CHAPTER 1

INTRODUCTION

1.1 GENERAL:

Traditionally, cinema has been an integral thread in the social fabric of India. It was used to spread socio-political awareness, propaganda and entertainment. Film censorship as a socio-political phenomenon has always been a quite contentious and complex issue. This phenomenon started during British rule, wherein it was a show of state intervention in the social transactions among the members of the subject community.

The advent of a lively visual medium evoked a tremendous response from the Indians, but it also served as a medium of reinforcement of the colonial power through the imposition of film censorship.

Film censorship continued after independence and eventually manifested itself as a difficult task. During post-independence period, the film censors have usually remained at the receiving end of harsh criticism-sometimes justified sometimes not. Being stuck within the broad dialectics of freedom and restriction, film censorship in India has always remained controversial and under intense scrutiny.

Censorship in India remains primarily an instrument of state intervention, defined and governed by the parameters of law. The role of state is to govern through enactment and implementation of public policy. In a democracy, the formulation of public policy is closely related to the satisfaction of the needs of the citizens.

The primary function of law is to secure desirable behaviour and avoid undesirable behaviour within a given framework of social, political and economic conditions.
To its proponents, law upholds societal norms identifying what is deviant behaviour, on the other hand those who regard it as an instrument of repression, always oppose it. However the most severe form of the said contradiction is rooted within the preventive censorship statutes. The seriousness of the matter is that it concerns a very sensitive aspect of human existence that is expression.

Self-expression is an integral part of human existence. The concept of freedom of expression gradually gained ideological impetus and was soon inducted into the agenda of social activists. As a result there were demands to recognize the said concept as a basic human right. Any kind of restraint on freedom to expression has always been subject to heated debate.

Within society there has always been a section who has opposed to absolute liberalism. These groups are inclined towards the preservation of status quo. Seized with a psychological compulsion to prevent others from acting in a manner detrimental to their cause, they always encourage some sort of social control. The advocates of such control have always put forward the counter concept of censorship, propagating against unconventional concepts and radical ideas. Since ages, societies have been living with this irony.

The term ‘censorship’ goes back to the office of the censor established in Rome in 443 BC.\(^1\) It is derived from the Latin term *censere* meaning ‘to give as one’s opinion, or to assess’. The Roman censors were magisterial officers who conducted census, regulated the morals and conduct of the citizens, and finally classified them. These officers were appointed to facilitate the framing of a society on certain preconceived criteria. Thus since its inception ‘censorship’ has been associated with some kind of social engineering. But in the medieval age its meaning endured a noteworthy change, acquiring an oppressive connotation. The said change has sustained even in the modern times, often leading to conflict.

\(^1\) Someswar Bhowmik, *Cinema and Censorship -The politics of Control in India* (Orient Black Swan Delhi 2009).
The origin of cinema dates back to the nineteenth century. If a precise date could be given for the beginning of cinema, it would probably be 14 April 1894, when Thomas A. Edison’s Kinetoscope was installed for public and commercial showings in New York.\(^2\)Immediately following the installation of the Kinetoscope, dozens of inventors all over Western Europe and North America attempted to project films on to a large screen.\(^3\) Almost two years of frenzied experimentation were to pass before the Lumiere Brothers unveiled their cinematograph in the basement of the Grand café in Paris on 28 December 1895. For the first time moving pictures were projected on to a screen where they could be seen by several people at once. Within weeks of the Paris triumph the Lumiere Brothers sent their operators all over the world to popularize their invention.\(^4\) Nobody would have thought at that time that the said invention would soon revolutionize the concept and framework of human expression and communication.

Initially, the cinematograph was merely one more amusement among many such to be enjoyed, courtesy the small time entertainers who organized shows at temporary or makeshift venues, mostly at fair grounds. But soon it outgrew its humble origin and shed its identity as an object of curiosity. Consequently, the artisanal system of manufacturing gave way to a large scale, and continuous, system of production for commerce and profit. Cinema graduated to a prime leisure industry, thriving on mass entertainment.

Technology provided cinema with certain advantages over other more conventional, traditional media. Through the use of photographic technology, cinema acquired the appearance of being true. The said feature enhanced its authenticity and credibility.

\(^3\) \textit{Ibid.}
\(^4\) \textit{Ibid.}
Speech, sound, music and colour further developed the medium. Acquiring an almost universal appeal within a very short period after its inauguration cinema soon left behind the traditional forms of communication.\(^5\)

Using the technology, the early film makers ensured that except for the blind no human being would encounter any great difficulty in negotiating and deciphering the visual language of cinema, once he or she came to terms with its basic principles. In this sense, cinema tried to reinstate the principles of the primitive art forms in a technological age.\(^6\) Another characteristic that attracted attention towards cinema was the practice of collective consumption associated with it. Collective consumption was facilitated by the advantage of relatively simple but convenient system of mechanical reproduction. Collective impact of these characteristics invested cinema with an accessibility unattained by any of its predecessors. So potentially at least, cinema held immense possibilities.\(^7\)

And since it emerged in the era of capitalism, it was eventually assimilated into the capitalist mode of material production. It was immediately organized as an industry and the consumption of its products structured commercially with a pronounced emphasis on the mass orientation of the system.\(^8\)

After such assimilation, feature-film making became the most important activity the world over and was made to embrace the ground rules driving the capitalist system. This gave birth to a tradition of mass produced cinema, which consequently depended upon mass appeal and mass consumption to ensure the overall success of the film industry.\(^9\)

Through its advantages of universal appeal and mechanical reproduction, cinema evinced the maximum potential for mass communication.

\(^6\) Ibid.
\(^7\) Ibid.
\(^8\) Ibid.
\(^9\) Ibid.
Most of the early dream merchants seized upon the opportunity to build the edifice of a successful film-industry thereby proving the mettle of the medium. Becoming the talk of town, the medium of cinema also began to attract the official attention.\textsuperscript{10}

The administration soon realized that cinema could be a highly effective means of indoctrination on account of its credibility on the one hand and the one-way traffic that it generated, on the other, involving an active communicator and a passive receptor. Administrations all over the world were eager to assimilate cinema within their overall scheme of indoctrination. This demanded adherence to some specific ideals and a broad parameter of propriety. But there were not enough supporters of this arrangement. Over enthusiastic film makers were ready to go any length in the quest for entertainment. It remained for the administration to decide whether to interfere with this tendency or to allow laissez-faire to continue. The reaction of the administration depended upon the social, political and legal climate of the country, and also on the priorities of the government concerned.\textsuperscript{11}

These aspects made cinema an object of suspicion in the eyes of those with vested interests, especially the administration and other interest groups seeking social hegemony like religious institutions, moral hygiene societies, the press and even some citizen’s forums. They were provoked, and finally outraged, by some weird applications of the medium’s so called advantages. Such applications either equated cinema with sensationalism or else made it a vehicle of social criticism, discontent or disaffection. These were ominous signs for its detractors the world over and gradually means were evolved to put cinema under constant surveillance.\textsuperscript{12}

\textsuperscript{10} Ibid.
\textsuperscript{11} Ibid.
\textsuperscript{12} Ibid.
Censorship was found to be an ideal choice in many countries, including India. England was the first country to pass a specific law for films with its cinematograph Act 1909. The immediate concern of the British government was the enforcement of adequate fire precautions in cinema halls. The provisions of this act did not outreach safety and structural matters. But gradually, it began to be used for purposes other than the one originally envisaged, until, almost inevitably, the subject matter of a film became a cause for intervention under this act. The British board of Film Censors (BBFC) came up in 1912 which ultimately established itself as the sole censoring authority in Great Britain.\textsuperscript{13}

In Norway, the government set up a censorship body in 1913 for examination of films intended for public exhibition.\textsuperscript{14} In Denmark, a decree was issued on 1 January 1914, providing for a Board of Censors to examine and certify films and pass them unconditionally with or without excisions, or subject to the conditions of that children below sixteen were to be refused permission to enter the shows. At about the same time Sweden too established a Board of Film Censors.\textsuperscript{15} In 1916, censorship Commission was set up in France for examination of films and regulation of their exhibition nationwide. The aim was to prevent the outbreak of disorder that might result from the exhibition of criminal acts and modes of crime in films. In the USA, the \textit{Mutual Film Corporation v. Industrial Commission} litigation (1915) resulted in a federal court verdict that movies were entertainment and as such not vehicles of protected speech. The case thus legalized state and local censorship in the so called ‘land of free speech’.\textsuperscript{16}

Supporters of social control have been unanimous that the extraordinary powers of cinema can be restrained only by averting the objectionable subjects or themes.

\textsuperscript{13} Ibid.  
\textsuperscript{14} Ibid.  
\textsuperscript{15} Ibid.  
\textsuperscript{16} Ibid.
This way, pre-censorship was accepted as the most effective method to contain the supposedly evil influence of cinema, controlling both access to expression and form of expression.

Over the years, film censorship became the manifestation of a complex of psychological phenomena applied in a social context seeking preservation of morality and maintenance of ethical standards, religious propriety, political stability and social hygiene.\(^{17}\)

### 1.2 AIMS AND OBJECTIVE OF THE STUDY:

The research will review the film censorship in India by comparing it with the other systems. The study will identify key issues that arise from the system by examining the laws, guidelines and administrative processes on paper and evaluate film practitioners’ and censors’ opinion of and experiences in dealing with those issues in practice and finally develop reform proposals for film censorship system.

The researcher would be doing doctrinal research to investigate what changes to the Indian film censorship are required to promote the artistic vibrancy and commercial viability of the Country’s film industry and making systematic reform proposals.

### 1.3 SIGNIFICANCE OF RESEARCH:

The existing legal, political and social scenario requires a comprehensive understanding of film censorship in India.

\(^{17}\) Ibid.
The Indian film industry is the world’s largest in terms of number of films produced as well as the number of cinema-goers is perhaps known. India produces almost as many films as the next three - the US, Japan and China\(^\text{18}\). This growth and popularity has simultaneously brought benefits as well as various risks in the absence of adequate regulatory framework. In this scenario, need arises for proper legislations to meet the lacunas existing in the current legislative framework. Current legal control is neither sufficient to that extent nor regulating in its true sense.

Therefore, the importance of this research would lie in the fact that it would explore all or most of the critical issues concerned with film censorship and suggest measures of regulation to overcome the deficiencies in the existing legal system. Recently the year 2013 marked the celebration of cinematic heritage of Indian film industry in the past 100 years. This research will be a tribute to 100 years of Indian cinema.

1.4 SCOPE OF THE STUDY:

The focus and orientation of the present work is basically with regard to recent controversies and the emerging challenges in the country. The present research looks into the implications and efficacy of film censorship after independence in the light of constitutional provisions interrogating a three–tier filter comprising the Cinematograph Act, the Cinematograph (Certification) Rules and the Censorship Guidelines.

The research will analyse the functioning of censorship regulatory bodies like the examining committee, the revising committee or the Film Certification Appellate

Board and try to comprehend the chain of commands involving the advisory panels, regional officers, and chairperson, Central Board of Film Certification and ultimately, the Ministry of Information and Broadcasting. The study explores the possibilities of importing and transplanting the fundamental regulation and monitoring of films in other countries. The study will facilitate a better understanding of contemporary emerging issues of governance of film censorship in Indian societal context in the wake of court judgments on film censorship.

1.5 HYPOTHESIS:

Whether the mischief of censorship has been correctly addressed by the existing laws and legislations?

1.6 MAPPING THE ISSUES:

The research shall focus on the following issues-

**Issue No.1** How far is film censorship in India compatible with the Constitutional provisions regarding freedom of speech and expression and democratic norms?

**Issue No.2** What has been the judicial approach in protecting the right to freedom of speech and expression vis a vis film censorship?

**Issue No.3** What are the shortcomings in certification guidelines?

**Issue No.4** Does censorship hampers Bollywood’s global ambitions?

**Issue No.5** What possible changes are required in the existing film censorship system?
1.7 RESEARCH METHODOLOGY:

Style of Writing- The methodology adopted for the research is doctrinal, analytical and descriptive. It would involve study of case laws, books and commentaries particularly on the Media law and Constitutional law of India, USA, UK and other legal systems of the world. For the purpose of convenience and better understanding of the thesis it is important to conceptualize the research into two basic facets. Firstly, a descriptive study of existing legal framework in Indian context is adopted and then focus on the suggestive measures of regulation on the basis of recent incidents, literature read on the topic and also the existence of regulatory frameworks in other legal systems.

Sources- The research would mainly focus on the primary sources like Statutes and Research Committee Reports and secondary sources like books, articles, journals, pending/decided cases, case controversies and news in magazines/web portals/newspapers and websites. Opinions of research scholars, professors, experts in respective fields who have dealt with this subjects relating to the present topic on hand, shall be used as real contribution to this work.

1.8 LITERATURE REVIEW:

The researcher reviewed the following literature available, pertinent to proposed research theme for the study:

Books

A.G Noorani in his book titled ‘Constitutional Questions & Citizens Rights’\(^\text{19}\) in Section VII The right to know , Chapter 47, ‘Film Censorship : An Unconstitutional System’\(^\text{20}\) talks about undemocratic extra-legal censorship

\(^{19}\) A.G.Noorani, Constitutional Questions and Citizens’Rights (OUP 2006).
practiced in various parts of the country. He questions the undemocratic appointments in Central Board for Film Certification. He talks about scrapping the government ordained guidelines for film censorship.

A book titled ‘Human rights in India Historical Social and political perspectives’\(^{21}\) edited by Chiranjivi J.Nirmal, N.V Anandraman in the Chapter 7, ‘Situating Human Rights in the Media’\(^{22}\) deals with the media and human rights. It highlights how the struggle of individuals against injustice and exploitation continues even after half a century of independence. The chapter\(^ {23}\) discusses the importance of media including films in expressing truth in its proper light indicating the social evils prevalent in society and the consequences of these social evils.


MP Jain in his book titled ‘Indian Constitutional Law’\(^ {26}\) mentions about censorship of films under freedom of speech and expression describing how the courts have justified pre-censorship of films.

\(^{20}\) Ibid.
\(^{22}\) Ibid.
\(^{23}\) Ibid.
\(^{24}\) Asharani Mathur(ed), *The Indian Media Illusion Delusion and Reality essays in Honour of Prem Bhatia* (Rupa &Co. 2007).
\(^{25}\) Ibid.
Dr.DD Basu in his book titled ‘Commentary on the Constitution of India’\(^{27}\) mentions about the restrictions imposed upon the freedom of speech and expression on grounds of decency or morality. The book compares censorship of Cinematograph films in U.S.A and India. Later it talks about the standard for censorship.


Dr.Subash Kashyap in his book titled ‘Constitutional Law of India’\(^{29}\) discusses about freedom of expression of films. It mentions different case laws which have time to time guided the regulation of the exhibition of the movies covering conflicts regarding censorship of movies.

Jagadish Swarup in his book titled ‘Constitution of India’\(^{30}\) talks about freedom of speech and morality wherein issues like indecency and obscenity are discussed. Movies are described as a means of communication. It describes how the censorship on the making and exhibition of films is in the interest of the society. Further it talks about pre censorship of movies.

M.P Singh in his book titled ‘V.N Shukla’s Constitution of India’\(^{31}\) describes the constitutionality of films as a media of expression. The book mentions about the issue of sex and obscenity in the films discussing the conception of morality.

\(^{29}\) Dr.Subash Kashyap, *Constitutional law of India* vol1 (Universal 2008).
H.M Seervai  in his book titled ‘Constitutional Law in India A critical Commentary’\(^{32}\) has thoroughly commented on the right to free speech and expression. Chapter X, ‘Right to freedom’\(^ {33}\), discusses the constitutionality of the censorship of exhibition of movies in India. Seervai talks about maintaining supremacy of freedom of speech and expression.

Hilaire Barnett in the book titled ‘Constitutional and Administrative law’\(^ {34}\) deals with the right of free speech and expression United Kingdom. Chapter 21, ‘Freedom of Expression and Privacy’\(^ {35}\) of the book talks about restrictions on freedom of speech.


\(^{33}\) Ibid.
\(^{34}\) Hilaire Barnett, Constitutional and Administrative law (Routledge Cavendish ,Sixth edn, 2006).
\(^{35}\) Ibid.
\(^{36}\) Eric Barendt, Freedom of Speech (OUP 2007).
\(^{37}\) Ibid.
\(^{38}\) Ibid.
\(^{39}\) Ibid.
\(^{40}\) Larry Alexander, Is there a Right of Freedom of Expression (Cambridge University Press 2005).
\(^{41}\) Ibid.
Later in **Chapter 7**, ‘General Justifying theories of freedom of Expression’\(^{42}\), he talks about various popular theories that purport to justify a human right of freedom of expression. Further in **Chapter 8**, ‘The paradoxes of liberalism and the failure of theories justifying a right of freedom of expression’\(^{43}\), the author attempts to diagnose the cause of failure to find a cogent and defensible principle justifying and delimiting a right of freedom of expression.

**C.Suzanne Bailey** and **Chana Barron** in their book titled ‘**Constitutional Law**’\(^{44}\) in **Chapter 10**, ‘**Freedom of Expression**’\(^{45}\) analyze basic principles of First Amendment in US Constitution. The chapter deals with the freedom of speech and expression in United States. Later in the **Chapter 11**, ‘**Unprotected Speech**’\(^{46}\), they talk about areas of speech that is not protected by the First Amendment to the U.S constitution like fighting words , obscenity etc.

**Erwin Chemerinsky** in the book titled ‘**Constitutional Law Principles and Policies**’\(^{47}\) in **Chapter 11**, ‘**First Amendment :Expression**’\(^{48}\) talks about historical background of freedom of speech and expression covering issues in free expression analysis. Erwin examine the purposes of First Amendment to U.S Constitution, doctrines and methodology of free speech in United States.

**H.L.A Hart** in his book titled, ‘**The Concept of law**’\(^{49}\) in **Chapter IX**, ‘**Laws and morals**’\(^{50}\) talks about the connection between law and morality.

A book titled ‘**Philosophy of law**’\(^{51}\) edited by **R.M Dworkin, T.Scanlon** in the **Chapter VIII**, ‘**A theory of freedom of expression**’\(^{52}\) talks about doctrine of freedom of expression.

\(^{42}\) Ibid.
\(^{43}\) Ibid.
\(^{45}\) Ibid.
\(^{46}\) Ibid.
\(^{48}\) Ibid.
\(^{50}\) Ibid.
\(^{51}\) Ibid.

Madhavi Goradia Divan in her book titled ‘Facets of Media Law’ in the Chapter 2, ‘Morality,Obscenity and Censorship’ evaluates the meaning of decency, morality and obscenity as considered in various judgments in the wake of emergence of moral policing and protection of Indian values.


Annette Kuhn’s work ‘Cinema, Censorship and Sexuality’ is an excellent work on the topic of research. Kuhn’s work attempts to redefine the intellectual questions surrounding censorship, and is centrally concerned with an analysis of how institutions and practices of film censorship were involved in the constitution of cinema as a public sphere of regulation.

52 Ibid.
53 Corey K.Creekmur and Mark Sidel (eds),Cinema ,Law and the State in Asia (Palgrave Macmillan,2007).
54 Ibid.
56 Ibid.
57 Jack Beatson, Yvonne Cripps(eds), Freedom of expression and freedom of information Essays in Honour of Sir David Williams(OUP).
To look at the emergence of cinema as a domain of regulation, she however takes into consideration a wide range of issues along the way, and examines institutions, discourses and practices which might at first sight appear to have little or nothing to do with the traditional ways of looking at censorship of films.

A book titled ‘Cinema and Censorship - The Politics of Control in India’\textsuperscript{59} by Someswar Bhowmik examines the film censorship in India. The book covers every area of Indian cinema such as feature films in all languages, documentary films, shorter films made by independent documentary filmmakers, and even foreign films that came under the scissors of the CBFC. It is a critical, incisive, research-based analysis of the political factors that continue to influence the concept of film censorship in India. Dividing the censorship of movies in four movements, Someswar analyses the complex relationship between film censorship and right to free speech and expression guaranteed under Article 19 (1)(a) of our Constitution. Moving further, Someswar critically examines the various flaws of film censorship guidelines.

A book titled ‘The Public is Watching Sex, Laws and Videotapes’\textsuperscript{60} by Lawrence Liang with Mayur Suresh and Namita Avriti Malhotra explores a set of questions arising from the institution and practice of censorship of films. The said work reconfigures academic debates around censorship in India encountering the relationship between law and cinema.

Ram Avtar Agnihotri in his book ‘Film Stars in Indian Politics’\textsuperscript{61} provides an useful insight to the issue of morality in films.

\textsuperscript{59} Someswar Bhowmik, \textit{Cinema and Censorship -The politics of Control in India} (Orient Black Swan Delhi 2009).
\textsuperscript{60} Lawrence Liang with Mayur Suresh and Namita Avriti Malhotra, \textit{The Public is Watching Sex, Laws and Videotapes} (PSBT).
\textsuperscript{61} Ram Avtar Agnihotri, \textit{Film Stars in Indian Politics} (Common Wealth Publishers New Delhi 1998).
A book titled ‘The Art of Cinema An Insider’s Journey Through Fifty Years of Film History’ by BD Garga has highlighted in the chapter ‘Thoughts on censorship’ how of all the modes of expression, cinema is the worst hit by the censorship.

In a book titled ‘Bare Breasts and Bare Bottoms: Anatomy of Film Censorship in India’ edited by CK Razdan, a chapter ‘Is Censorship Justified’ by G.D Khosla provides a basic introduction to what exactly is censorship. In addition to it, the book has covered in detail the validity of film censorship in India in the light of the Supreme Court Judgement on Abbas’s suit.

Monika Mehta in her book titled ‘Censorship & Sexuality in Bombay Cinema’ revisits the history of film censorship in India. The book also provides an in-depth analysis of the workings of the Central Board of Film Censorship.

A book titled ‘Indian Popular Cinema: A narrative of cultural change’ by K.Moti Gokulsing and Wimal Dissanayake, highlights the distinctiveness of Indian Popular Cinema discussing the relationship between cinema and society.

A book titled ‘Subject: Cinema Object: Woman A study of Portrayal of Woman in Indian Cinema’ by Shoma A.Chaterji delves into the subject of feminism within the framework of Indian popular cinema. The book covers ideas and concepts that have attacked patriarchal dominance in the Hindi popular cinema.

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62 BD Garga, The Art of Cinema An Insider’s Journey Through Fifty Years of Film History (Penguin Viking).
63 Ibid.
64 CK Razdan(Ed) Bare Breasts and Bare Bottoms: Anatomy of Film Censorship in India (Jaico Publishing House Bombay 1975).
65 Ibid.
A book titled ‘Cinema and the Indian Freedom Struggle’\textsuperscript{69} by Gautam Kaul discusses the advent of cinema as mass entertainment in India.

A book titled ‘Travels of Bollywood Cinema From Bombay to LA’\textsuperscript{70} edited by Anjali Gera Roy and Chua Beng Huat examines how globalization has contributed to the international popularity of Indian commercial cinema.

Anil Saari in his book titled ‘Hindi Cinema An insider’s View’\textsuperscript{71} deals with the dynamics of tradition and modernity in Hindi cinema picking up issues as varied as social consciousness of Hindi cinema, children’s cinema and the political themes in Indian cinema.

A collection of essays titled ‘Narratives of Indian Cinema’ edited by Manju Jain examines the politics of violence, communalism and terrorism as narrated in Indian cinema.

A book titled ‘Liberty and Licence in the Indian Cinema’\textsuperscript{72} by Aruna Vasudev deals with the question of responsibility and freedom faced by the film makers in India. Viably, the book gets to the bottom of the censorship process and delineates how it impacts both cinema and society in a wide range of ways.

The book titled ‘Bollywood Uncensored: What You Don’t see on Screen and Why’\textsuperscript{73} by Derek Bose dwells into various aspects of the social discourse on issues like the government playing moral police, inconsistency in interpreting the censorship guidelines, liberties filmmakers take in extolling sex and violence, role of the public at large, politicization of the censorship process.

\textsuperscript{69} Gautam Kaul, \textit{Cinema and the Indian Freedom Struggle} (1\textsuperscript{st} edn, Sterling 1998).
\textsuperscript{70} Anjali Gera Roy and Chua Beng Huat (eds), \textit{Travels of Bollywood Cinema From Bombay to LA} (OUP 2012).
\textsuperscript{71} Anil Saari ,\textit{Hindi Cinema An insider’s View} (OUP 2009).
\textsuperscript{72} Aruna Vasudev ,\textit{Liberty and Licence in the Indian Cinema} ( Vikas Publishing House Pvt Ltd New Delhi).
\textsuperscript{73} Derek Bose ,\textit{Bollywood Uncensored:What You Don’t see on Screen and Why} (Rupa &Co. New Delhi 2005).
The book titled ‘Indian Cinema in the Time of Celluloid from the Bollywood to the Emergency’\textsuperscript{74} by Ashish Rajdhyaksha is a pioneering work which covers the issue of extra–legal censorship of cinema in India.

The book titled ‘Indian Cinema Today – an Analysis’\textsuperscript{75} by Kobita Sarkar essays the culture of the Indian cinema pointing out the dilemma of film censorship.

The book titled ‘Censorship and Silencing: Practices of Cultural Regulation’\textsuperscript{76} edited by Robert C.Post explores the topic of censorship from numerous viewpoints like anthropology, cultural theory, feminist studies and law.

\textbf{Articles}

An article title ‘Political Censorship and Indian Cinematographic Laws: A Functionalist-Liberal Analysis’\textsuperscript{77} by Arpan Banerjee is an excellent literature on film censorship regulation in India. Arpan Banerjee critically examines the laws and institutions governing censorship of Indian films, tracing their origins to laws and institutions established during the British colonial era. Banerjee argues that the existing censorship regime is at odds with independent India's constitutional commitment to freedom of expression as a fundamental right and should be liberalized, not only to limit state interference with artistic and expressive freedom, but also to facilitate the ability of Indian filmmakers to make films that will appeal to global audiences.

\textsuperscript{74} Ashish Rajdhyaksha, \textit{Indian Cinema in the Time of Celluloid from the Bollywood to the Emergency} (Indiana University Press 2008).
Subhradipta Sarkar in his article titled ‘Right to free speech in a censored democracy’\(^{78}\) discusses about how banning a motion picture is equivalent to banning the right of free speech and expression. He discusses the legal position of censorship in India and highlights its fallacy.

A paper titled ‘Globalisation and Representations of Women in Indian Cinema’\(^{79}\) by Sangeeta Datta deals with the presentation of women by Indian Cinema. This paper addresses the need for feminist engagement with global as well as local/situational ideological, economic and political processes, and the urgency of transnational, cross cultural feminist dialogue in building an ethical and egalitarian culture capable of withstanding the commoditized, exploitative practices of global capital.

Ratna Kapur in her article titled ‘Postcolonial Erotic Disruptions: Legal Narratives of Culture, Sex, and Nation in India’\(^{80}\) covers controversies over sexual speech and sexual subalterns reflecting the growing unease and discomfort over the "cultural transformations" taking place in India. She has looked at the multiple ways in which culture has been deployed in contemporary legal controversies about sex and sexuality in India.

An article titled ‘Streets of fire: Shiv sena and film censorship in contemporary India’\(^{81}\) talks about political censorship in India. The present article analyses the behavior of religious extremist groups that have leveraged India’s governmentally endorsed censorship regime to enforce their political and religious agenda. This has resulted into de-secularisation of India’s censorship practices.


The article has advocated for the termination of India’s censorship regime based on an economic rationale as a proposed solution to this problem.

**A.G.Noorani** in his essay titled ‘Censorship and the State’\(^ {82}\) in Frontline challenged the constitutionality of the entire system of film censorship in India. In his essay he has critically examined various provisions of our Cinematograph Act. He further writes that the said Act needs a complete overhaul. He questioned the politically motivated decisions of censor board.

Apart from this, the researcher has gone through the Cinematographic Act,1952, Draft Cinematograph Bill 2010, Mudgal Committee report, Shyam Benegal Committee report along with other newspaper reports.

With these issues in mind the research would attempt to fill in the gaps which exist in the existing literature and thereby, contribute to the existing literature which is the primary aim and objective of this research.

**1.9 RESEARCH GAP:**

The existing available literature in the Indian context basically revolves around the constitutional dimensions of film censorship along with couple of laws and rules relating to cinematograph but none of the available literature has done any justice as regards the fine tuning of constitutional philosophy and related legislations/body of rules with the global media values in the present/contemporary set up.

Therefore the research will primarily provide the updates of the existing literature under the respective chapter heads and also suggest the points of wisdom from the available comparative global literature/value system relating to films and censorship etc.

1.10 PLAN OF CHAPTERS:

The research paper shall be written in the form of chapters, starting with an introduction to the topic, conclusion and suggestions following the entire discussion. The thesis would be split into six chapters and these chapters have been divided into various headings for the purpose of clarity and convenience.

Chapter I - Introduction

Chapter II - Constitutional Dimensions of Film Censorship.

Chapter III - Censorship legislations

Chapter IV - Politics of Censorship.

Chapter V - Working of film censorship bodies.

Chapter VI - Conclusions and Suggestions