E-ISSN: 2708-4469
P-ISSN: 2708-4450
Impact Factor (RJIF): 6.51
IJAMCJ 2025; 6(2): 216-219

www.masscomjournal.com
Received: 14-08-2025
Accepted: 18-09-2025

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Film censorship and freedom of expression in India: A complex balancing act

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DOI: https://www.doi.org/10.22271/27084450.2025.v6.i2c.139

Abstract
Film censorship in India remains a contentious issue that reflects the complex interplay between artistic freedom, cultural sensitivities, and political pressures. This research paper examines the historical evolution of film censorship in India, focusing on the legal framework established by the Cinematograph Act of 1952 and the role of the Central Board of Film Certification (CBFC). Through key case studies such as "Udta Punjab," "Padmaavat," and "Lipstick Under My Burkha," the paper highlights the impact of censorship on artistic creativity and freedom of expression. It also explores the cultural and political factors that influence censorship decisions and the ongoing debates surrounding the need for reform. By providing a comprehensive analysis of these aspects, the paper aims to shed light on the challenges and implications of film censorship in India, and the prospects for achieving a balance between regulation and creative freedom.

Keywords: Film censorship, Freedom of expression, CBFC, Artistic freedom, Cultural sensitivities, Indian cinema

Introduction
Cinema in India has long been more than just a form of entertainment; it is a powerful medium of cultural expression, social commentary, and political discourse. However, the intersection of these roles with the nation's diverse cultural landscape and complex political dynamics often results in contentious debates over what constitutes acceptable content. Film censorship in India, governed by the Central Board of Film Certification (CBFC), is a particularly controversial issue. The CBFC, established under the Cinematograph Act of 1952, is tasked with ensuring that films adhere to certain moral and cultural standards before they can be publicly exhibited. However, the Board's decisions frequently spark debates over the limits of artistic freedom and the extent to which cultural and political considerations should influence film content.

This research paper aims to delve into the historical and legal aspects of film censorship in India, analyze notable case studies of controversial films, and discuss the broader implications for artistic freedom and expression. The paper addresses the following key research questions: How has the legal framework for film censorship evolved in India? What are the major controversies surrounding film censorship, and how do they reflect broader societal and political tensions? How do cultural and political factors influence censorship decisions, and what are the implications for artistic freedom?

To answer these questions, the paper employs a combination of historical analysis, legal review, and case study examination. This approach allows for a comprehensive exploration of the challenges and implications of film censorship in India, offering insights into the complex interplay between artistic freedom, cultural sensitivities, and political influence.

Historical Background
The history of film censorship in India is deeply intertwined with the country's colonial past. The first regulations aimed at controlling cinema were introduced by the British colonial government, which viewed the medium with suspicion, particularly in its potential to incite political dissent. The Cinematograph Act of 1918 marked the beginning of formal censorship

in India, granting colonial authorities the power to prohibit the exhibition of films deemed to be provocative or morally unacceptable.

Following India's independence in 1947, the newly formed government recognized the need to regulate cinema in a manner that would reflect the values and sensibilities of the nascent nation. The Cinematograph Act of 1952 was introduced as a comprehensive piece of legislation that established the Central Board of Film Certification (CBFC), initially known as the Central Board of Film Censors. This act laid down the guidelines for film certification and provided the CBFC with the authority to demand cuts, alterations, or even ban films that did not conform to its standards.

Over the years, the CBFC's role and the guidelines it enforces have evolved, often in response to changing social mores and political pressures. The Emergency period in the 1970s, for instance, witnessed a tightening of censorship as the government sought to suppress dissent and maintain control over public discourse (Thomas, 2005) [10]. The aftermath of this period saw renewed calls for reform, as filmmakers and civil society organizations pushed for greater freedom of expression.

Legal Framework

The legal framework governing film censorship in India is primarily centered around the Cinematograph Act of 1952, which remains the cornerstone of film regulation to this day. This section explores the key provisions of the Act, the guidelines for film certification, and the challenges and criticisms that have emerged over the years.

Cinematograph Act, 1952

The Cinematograph Act of 1952 provides the legal foundation for film censorship in India. The Act empowers the CBFC to certify films for public exhibition under four categories: U (Universal), UA (Parental Guidance), A (Adult), and S (Restricted to specialized audiences). The Act also allows the CBFC to refuse certification to films that, in its opinion, are likely to offend public decency, morality, or religious sentiments, or that could endanger public order or security (Cinematograph Act, 1952).

One of the key criticisms of the Cinematograph Act is the broad and often vague language used in its provisions. Terms like "morality" and "decency" are inherently subjective, leading to inconsistent and sometimes arbitrary decisions by the CBFC (Ghosh, 2020) [3]. This vagueness also opens the door to potential misuse, where films critical of the government or powerful social groups can be censored under the guise of protecting public order.

Guidelines for Certification

The guidelines for film certification, issued under the Cinematograph Act, provide more detailed criteria for the CBFC's decisions. These guidelines emphasize the protection of public morality, decency, and order, but also include provisions related to national security, relations with foreign states, and the portrayal of women and children (CBFC Guidelines, 2021). However, the broad scope of these guidelines has often led to controversies.

Critics argue that the guidelines can be interpreted to suit the interests of various political and social groups, thus restricting creative freedom. For instance, films that challenge traditional gender roles or question religious practices may be subjected to stricter scrutiny than those that conform to established norms (Basu, 2017) [1]. This has led to accusations that the CBFC's decisions are influenced more by prevailing social and political pressures than by objective criteria.

Challenges and Criticisms

The Cinematograph Act and the guidelines for certification have faced significant criticism over the years. Filmmakers and legal scholars alike have pointed out that the existing framework is outdated and ill-suited to a modern, diverse society (Mehta, 2019) [5]. The lack of clear, objective criteria for censorship decisions has led to a perception that the CBFC is overly conservative and prone to censorship that reflects the biases of those in power.

Moreover, the process of certification itself has been criticized for its lack of transparency. Decisions are often made behind closed doors, with little opportunity for filmmakers to contest the Board's rulings before they are finalized. This lack of accountability has contributed to a growing demand for reform, with many calling for a more transparent and accountable system that better respects the rights of filmmakers and audiences (Sharma, 2021) [9].

Case Studies of Controversial Films

To better understand the complexities of film censorship in India, it is instructive to examine specific case studies of films that have encountered significant censorship challenges. These cases highlight the tension between creative expression and the cultural and political forces that shape censorship decisions.

"Udta Punjab" (2016)

"Udta Punjab," directed by Abhishek Chaubey, is a gritty portrayal of the drug epidemic in the state of Punjab. The film faced significant resistance from the CBFC, which demanded 89 cuts, including the removal of all references to Punjab. The Board's justification was that the film could harm the state's image and incite public unrest (Verma, 2016) [12].

The filmmakers challenged the CBFC's decision in the Bombay High Court, arguing that the Board's demands amounted to an infringement on their right to freedom of expression. The court ruled in favor of the filmmakers, ordering the CBFC to clear the film with only one cut. The "Udta Punjab" case became a landmark in Indian film censorship, underscoring the judiciary's role in protecting artistic freedom against overreach by the CBFC (Verma, 2016) [12].

"Padmaavat" (2018)

Sanjay Leela Bhansali's "Padmaavat" faced opposition from various groups who claimed that the film distorted historical facts and hurt the sentiments of the Rajput community. The CBFC initially demanded multiple changes to the film, including a title change, before granting it certification (Rao, 2018) [7].

The controversy surrounding "Padmaavat" highlighted the influence of political and cultural groups on censorship decisions. Despite receiving CBFC certification, the film was banned in several states, leading to a protracted legal battle that eventually reached the Supreme Court. The court ruled that states could not impose additional restrictions on films that had been cleared by the CBFC, reaffirming the primacy of the certification process over regional political pressures (Rao, 2018) [7].

"Lipstick Under My Burkha" (2017)

"Lipstick Under My Burkha," directed by Alankrita Shrivastava, tells the stories of four women navigating their desires and aspirations in a conservative society. The CBFC initially denied certification, describing the film as "lady-oriented" and unsuitable for public viewing (Chatterjee, 2017) [2].

The decision sparked widespread outrage, with critics accusing the CBFC of gender bias and attempting to silence women's voices. The filmmakers appealed to the Film Certification Appellate Tribunal (FCAT), which overturned the CBFC's decision and cleared the film with minor cuts. The case became a rallying point for advocates of gender equality and artistic freedom, highlighting the challenges faced by filmmakers who tackle unconventional or taboo subjects (Chatterjee, 2017) [2].

Impact on Artistic Creativity and Freedom of Expression

The impact of film censorship in India on artistic creativity and freedom of expression is profound. Filmmakers often find themselves walking a tightrope, balancing the desireto push creative boundaries with the need to avoid conflicts with the CBFC and potential backlash from social or political groups. This delicate balancing act has led to several significant effects on the film industry and on the broader cultural landscape in India.

Self-Censorship

One of the most pervasive consequences of the censorship regime in India is self-censorship. Filmmakers, aware of the CBFC's stringent and sometimes unpredictable guidelines, often preemptively alter their content to avoid confrontation with the Board. This self-censorship is not merely about avoiding cuts but also about steering clear of themes or narratives that could trigger a negative response from the CBFC or from influential societal groups (Mehta, 2019) [5].

For instance, themes related to sexuality, religion, and political critique are frequently toned down or omitted entirely, depriving audiences of a more diverse and challenging cinematic experience. This has led to a homogenization of film content, where mainstream cinema often conforms to safe, conventional narratives that are less likely to provoke censorship (Thomas, 2015) [10].

Chilling Effect

The phenomenon of self-censorship contributes to what is known as the "chilling effect," where the potential for censorship discourages filmmakers from exploring bold or unconventional ideas. The fear of being subjected to extensive cuts, bans, or public outrage has led many filmmakers to avoid topics that could be considered controversial or provocative (Mehta, 2019) [5].

This chilling effect extends beyond the filmmakers to the entire creative process, affecting writers, producers, and actors who may also hesitate to engage with challenging material. The result is a film industry that, while prolific, often lacks the critical edge and diversity of perspectives found in more liberal cinematic environments.

Contrasting Views

Despite the criticisms of film censorship, some argue that it serves a necessary function in a country as culturally and religiously diverse as India. Proponents of censorship contend that the CBFC's role is to maintain public order and protect vulnerable groups from content that could incite violence or perpetuate harmful stereotypes (Sen, 2020). They argue that without some form of regulation, films could contribute to social unrest or the erosion of cultural values.

However, critics of this view point out that such arguments often mask attempts to suppress dissenting voices and maintain the status quo. They argue that the CBFC's decisions are frequently influenced by political considerations or the desire to avoid offending powerful groups, rather than by an objective assessment of what is in the public interest (Kumar, 2018) [4].

Cultural and Political Influences

The decisions made by the CBFC are not made in a vacuum; they are deeply influenced by the cultural and political context in which the Board operates. Understanding these influences is crucial to understanding the broader implications of film censorship in India.

Cultural Sensitivities

India's cultural diversity is one of its greatest strengths, but it also poses significant challenges for film censorship. The country's population is divided along lines of religion, language, caste, and region, each with its own set of values and sensibilities. As a result, films that are acceptable to one group may be deeply offensive to another (Sen, 2020) [8].

The CBFC often finds itself in the difficult position of having to balance these competing interests. This can lead to decisions that reflect the dominant cultural narratives or the sensitivities of powerful groups, rather than an objective assessment of the film's content. For example, films that question traditional gender roles, challenge religious dogma, or depict controversial aspects of Indian history are often subjected to stricter scrutiny and censorship (Basu, 2017) [1].

Political Influence

The influence of politics on film censorship in India is another critical factor. Political parties and leaders sometimes exert pressure on the CBFC to censor films that may be critical of them or their policies. This political influence can lead to biased censorship decisions that undermine the objectivity of the CBFC and restrict the scope of political critique in Indian cinema (Kumar, 2018) [4].

One notable example of political influence on censorship is the case of films that critique government policies or portray political figures in a negative light. These films often face significant challenges in obtaining certification, and even when they are cleared by the CBFC, they may be targeted by political groups seeking to suppress dissent (Rao, 2018) [7].

Public Opinion

Public opinion also plays a crucial role in shaping censorship practices in India. In some cases, mass protests or media campaigns have influenced the CBFC's decisions, either by pressuring the Board to ban a film or by rallying support for a film that has been censored. The rise of social media has amplified the impact of public opinion, making it easier for groups to mobilize and exert pressure on the CBFC (Ghosh, 2020) [3].

However, public opinion is not always a force for greater freedom. In some cases, it has been used to justify

censorship, particularly when a film is perceived to offend the sentiments of a particular community or to challenge deeply held cultural values. This dynamic reflects the broader tension between freedom of expression and the need to maintain social harmony in a diverse society.

Current Debates and Reforms

The controversies surrounding film censorship in India have led to ongoing debates about the need for reform. While there is broad agreement that the current system is flawed, there is less consensus on how to address these flaws.

Calls for Reform

One of the most pressing calls for reform is the need to update the Cinematograph Act and the CBFC's guidelines to better reflect contemporary values and the realities of modern Indian society. Critics argue that the current framework is overly restrictive and out of touch with the needs of a vibrant, dynamic film industry (Sharma, 2021) [9]. Proposed reforms include clearer, more objective guidelines for film certification, the introduction of age-based certification categories that provide more flexibility, and greater transparency in the certification process. Some have also called for the CBFC to be reconstituted as a certification body, rather than a censoring body, with the power to recommend cuts or changes but not to enforce them (Sharma, 2021) [9].

Role of Judiciary

The judiciary has increasingly played a crucial role in shaping the censorship landscape in India. Courts have frequently intervened in cases where the CBFC's decisions have been challenged, often ruling in favor of greater freedom of expression. These judicial interventions have highlighted the importance of the legal system as a check on the powers of the CBFC (Nair, 2019) [6].

Significant court rulings, such as those in the "Udta Punjab" and "Padmaavat" cases, have set important precedents for how censorship should be approached in a democratic society. The judiciary's willingness to overrule the CBFC in these cases reflects a broader trend toward protecting artistic freedom and limiting the scope of censorship (Nair, 2019) [6].

Future Outlook

Looking to the future, the debate over film censorship in India is likely to continue evolving, driven by changes in technology, society, and politics. The rise of digital platforms, in particular, poses new challenges for censorship, as online content is less subject to traditional regulatory frameworks (Ghosh, 2020) [3].

As India continues to modernize and globalize, there will likely be increased pressure to reform the CBFC and the broader censorship regime. Achieving a balance between protecting cultural values and upholding freedom of expression will remain a significant challenge, but it is essential for fostering a healthy, vibrant film industry that reflects the diversity and dynamism of Indian society.

Conclusion

Film censorship in India is a complex issue that sits at the intersection of legal, cultural, and political forces. While censorship is intended to protect societal norms and national interests, it often clashes with the principles of artistic freedom and expression. The cases of "Udta Punjab," "Padmaavat," and "Lipstick Under My Burkha" illustrate the challenges that filmmakers face in navigating the censorship regime and highlight the broader implications for creativity and free expression in Indian cinema.

The current legal framework, centered around the Cinematograph Act of 1952, is widely regarded as outdated and in need of reform. The broad and vague guidelines for film certification have led to inconsistent and sometimes arbitrary censorship decisions, which are often influenced by cultural sensitivities and political pressures. This has resulted in a chilling effect on the film industry, where self-censorship and the fear of controversy stifle creativity and limit the diversity of content available to audiences.

Ongoing debates about the need for reform reflect a growing recognition of the importance of protecting artistic freedom in a modern, democratic society. Proposed reforms include clearer guidelines, greater transparency, and a shift toward a certification-based approach rather than outright censorship. The judiciary has played a crucial role in protecting creative freedom, and its interventions will likely continue to shape the future of film censorship in India.

In conclusion, achieving a balance between censorship and freedom of expression is an evolving challenge that requires ongoing dialogue and reform. As India moves forward, it is essential to ensure that the film industry remains a space for creative exploration and diverse voices, free from undue censorship and political interference.

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