

UPSC PREPARATION

Censorship and Indian Law - UPSC Notes

The issue of censorship is frequently seen in the news. Debates about freedom of speech and expression and restrictions on this freedom are commonplace. This is hence, an important topic for the [UPSC exam](#). It is also important to understand what the law says on the matter of censorship in India.

The entertainment industry in India has grown by leaps and bounds in the last century. It has increased not only the number of movies and programs it produces but its reach has also spilled all over the world. The emergence of digital platforms over the years has only increased the quantity and extent of the content that is produced by the entertainment industry. The legal framework on censorship in this respect is explained in this article.

Censorship

- The issue of censorship is essentially an issue of free speech and expression; it refers mainly to the suppression of speech and other forms of public communication.
- [Freedom of Speech](#) and Expression is guaranteed under Article 19(1) (a) of the Constitution as a fundamental right but this right is not absolute and as such restrictions are imposed on this right under Article 19(2).
- Therefore, censorship is all about harmonising the two i.e. freedom of speech and expression on the one hand and the restriction provided on the other hand.

Film Certification

- Movies in India as it stands now have to obtain certification before they are released in theatres. The certificates in this respect are issued by a statutory body called the Central Board of Film Certification ([CBFC](#)) which has been established under the Cinematographic Act of 1952.
- The Act of 1952 along with the Cinematographic Rules, 1983 and the Central government guidelines of 1991 set out the manner in which movies are to be exhibited in the country. The categories in which the CBFC divides movies for exhibition are:
 - The film is suitable for unrestricted public exhibitions. i.e. fit for 'U' certificate.
 - The film is suitable for unrestricted public exhibition but with an endorsement of caution that the question as to whether any child below the age of twelve years may be allowed to see the film should be considered by the parents or guardian of such child. i.e. fit for 'UA' certificate.
 - The film is suitable for public exhibition restricted to adults, i.e. fit for 'A' certificate.
 - The film is suitable for public exhibition restricted to members of any profession or any class of persons having regard to the nature, content and theme of the film, i.e. fit for 'S' certificate.
- The principles guiding the CBFC in the certification of films include assessing the film from the perspective of public order, morality, decency and defamation.
- Additionally, the CBFC is also required to consider laws relating to the depiction of cigarettes and tobacco, the use of drugs and substances, the prevention of cruelty to animals, the use of national emblems and names and other matters of national honour.

Censorship on Television

- The regulation of content on television carried on by different networks and broadcasters is governed by the Cable Television Networks (Regulation) Act, 1995 and the Cable Television Networks Rules, 1994 (the "Cable Television Laws")

- The above laws and regulations restrict transmission through a cable service, of any program that is not in conformity with the Program Code and of any advertisement that is not in conformity with the Advertising Code set out in the Cable Television Networks Rules, 1994.
- The Program Code also prohibits the televised broadcast of films that have not been issued the “U” certificate by the CBFC.
- The cable operators are given the additional responsibility of portraying women in a positive light as well as keeping in check the violence and nudity in programs that are meant for children.

Censorship of Online Content

The rise of over the top (OTT) platforms in the last decade has been nothing short of phenomenal.

- Moreover, the traffic to these platforms has only increased due to the lockdowns imposed because of the COVID-19 pandemic.
- These platforms which are flourishing by the day include the most popular ones Netflix and Amazon Prime.
- As of now, these platforms are free from any kind of regulations and restrictions making them very popular among artists because they do not restrict the creative nature of their art like theatres and television does.
- The OTT platforms have adopted self-regulation in this regard by categorising their programs on the basis of violence, nudity and strong language.

The debate over the regulation of content has been a very old one. There are sound arguments on both sides of the debate in this respect. In the most recent times, content creators are leaning towards the [OTT Platforms](#) over the traditional platforms because of the creative liberties they can take.

Frequently Asked Questions on Censorship in Indian Law

Q 1. What is Freedom of Speech and Expression?

Ans. Article 19(1)(a) of the Indian Constitution says that all citizens have the right to freedom of speech and expression. It means that any individual has the right to express their convictions and opinions freely by words of mouth, writing, printing, pictures or any other mode.

Q 2. Who manages the censorship of Television programs?

Ans. The regulation of content on television carried on by different networks and broadcasters is governed by the Cable Television Networks (Regulation) Act, 1995 and the Cable Television Networks Rules, 1994 (the “Cable Television Laws”).