CHAPTER 6

CONCLUSIONS AND SUGGESTIONS

Father of film D.W Griffith said ‘My task is to make you see. There will always be people who do not want to see beyond their perception.’ When we look at film history, one observes that there are as many people who do not believe in censorship, as there are who vehemently support it. However liberal censorship becomes, at least one section would be there to oppose due to some reason or another.

The real problem in working of film censorship is the subjectivity involved. Multiple standards are required in order to censor effectively and intelligently, thereby making the whole process a complex task.

The present research has been framed in the light of post-independence controversies related to film censorship in India. The research has been divided into various chapters in order to draw a complete picture of the same.

Firstly, the constitutional dimensions of film censorship have been discussed. Under this, the principles of film censorship have been highlighted within the scope and limitations of the Constitution. In the light of popular cases, it has been examined how Indian judiciary has been handling the issues pertaining to the film censorship. Secondly, the evolution of film censorship legislation has been analysed. Depicting the popularity of cinema, it has been shown how amendments were incorporated from time to time in order to balance the artistic creativity and cultural norms.

Thirdly, the issue of political censorship of films has been studied. It has been discussed how extra-legal censorship was exercised in order to curtail the constitutional right to freedom of expression of various film makers. In the light
of incidences, it has been shown how the filmmakers had to depend either upon the fantasies of anti-democratic forces or to fight delayed legal battles to exercise their constitutional right.

Fourthly, it has been analysed what all bodies are involved in the regulation of public exhibition of films in India. In the wake of recent technological developments, it has been discussed how the current mechanism of film certification/censorship needs complete overhauling. Significant recommendations by recently appointed expert committees on film censorship have been mentioned.

Indian cinema is still one of the most heavily censored. Overall it has been shown, how with the spreading wings of film censorship, making of films in India is becoming difficult year in and year out.

In view of above conclusions, following suggestions are being made:

- There is a need for the CBFC to be proactive in order to reach out to the film fraternity. Interactivity can help the officers of the CBFC to clearly understand the demands of the film makers.
- There is a need to make the film censorship process simple, accountable and transparent. Online system of application for film certification by CBFC can help in this regard.
- Jurisdiction of the Appellate Tribunal must be expanded to permit any person aggrieved by a decision of CBFC to file an appeal against it. This will reduce the burden on the High courts dealing with issues related to film censorship.
- Lots of provisions under the Cinematograph Act 1952 have past their expiry date considering the pace at which technology is developing. In this scenario various definitions like ‘film’, ‘cinematograph’, ‘exhibition’ etc. must be amended in order to broaden their scope.
- The CBFC must act as a certification body. It must do away with the censoring of any sort of the movies.
• The panels involved in the film certification must have members from cross sections. Such panels must have representatives from all vulnerable sections of the society like Minorities, Backward Castes, Scheduled Tribes, Scheduled Castes and Physically Challenged in order to make them inclusive.

• Moreover women shall have fifty percent representation on the panels involved in the film certification in order to make the system gender sensitive.

• Selection of members in the certification panels must be purely on merits. Human interference must be phased out for the purpose of eliminating chances of nepotism in the process of selection.

• Website of CBFC must be updated with all the latest developments regarding film certification. The said site must be interactive providing facilities like online feedback form, online grievance reporting etc.

• Alternative platforms must be introduced in order to release the films, thereby shifting the focus away from theatres.

• Global trends must be incorporated in the censorship process. Certification guidelines must be amended accordingly.

Practically speaking, cinema is a depiction of what’s happening around us. Stimulated by the technological developments and globalisation, new age film makers are coming up with unconventional themes that nobody dared to touch upon. With the penetration of Internet, violence and vulgarity of any degree can be easily accessed through smart phones, thereby challenging the credibility of any sort of censorship. Taking all this into consideration, ultimately what researcher wants is that the Film makers must have sufficient space to showcase the real picture. Even judiciary has recognized the fact that films are a powerful and an effective medium of speech and expression, the right which people achieved after a long struggle for independence. Film makers must have liberty to make films on issues of their choice.
It is an accepted truth that every political party that is in power has its own idea of ‘nationalism’, ‘moralism’ etc. But in a diverse country like ours, the character of Film Media should be such that it is not polarized. Narratives must not be imposed on the film makers, who have to compete with global standards in order to survive in today’s era of globalization. Confining the creativity of film writers, artists and performers can hamper the Bollywood’s global ambitions. It is high time that we wake up to the different manifestations of political manipulation of film censorship in India. The authorities must understand that public in India today is mature enough to handle truth and fiction, understanding the difference between the two. Cinema is not only a major source of entertainment but also of awareness. The said medium 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.