real-world practice remains a topic of continuing debate and dispute in India's film industry and among legal scholars. Central to this controversy are the broad powers conferred on the CBFC by the Cinematograph Act of 1952, which empower it not only to classify films according to age appropriateness but also to demand cuts, alterations, and even deny certification in some cases on the basis of subjective judgments of vaguely formulated guidelines. This authority to effectively control content by withholding certification leads to the perception that the CBFC functions as a censor board rather than merely a classification body.

One of the CBFC's largest criticisms is its reputed arbitrariness in implementing these guidelines. Many filmmakers complain about the inconsistency of the board's rulings, with the same material censored differently depending on the composition of the examining committee or the current political climate. The absence of well-defined and objective standards of censorship renders the CBFC's advisories to seem subjective and even arbitrary. For example, the demand for many cuts to the film "Uda Punjab," including the elimination of allusions to the state of Punjab and even the name of a dog, was roundly criticised as being ridiculous and politically inspired. Although ultimately overturned by the Bombay High Court for most of these cuts, the initial ruling put the possibility of the CBFC overstepping its certification mandate into the spotlight. The ability to withhold certification in effect serves as a ban, denying films access to their target audiences via legitimate channels. This ability, combined with the vagueness of the guidelines, poses significant issues regarding the freedom of expression afforded under Article 19(1)(a) of the Indian Constitution. Although Article 19(2) permits reasonable restrictions on this freedom in the interest of public order, decency, and morality, the enforcement of these restrictions by the CBFC has been seen as excessive and

disproportionate. The Supreme Court in *S. Rangarajan v. P. Jagjivan Ram* (1989) reiterated that the state must uphold free speech and restrictions should be founded on a proximate and direct connection with the risk of harm, warning against stifling expression on the basis of expected public response. Nevertheless, the CBFC has been criticised for repeatedly invoking imprecise reasons such as "hurting religious sentiments" or "threatening public order" to support its decisions, sometimes failing to give elaborate reasons or following a consistent test.

Recent controversy over film censorship in India is filled with instances of such tension. The Malayalam film "L2: Empuraan" is said to have been extensively cut back after political figures. Protested, which shows the vulnerability of the CBFC to political interference. Even the withholding of certification for the globally acclaimed film "Santosh," despite it dealing with sensitive socio-political themes, has caused outrage and accusations of the CBFC silencing critical voices. The Bombay High Court's remark in the case of "Chidiakhana" that the CBFC is merely a certifying authority and not a censor board is an indication of the judiciary's anxiety over the board exceeding its brief.

The 2021 abolition of the Film Certification Appellate Tribunal (FCAT) has contributed to these problems. The FCAT provided a means for producers to appeal CBFC decisions, adding an independent review layer. Its abolition means producers now have to approach the High Courts directly, a cumbersome and expensive process that may result in self-censorship rather than seeking legal redress. The controversy of the role of the CBFC also crosses over into wider controversies about freedom of expression in the digital age. While films are controlled through the CBFC, content on Over-The-Top (OTT) platforms is, at present, well beyond the reach of this regulatory mechanism. This inconsistency leads to the question of whether regulation of content is balanced and even-handed in a media environment where online streaming is increasingly dominant. In all, the working of the CBFC in India is prone to stray from its purported role of certification towards censorship due to its broad discretionary powers and subjective application of policy. This has led to charges of arbitrariness, political interference, and a chilling effect on the freedom of expression of filmmakers. Treading the thin line between certifying to inform the public and censoring to restrict content is a continuing challenge of film regulation in India, and it needs to be more transparent, objective, and balanced in approach, acknowledging societal values and the constitutional right to freedom of expression.

THE CINEMATOGGRAPH (CERTIFICATION) RULES, 2024: A CRITICAL EXAMINATION

The Ministry of Information and Broadcasting's Cinematograph (Certification) Rules, 2024, are a significant overhaul of India's film certification process and hence supersede the rules framed in 1983. The new rules aim to align the certification process with the requirements of the digital age, enhance transparency, enhance efficiency, and improve the business environment for the film industry through the extensive utilisation of online certification procedures. One of the significant aspects of the 2024 Regulations is the reduced certification timelines through the adoption of purely digital procedures to eliminate transactional delays. Moreover, the regulations mandate the inclusion of accessibility features in films and feature films, thus making the industry more accessible for persons with disabilities according to international standards.

Realising the need for more precise age-based guidance, the 2024 Rules bring into being subcategories under the 'UA' certification, i.e., UA 7+, UA 13+, and UA 16+, replacing the earlier single 'UA' category for child-oriented films with parental guidance. Such age-based indicators should be recommendatory, assisting parents and guardians in making informed viewing choices for children, thereby balancing the protection of younger audiences with freedom of expression and consumer choice principles. To become more inclusive, the rules prescribe greater representation of women in the CBFC Board and Advisory Panels, with at least one-third of the Board members being women, preferably half. To further streamline the process, the 2024 Rules introduce a priority screening system of films to facilitate quick certification for filmmakers with urgent release commitments, making it more transparent and doing away with discretion. In a significant departure from the previous 10-year validity period, the new rules grant perpetual validity to certificates issued by the CBFC, facilitating filmmakers in cutting through bureaucratic hurdles. The rules address the issue of television broadcasts by mandating recertification of edited films for television release, so that only films certified under the Unrestricted Public Exhibition ('U') category can be telecast.

Although the Cinematograph (Certification) Rules, 2024, bring in a host of positive reforms geared towards the streamlining and modernisation of the process of film certification, there are still apprehensions regarding the potential for ongoing subjective interpretation and moral policing by the CBFC. The very fundamental power of the board to refuse to certify a film based on general and imprecise criteria still exists, and apprehensions regarding the extent to

which freedom of artistic expression will be enhanced remain. Additionally, the rules have limited efficacy in solving the issue of online film piracy, particularly when sourced from foreign jurisdictions, which is an ongoing challenge for the film industry. Additionally, the continued exclusion of Over-The-Top (OTT) platforms from the regulatory ambit of the CBFC in the 2024 Rules is a major lacuna in content regulation in the digital age, where so much of film consumption now occurs. Hitting the balance between the demands of regulatory control and the ideals of freedom of artistic expression remains a vital issue, and the success of the new rules in achieving such a balance will be subject to their implementation and to what extent the CBFC follows a more objective and less censorious approach to film certification.

JUDICIAL PRONOUNCEMENTS: SHAPING THE LANDSCAPE OF FILM REGULATION AND FREEDOM OF EXPRESSION

The Indian judiciary has played a key role in interpreting the Cinematograph Act and in defining the limits of permissible restrictions on freedom of expression in the context of film. There have been several landmark cases that have shaped the law of film regulation in the nation.

In the decision of *K.A. Abbas v. The Union of India* (1970), the Supreme Court examined the constitutional legitimacy of pre-censorship of films under the Cinematograph Act of 1952. The petitioner, a film personality, objected to the denial of issuing a 'U' certificate to his documentary film. The Supreme Court upheld the legal basis of pre-censorship on the ground that films, due to their strong visual and aural impact, especially on children, might require special treatment about other works of imagination. The Court held that pre-censorship was a reasonable limit on the freedom of speech and expression under Article 19(2) of the Constitution, subject to the condition that it was exercised based on definite guidelines to avoid arbitrariness. This case set a bedrock precedent, recognising the state's power of censorship of films in the interest of public order and morality.

Phantom Films Pvt. Ltd. and Anr vs The Central Board of Certification: Procedural delay in deciding on the application for examination of the film "Uda Punjab". Uda Punjab is a Bollywood film produced by Phantom Films Pvt. Ltd., depicting the rampant issue of drug abuse in the state of Punjab. Directed by Abhishek Chaubey, the movie presented a gritty portrayal of how drug addiction was affecting the youth, politics, and society in Punjab. The film became the centre of controversy due to its dark depiction of the state's drug problem. The

Central Board of Film Certification (CBFC), headed by Pahlaj Nihalani at the time, objected to the content of the film and recommended 89 cuts, including the removal of references to Punjab, political leaders, and scenes showing drug use. The CBFC argued that these scenes could hurt public sentiments and depict Punjab in a negative light. The filmmakers, led by Phantom Films Pvt. Ltd., contested these recommendations in court, arguing that such censorship infringed on their freedom of expression and creative rights.

OBSERVATIONS

- The Bombay High Court held that the CBFC's role was to certify films, not censor them. The court noted that the board had overstepped its boundaries by demanding cuts instead of categorising the film appropriately. The judges made it clear that the CBFC was not empowered to decide whether or not a film should be released based on public sentiments or political considerations.
- The court ruled that filmmakers had the right to depict social issues, even if they were controversial or uncomfortable, as long as the depiction was within the bounds of the law. The court emphasised that films were a form of artistic expression and that stifling such expression would lead to the curtailment of creative freedom.
- The court reaffirmed the filmmakers' right to freedom of speech and expression under Article 19(1)(a). It stated that no authority could impose unreasonable restrictions on this right, especially when the subject matter dealt with a real and serious social issue like drug addiction.
- The court allowed the film to be released with just one cut, related to a scene showing a character urinating in public. The demand for 89 cuts was dismissed, and the court directed that the film be certified with an "A" (Adult) rating, allowing it to be viewed by an adult audience.
- The court rejected the argument that the film would defame Punjab, holding that the subject matter of the film was relevant and important for public discourse. The court remarked that public sentiment could not be used as a basis to stifle creative work or deny certification to a film.

The Bombay High Court ruled in favour of Phantom Films Pvt. Ltd., significantly reducing the cuts demanded by the CBFC. The film was allowed to be released with an "A" certificate and only one cut. The court's decision was hailed as a victory for artistic freedom and free speech

in India. The film *Udta Punjab* was subsequently released in theatres and became both a critical and commercial success.

Freedom of Expression: The case set a precedent in affirming the importance of artistic freedom and creative expression in India. It reinforced the idea that the CBFC's role was limited to certification and that it could not impose censorship based on subjective notions of public sentiment.

Censorship vs. Certification: The judgment clarified the distinction between certification and censorship, reminding the CBFC of its proper role as a certifying authority, rather than a body imposing its moral or political views on films.

Encouragement to Filmmakers: The ruling encouraged filmmakers to tackle difficult and socially relevant subjects without fear of excessive censorship, reinforcing that films are an important medium for social change

Prakash Jha Productions & Alankrita Shrivastava vs. Central Board of Film Certification (CBFC): *Lipstick Under My Burkha*, directed by Alankrita Shrivastava and produced by Prakash Jha Productions, is a film about the secret lives and desires of four women from different age groups and socio-economic backgrounds, living in a small town in India. It explores themes of female sexuality, liberation, and the struggles of women in a patriarchal society.

In early 2017, the Central Board of Film Certification (CBFC), headed by Pahlaj Nihalani at the time, refused to certify the film, citing its explicit content and themes of female desire. The CBFC, in its refusal letter, stated that the film was "lady-oriented" and contained scenes of a sexual nature, abusive language, and "audio pornography."

- The FCAT carefully reviewed the film and the CBFC's objections. After hearing both sides, the tribunal ruled in favour of the filmmakers, overturning the CBFC's decision to refuse certification.
- The FCAT emphasised that the filmmakers had the right to depict social realities and that such depictions could not be suppressed simply because they challenged conventional norms. The tribunal reiterated that the CBFC should focus on classification and certification, not censorship.

- The FCAT rejected the CBFC's argument that the film was objectionable because it focused on female fantasies. It noted that the exploration of women's lives and desires was a legitimate subject for a film, and there was no reason to censor such a depiction. The tribunal stated that female sexuality, as portrayed in the film, was not vulgar or pornographic, but a sensitive and honest representation of women's struggles.
- The FCAT clarified that the CBFC should have classified the film as "A" (Adult) rather than denying certification altogether. The tribunal held that adults had the right to watch films on a wide range of topics, including those that depicted sexual themes, provided the film was not obscene or offensive.

The tribunal asked for some minor cuts and modifications, such as trimming certain scenes to ensure they were not overly explicit. However, it did not agree with the CBFC's demand for extensive cuts or changes to the film's core narrative. The FCAT ruled that *Lipstick Under My Burkha* should be certified as an "A" (Adult) film, meaning it could be shown to an adult audience (above the age of 18). The tribunal allowed the film's release with some minor modifications, such as adjusting certain scenes that were considered excessively explicit. The decision was seen as a victory for artistic freedom and for filmmakers seeking to tell stories about women's experiences in a patriarchal society. The *Lipstick Under My Burkha* case was a significant moment in the Indian film industry's struggle for creative freedom. By overturning the CBFC's decision, the FCAT reinforced the importance of freedom of expression, particularly about women's stories, and set a precedent for future cases involving censorship and artistic content.

The Supreme Court also deliberated over the complex interplay between freedom of expression and societal interest in the case of *S. Rangarajan v. P. Jagjivan Ram* (1989). This court question had arisen in a Tamil film that was subjected to withdrawal of its 'U' certificate for allegedly criticising the government reservation policy. The Supreme Court upheld the importance of freedom of expression in a democratic society and the need to protect artistic freedom. The Court held that criticism of governmental policy in public speech does not call for reasonable restriction of free speech and that the state should protect free expression, even though potential public outrage, unless such expression is a direct and imminent danger to public order.

The question of obscenity and its portrayal by films reached the Supreme Court in *Bobby Art International v. Om Pal Singh Hoon* (1996). The film "*Bandit Queen*," a true story, was opposed on the ground of its graphic portrayal of rape and nudity. The Supreme Court overruled

the order of the Delhi High Court restraining the exhibition of the film, holding that a film cannot be banned simply because it portrays obscene and graphic incidents if they are relevant to the plot and aid in the transmission of the message of film. The Court stressed that a film needs to be viewed in its entirety and differentiated between nudity and obscenity, and held that nudity in art is not obscene unless meant to stimulate prurient interest. In *Shri Anand Patwardhan v. The Central Board of Film Certification* (2003), the Bombay High Court considered the CBFC's directive regarding cuts and edits to the documentary "War and Peace". The court sided with the Director, held that the recommendations given by the FCAT were not justified and violated Patwardhan's right to freedom of speech. Apart from that, the High Court strengthened the right of the filmmakers to determine the content of their film, as criticism of government policies in a democratic system is allowed, thus compelling the issuance of a 'U' certificate without altering anything.

INTERNATIONAL PERSPECTIVES: COMPARING FILM REGULATION SYSTEMS

Understanding how other countries regulate film content provides valuable insight concerning alternative approaches and the degree of state intervention in artistic expression. Film regulation in the United States, the United Kingdom, and Australia comprises examples of distinct systems. In the US, film regulation is generally conducted within the scope of a voluntary rating system administered by the Classification and Rating Administration (CARA).²¹ The focus here is on age-appropriateness in ratings, which may range from G, PG, PG-13, R, and NC-17. This rating system is voluntary and lacks any form of legal enforcement, but theatres usually respond to the ratings with much seriousness, refusing to screen films that are either not rated or are rated NC-17. The US regime has come into being from a time when state government censorship was prevalent, into its current guise of industry self-regulation.

The British Board of Film Classification (BBFC) employs a rating system in Britain. The BBFC examined films based on its criteria before granting them a certificate, including U, PG, 12A, 12, 15, 18, and R18. It may also make cuts for the purpose of meeting the standards or to obtain a lower rating. An interesting point to mention is that local authorities in the UK can overrule BBFC certificates and even ban the exhibition of a particular film within their jurisdiction. Australia operates with a statutory body, the Office of Film and Literature Classification, for the classification of films. The classifications are: E, G, PG, M, MA15+, R18+, and X18+. These classifications have restrictions in law for only MA15+, R18+, and

X18+, which prohibit persons under the age specified from being given access to. This evolution has taken Australia's system from one based on censorship to one based on classification.

THE SHADOW OF POLITICS: POLITICAL OVERTURES AND THEIR INFLUENCE ON FILM CERTIFICATION

Over the years, the functioning of CBFC in India has often witnessed accusations of political bias in decision-making. Almost innumerable instances are there when movies have encountered severe censorship and were banned outright to stifle politics or to aggrieve the political parties in power or any particular interest group. There have also been instances where a film was either banned or passed favourably under the governmental spectrum, depending upon the prevailing political ideologies and personal inclinations of some leaders.

There were a few iconic cases that demonstrate the extent to which political overtures affected certification. For instance, *Uda Punjab* was subjected to an array of censorship orders asking for cuts and modifications to the extent that references to the state and political institutions were sought to be removed, arguably triggered by its release coinciding with elections. Disruptive protests and delays were experienced with Sanjay Leela Bhansali's *Padmaavat* from certain Rajput groups on the grounds of alleged historical inaccuracies and misrepresentation, ultimately enforcing changes to the film. More recently, *The Kerala Story* faced bans in a few states amid political polarisation and claims of misinformation levelled against it, while *Santosh* faced refusal of its certification for throwing light on police brutality and related social issues, bringing into limelight the whole process of challenges faced by films dealing with politically sensitive themes. Filmmakers, no doubt, are subjected to the politics of the moment; hence, a CBFC decision based on considerations outside the promulgated guidelines stands exemplified by the aforesaid circumstances. The described politicisation of the CBFC selection panel and its terrain of low tolerance for content that questions the government or current ideology paves the way for an atmosphere of intimidation in the film industry.

WAY FORWARD: REFORMING INDIA'S FILM REGULATION LANDSCAPE

The challenges India faces with film regulation require focus so that there can be an appropriate scope for creativity alongside societal requirements. The ambiguity surrounding the rules for film certification does not seem to be improving. There have been complaints of a lack of structure and order within the decisions made by the CBFC. With no clarity provided,

filmmakers have to work under uncontrollable conditions, vague terms like “decency” or “morality” are too open-ended. Additionally, the set regulations have shown little success in combating the ongoing threat of online film piracy, especially when the region of infringement is outside India's borders. There also appears to be an increase in the lack of control regarding content on Over-The-Top (OTT) platforms, which has become one of the key areas for film consumption. This also makes the process of content classification and restriction much more challenging in modern times.

While searching for a way forward, several policy reforms may be useful. It is especially important as a matter of policy that more precise, more specific, and clearer objective criteria detailing the processes of film classification are developed to allow for less flexibility in interpretation and greater CBFC coherence. In line with the international best practices, India may contemplate adopting a more comprehensive rating-based classification system, such as that of the USA and UK, which allows the public to selectively choose which films to access instead of the system doing most of the censoring in advance. It is important to stress that the increased control and autonomy of CBFC with regard to political meddling are vital in the development of an unbiased and reputable certification authority. This may relate to greater openness concerning the appointment of board members from various groups, including those in the film industry and legal practitioners. Restoring an autonomous appellate branch akin to FCAT's structure would grant filmmakers a fully functional and accessible mechanism for contesting CBFC's decisions, increasing accountability and enhancing processes. With the above goal, it is very important to develop a complete strategy for online film piracy, including international cooperation and technological efforts. Discussing the possibility and the need to control content on OTT platforms while preserving freedom of creativity is balanced with not too much regulation, is one of the necessary steps for responding to changes in the media consumption scenario.

CONCLUSION

The development of film censorship in India, from colonial to modern times, is a constantly ongoing exercise of finding a balance between artistic freedom, social values, and national interests. While the Cinematograph Act and its successive amendments have given a structural shape to film certification, the actual enforcement of such regulations, especially through the Central Board of Film Certification (CBFC), has often been challenging and subject to criticism. The struggles between censorship and certification remains a consistent central theme,

with filmmakers time and again registering complaints of overreach and lack of transparency in the decision-making process of the board. The Cinematograph (Certification) Rules, 2024, are an attempt at modernisation through the implementation of digital means and redressal of some long-pending challenges. However, underlying issues pertaining to artistic freedom, political interference, and the regulation of content in the digital age remain present. In the coming years, there is a need to take a more balanced approach that centres on well-articulated guidelines, defends the independence of the CBFC, and employs the best international practices to create a dynamic and responsible Indian film industry.

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