CHAPTER 4

POLITICS OF CENSORSHIP

4.1 INTRODUCTION:

In the legal world, the term censorship has been used in two senses—narrower and wide. Perhaps most dictionaries define censorship narrowly. For the Shorter Oxford English Dictionary, a Censor is “an official whose duty is to inspect books, journal, plays etc., before publication, to ensure, that they shall contain nothing immoral heretical, offensive or injurious to state”. According to narrower view, censorship means restriction of speech by the government. Scholars supporting narrower view confine censorship to state-imposed prior legal restraints on speech. Thus censorship means pre-censorship and the definition appears to exclude all post hoc bans. The narrower view has been taken by Eric Barendt and Kathleen Sullivan.

On the other hand, thinkers of wider view like Paul O’Higgins and Louis Blom-Cooper, believe that censorship can emanate from non-state actors and is not necessary limited to legal prohibitions. So according to wider view, there is a legal as well as extra-legal censorship. Legal censorship involves reference to questions of law. It is imposed through means strictly authorized by law. It comprises both pre-censorship and subsequent censorship. Extra-legal censorship refers to the suppression of information through means not strictly authorized by law.

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While discussing freedom of expression in an Indian context, narrower view is of no help because of the prevalence of extra-legal censorship in the country. To illustrate, despite acknowledging that India has ‘a legal framework that is largely favourable to freedom of speech,’ ‘Reporters without Borders’ ranked India 133 in its 2016 Press Freedom Index.\(^\text{242}\)

India has a long history of film makers fighting extra-legal censorship as a routine matter. Many a times, since independence, film makers have borne the brunt of extra-legal censorship when their films were banned, censored or challenged for not conforming to the religious, political or moral codes of their day. From state-sponsored censorship to pressure from religious extremists, or simply society’s belief in certain types of unacceptable behavior, the stifling of cinematic expression has gone on for as long as information has been shared between people.

The ideal of freedom of expression is strongly linked to human rights and democracy. Incidents of confrontation between film makers and censor board in the recent years have shown that human desire for intellectual freedom exists as passionately as governments’ desire to restrict it.

Following resignation of Leela Samson as the CBFC chief, the recent appointment of new censor board under the chairmanship of Pahlaj Nihlani by the current central government who had produced a musical video in support of Prime Minister Narendra Modi before the 2014 Lok Sabha elections has once again raised the eyebrows.\(^\text{243}\) Moreover, film and theatre personalities who were roped in were either members or had close association with the ruling party. Developments like these have highlighted once again the issue of political censorship of films.


4.2 POLITICS:

In the month of August 2014, CBI\textsuperscript{244} arrested CBFC\textsuperscript{245}’s then CEO, Rakesh Kumar, for purportedly accepting a bribe to clear a Chattisgarhi film under a provision for emergency certification.\textsuperscript{246} The arrest questioned the functioning of the CBFC. This was followed, in January 2015, by the resignation of then chairperson of the CBFC, Leela Samson in the midst of debate over clearance for Messenger of God featuring Dera Sacha Sauda chief Gurmeet Ram Rahim Singh.\textsuperscript{247} More than half of other board members quitted soon afterwards. The resignation was made amid complaints of interference, coercion and corruption. Actually the ban of the said movie was revoked by FCAT\textsuperscript{248}. Leela and 13 members protested that the government was treating the board in a high handed and cavalier way.\textsuperscript{249} Samson did face external pressure in the past also when the CBFC refused a government demand to trim scenes from PK, a movie depicting the emergence of self-styled gurus in the society. “There was total interference on every film, big and small”, said Samson after resigning.

Soon after resignation of Samson, the Bollywood director Pahlaj Nihalani, who was the mind behind the BJP campaign video ‘Har Har Modi Ghar Ghar Modi’,

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\textsuperscript{244} Central Bureau of Investigation (CBI) is the national investigation agency for investigation and collection of criminal intelligence information in India.
\textsuperscript{245} Central Board of Film Certification (CBFC) is a statutory body under the Ministry of Information and Broadcasting, Government of India regulating the public exhibition of films under the provisions of the Cinematograph Act 1952. Available online at http://cbfcindia.gov.in/ (last accessed 15 September 2016).
\textsuperscript{246} “Simply put: How does the Censor Board work; why is it controversial?”, Indian Express (7 December 2015), available online at http://indianexpress.com/article/explained/simply-put-how-does-the-censor-board-work-why-is-it-controversial/ (last accessed 15 March 2017).
\textsuperscript{247} Ibid.
\textsuperscript{248} The Film Certification Appellate Tribunal (FCAT) is a statutory body, constituted under Section 5D of the Cinematograph Act, 1952 (37 of 1952), under the Ministry of Information and Broadcasting, Government of India. The Tribunal hears the appeals filed under Section 5C of the Act under which any applicant for a Certificate in respect of a film who is aggrieved by an order of the Central Board of Film Certification (CBFC), can file an Appeal before the Tribunal. The Tribunal has its headquarters in New Delhi. Available online at http://mib.nic.in/fcat/(last accessed 15 September 2016).
\textsuperscript{249} Ibid.
\end{flushleft}
was designated in her place. Almost every new member which was subsequently appointed to the board was linked with BJP-RSS.\textsuperscript{250} The composition of the new board - especially the number of BJP sympathisers on it - does little to allay the accusations made by Samson and her co-workers. During a television interview, Nihalani said he was proud to be a “BJP person”, and called Modi his “action hero” and “the voice of the nation”.\textsuperscript{251} One of the newly appointed members of the CBFC even contested the 2014 general elections on a BJP ticket.\textsuperscript{252} Immediately after taking charge, Pahlaj Nihalani focused on cleaning up Indian cinema.\textsuperscript{253} He blamed the previous government for all the current problems of the Board. He came up with a list of words and actions that India’s film censorship board sought to enforce their ban in films. Although the list was kept on hold on account of media uproar, it again questioned the way CBFC works.

Although, Nihalani has been propagating his desire to restore the CBFC’s “battered image” but there’s a issue about CBFC and its chief Pahlaj Nihalani virtually every month.\textsuperscript{254} A few filmmakers have whined of arbitrary ‘suggested’ cuts or objections by CBFC. \textit{NH 10}, produced by Anushka Sharma, had certain words muted out despite it’s Adult certification.\textsuperscript{255} \textit{Titli}’s producer Dibakar Banerjee and director Kanu Behl had to mute nearly all cuss word from their film despite being certified Adult.

\textsuperscript{251} \textit{Ibid.}
\textsuperscript{252} \textit{Ibid.}
\textsuperscript{253} “Simply put: How does the Censor Board work; why is it controversial?”, \textit{Indian Express} (7 December 2015), available online at http://indianexpress.com/article/explained/simply-put-how-does-the-censor-board-work-why-is-it-controversial/ (last accessed 15 March 2017).
\textsuperscript{254} \textit{Ibid.}
\textsuperscript{255} \textit{Ibid.}
A kissing scene in the latest James Bond film, *Spectre*, has been abbreviated. Notwithstanding deliberate cuts and mutings of cuss words, the CBFC examining committee asked the makers of *Angry Indian Goddesses* to beep out reference to a man as a woman’s lunch, and obscure visuals of goddesses Lakshmi and Kali. Than recently there was lots of politics over depiction of drug abuse in Punjab in *Udta Punjab*.

4.3 BASIC ISSUES:

All these developments have aroused considerable concern. In terms of academics, the basic issues of film censorship are at stake in India. Surprisingly, the resignation episode specifically posits film censorship against the representation of delicate themes/matters in films.

However, the scope of film censorship/certification per se is not confined to intervention over moral and sexual issues in cinema. At global level, the Film censorship operates in three areas; obscenity, violence and politics. India is no special case in such manner. Yet intercession over representation of brutality in India appears to have been completed more by unwinding than by recognition. The blood smeared scenes of shocking savagery or realistic depiction of assault on silver screen for the sake of authenticity is declaration to this impact. It has not made as much contention as that over sexual representation. Current pattern is that heat and dust have picked up over political matters.

258 Someswar Bhowmik, *Cinema and Censorship -The politics of Control in India* (Orient Black Swan Delhi 2009).
The well-known view of the film censorship machinery is that of moral police only. Truth be told, post-freedom, the polemics on Indian film censorship have by and large spun around sensuality, sexuality, nudity and permissiveness.

In spite of the fact that in the fiftieth year, endeavors were made by the then chairperson of CBFC, Late Vijay Anand who wanted to give a new look to the Indian Cinematographic Act 1952. His aim was to bring in a new act that would be pertinent for the next fifty years or in other words, something, which would be free from the burden of the past. However that couldn't happen as he was unceremoniously removed in July 2002. Ongoing debates around film censorship particularly post Leela Samson’s resignation demonstrates that nothing has changed even today. We are as yet proceeding with the legacy of Victorian morality, pretention and social conservatism. The Indian film censorship administration mirrors an exceedingly risky engagement between the colonial past and the post-colonial present that goes much beyond this ‘victorian’ legacy.260

A better understanding of this issue requires a critical examination of these two adjacent but subjectively distinctive periods. They are characterized by their respective social, political and cultural parameters.

One needs to inspect how far is the present a takeoff from the past and to what degree is the past recorded in the present. In the context of film censorship in India, neither the past nor the present is an independent substance. They are not fundamentally unrelated either. They have forged a somewhat intriguing relationship. In this scenario, the arrangement of what(s), how(s) and why(s), or basically the stuff, has additionally finished a trip considerably more mind boggling than a straightforward conjunctive or disjunctive movement starting with one period then onto the next.261

260 Ibid.
261 Ibid.
Over the period of time, the film censorship administration in India has come under intense scrutiny, for one reason or another. But from time to time, it has been encircled within the domain of post-colonialism, which explains the simplified, and often partial, perception, which clarifies an intersection between continuity and change. The film censorship foundation in India is an astounding site of this wonder. While the methods of substance control, characteristic to the colonial film censorship administration, are especially with us even today, the operational components are experiencing ceaseless control in light of rising methods of location, making a façade of progress. To be sure changes have been organized a great deal more than foundations have been changed. It has offered ascend to a captivating reality.

On one level, film censorship in independent India goes a long way past an operational confinement on a medium with the assistance of regulatory instruments. Its agenda incorporates an attack on the aggregate mind of the Indian natives, who keep on responding decidedly and eagerly to the images woven by moving pictures anticipated on the screen. It additionally speaks to an attack on the social development of the post-colonial Indian culture of which silver screen has been an essential, yet underestimated, component. Lastly, it advanced into an attack on the political privileges of the residents of a democratic India, in any event the silver screen cherishing ones, on the guise of societal interest. Such a methodology was figured and put into practice with noteworthy energetic promptness and a lot of civility after the autonomy. In any case, it additionally included a complex political session of force relations.

After more than six decades of the Indian Cinematograph Act 1952, the exercise of power around film censorship has procured a more extensive range and many more enunciations than was the case before independence. If the sheer volume and weight of such articulation overwhelm us, their wide differences disguise the real import of film censorship in this country.
The state, the media, the citizenry and even the judiciary go on highlighting its ‘ethical’ parameters. Media debates over exhibition of movies like Fire, Kama Sutra, Nishabd, Cheeni Kam, Delhi Belly, Arakshan, Khap, Oh My God, Vishwaroopam, Haider, PK, Messenger of God, Dharam Sankat Mein, Aligarh and Udta Punjab in India have centralised around morality, bypassing substantial questions of new social realities emerging in the wake of globalisation.

However in spite of the lopsided accentuation on moral ramifications of film censorship in this nation, political proclamations keep on impacting film control. Just these have turned out to be a great deal more unpretentious, complex, and in spite of prominent observation, widespread and powerful.

In the past, the State has promoted violent movies like Border and Gadar-Ek Prem Katha instigating audiences enough to yell against Pakistan. But the producer of the documentary Jung Aur Aman had to look for judicial mediation against CBFC for questioning homemade jingoism. The state permitted Sathya on one go, which depicted aimless violence whereas documentaries like The Final Solution and Amu were initially declined certificate for portraying real violence during riots.

In 1970s, two films Aandhi and Kissa Kursi Kaa were seen to have delineated the biography of the then-Prime Minister Indira Gandhi, for which one was denied a censor certificate and the other was withdrawn from the cinema halls. ‘Aandhi’ was re-released a few weeks later when Indira Gandhi herself cleared it after consulting some critics. On other hand, ‘Kissa Kursi Kaa’ ended up being the most disputable film ever constructed in the history of Indian cinema. The film was accused of criticising the functioning of the Government under Indira Gandhi. The film reel was burnt by the then ruling party minister and the film had to be re-shot. In fact, national film industry had truly a troublesome time amid Emergency plotted by Gandhi.
The industry was put under intense pressure to aid the Government’s propaganda campaigns. Film makers and artists who refused to cooperate were blacklisted, and films were denied exhibition certificates by the Censor Board.262

Things didn’t change much after emergency too. The post emergency Janata Regime (1977–1979), which always stood for fundamental rights and civil liberties, battered two documentaries on political prisoners: *Prisoners of conscience* and *Mukti chai.*263

Then in 2008, the Mumbai unit of the Bahujan Samaj Party (BSP) sent a note to the Indian Motion Pictures Producers Association and the Indian Film Directors Association requesting them to intimate the party before they come up with any film on either BSP founder Kanshi Ram or BSP present head Mayawati.264 On the off chance that such a claim is made and no consent in reality is concurred, resistance would be defended. Recent confrontation among political parties over the release of *Udta Punjab* added another feather to the same.

Today the grim reality is that we cannot separate film censorship's ethical motivation from its political agenda. Right from the selection of members of panels involved in the film censorship, framing and execution of censorship guidelines, everything is politically motivated.

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263 Someswar Bhowmik, *Cinema and Censorship - The politics of Control in India* (Orient Black Swan Delhi 2009).
4.4 HISTORY OF SOCIAL AND POLITICAL PROTEST RELATING TO FILM CENSORSHIP:

4.4.1 Era of Emergency:

Period of emergency interrupted an otherwise continuous pursuit of democratic freedoms since independence in 1947. It illustrated graphically the total vulnerability of the cinema to pressures from the central government and the distortions that can take place when decisions are based on individual personal or narrow political considerations. 265

The situation was such that, the whole attention of the government around emergency was on the political phenomenon. The first film that went through difficulty during this period was Aandhi (1974), a political drama starring Sanjeev Kumar and Suchitra Sen, directed by Gulzar. The film was initially given ‘U’ certificate by the CBFC. As the character of its female protagonist was inspired by Indira Gandhi, the government suspended the film’s certificate for exhibition under Section 6 of the Cinematograph Act. The film was banned. The director was ordered to reshoot the heroine’s drinking and smoking scenes and emphasise that the film had no biographical elements. The filmmaker solved the problem by inserting a scene of the heroine standing in front of the photograph of Indira Gandhi and calling Indira her ideal. 266

Next year it was Andolan (1975). It was given a ‘U’ certificate on 27 May 1975. The CBFC also classified it as predominantly educational (PE) because it depicted the Quit India Movement of 1942.

However before the film was released Emergency was proclaimed and the government recalled it, using its discretionary powers. Then after prolonged deliberations, the producer was asked to carry out several drastic cuts. All these related to revolutionary and political activities of the Quit India Movement. But the government construed that these scenes would incite commission of offence leading to disturbance of public order.267

At least *Aandolan* was initially passed by the CBFC, the film *Telugunadu*(1975) was not so lucky. Its storyline also had a political movement as the backdrop. However this reference was to a more recent happening, the violent agitation for the partition of Andhra Pradesh from 1969 through 1972. The CBFC refused to grant a certificate to the film on grounds that it may cause social unrest, promoting disorder, violence, a breach of law and resistance to government. Though the director himself was a Congress MP, who had lost an eye in the violent agitation during the movement depicted in the film. So now he was ostensibly arguing against violence and trying to make a plea for unity. However both his clout as a leader of the ruling party and his persuasive skill invoking political idealism failed to make any impression on the authorities. Even his offer to change the name of the film and undertake modification as per government advice did not workout. The Ministry of Information and Broadcasting thought that the film contravened public order, decency and morality and was likely to incite the commission of an offence. After struggling for seventeen months to release the film, the producer B Narayanmurthy was forced to seek judicial intervention.268

But the most politicized movie was *Kissa Kursi Ka* (1975), a political satire on former PM Indira Gandhi and the Emergency. The film depicted the desperate and corrupt practices adopted by politicians in order to siege power by all means.

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268 Ibid.
There was no unanimity among the members of the Examining Committee. While three members recommended grant of a ‘U’ certificate subject to drastic cuts, another member and the regional officer were for the banning of the film. Their reasoning was that the film was derogatory to democratic system of government and likely to impact adversely on the law and order situation. The case was referred to the revising committee, which decided by the majority of six to one that it be granted a ‘U’ certificate subject to extensive cuts. The CBFC did not agree with this majority view and referred it to the government under Section 25(1) of the Cinematograph Censorship Rules, 1958 for necessary action.

The film maker filed a writ petition in the Supreme Court, praying for a writ of mandamus, directing the government to issue a ‘U’ certificate to his film. But before any judicial order was passed, Emergency was proclaimed. And such was its impact that the new minister for Information and Broadcasting ordered that all the print of the film be taken possession of and kept in careful custody irrespective of the course of the court’s proceedings. This was done, inspite of the matter being still subjudice. Within a week, the grant of certificate was refused. The government declared the film undesirable and therefore forfeited, under the Defence and Security of India rules. The film maker was forced to part with the print, negative, even stills and publicity material relating to the film. The court however directed the government to preserve the material in proper condition until the disposal of the writ petition.\textsuperscript{269}

In fact, the government propensity for secrecy reached an extreme level during the Emergency. Several guidelines regarding the depiction of violence and vulgarity on screen were issued in 1975, followed by more comprehensive ones towards the end of 1976. All this led to considerable confusion within the film industry.

\textsuperscript{269} \textit{Ibid.}
The producers had to frequently ask the censor officials in Mumbai, and even travel to Delhi for guidance or clearance from the ministry. Producers were unnecessarily harassed by the censor officials. Films like *Dus Numbri, Nehley pe Dehla, Kalicharan* etc. which had already been censored, passed and released, were recalled for review by the government in the name of redressing public grievance related to excessive violence shown in the films.\textsuperscript{270}

### 4.4.2 Decade of 90s:

In the decade of 90s Hindi cinema was firmly embedded in the quarrelsome sphere of politics. India’s CBFC, historically considered an essential regulatory mechanism of Hindi Cinema and custodian of public morality by both the citizenry and the state, got itself caught in the grasp of moral protest politics. The said decade was marked by a gradual alignment of the right –wing nationalist agenda with the historically existing regulatory concerns of the state over the deleterious ‘effects’ of cinema on vulnerable audiences resulting in an unprecedented ‘censor-wave’.

This decade represented the censorship of a sensitive issue for the Indian state-sex and religion in prevailing climate of reactionary right wing politics, anxieties over cultural invasion by globalizing forces and unstable coalition governments.

The first major movie to be politicized amid this period was Subash Ghai’s *Khalnayak* (1993), which demonstrated how female sexuality was viewed as a danger to customary Indian culture and Indian womanhood by the patriarchal collusion of the state, Hindu nationalist discourse and the viewers, resulting moral panics and the demand for stringent obscenity regulations.

\textsuperscript{270} Ibid.
The main question that erupted during 90s was who was the public cultural regulatory authority?

Rough and ready activist associations, many of them with more or less formal links to established political parties brought media censorship out of the domain of preview theatres and examining committees into the streets. At times it looked like a struggle between the agencies of the state, such as the CBFC and extra constitutional claimant to the censor’s job. At other times, the line between legal and illegal action grew altogether murky. Especially between 1995 and 1999, when Bal Thakeray’s violently nativist Shiv Sena and the Hindu Nationalist Bharatiya Janta Party (BJP) jointly ruled the state government of Maharashtra, the line between the gravitas of the state and the often violent performativity of street politics grew blurry.  

The chilling effect of the Shiv Sena’s “informal” or “extra constitutional” censorship was such that producers and actors shied away from screenplays that were even mildly critical of the Sena. Cultural politics was at peak.

The BJP was not able to form a national government until the spring of 1998, by which time their alliance with the Shiv Sena was growing strained. But although the Shiva Sena itself lost control of the Maharashtra state legislature in 1999, its informal regulatory authority remained strong. This put the CBFC in an ambiguous position. Even former CBFC chair Vijay Anand acknowledged, quite pragmatically, that it made sense for film producer to seek Bal Thakeray’s blessing for a major release, simply to avoid trouble. Phone call of Thakeray was good than dragging the matter in the court for decades.

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The said uncertainty continued during the second half of the 90s. Movies started going through regulatory gauntlets of unprecedented complexity. By this time, the formally constituted authority of the state as arbiter of public communication was being called into question.\textsuperscript{274}

Politics with cinema during this period continued in Mani Ratnam’s \textit{Bombay} (1995), which explored a highly sensitive issue – relations between Hindus and Muslims.\textsuperscript{275} It was a Hindu-Muslim love story set against the backdrop of Babri mosque demolition in December 1992 and the violence that followed in \textit{Bombay} in 1992-93. For a whole host of reasons, the film was ripe for controversies: its sensitive subject matter and its ambiguous realism.

Since director Mani Ratnam was based in Chennai, \textit{Bombay} was originally submitted to the CBFC’s regional branch office there in late 1994. But due to sensitive storyline, trouble was smelled and the film was passed on to CBFC headquarters in Mumbai.\textsuperscript{276}

CBFC could not act on its own in certification of \textit{Bombay}. Police officers were called in as expert consultants at the Mumbai office on questions of public order. Not only police officers, private screenings were held to secure the approval of all manners of players that included Home Ministry officials, the then State Chief Minister, Sharad Pawar and most controversial Bal Thackeray. This was not all. Once word got out that Bal Thackeray had been consulted, Muslim groups also demanded a say.

\textsuperscript{274}Ibid.

\textsuperscript{275}K. Moti Gokulsing and Wimal Dissanayake, \textit{Indian Popular Cinema: A narrative of cultural change} (Orient Longman).

\textsuperscript{276}William Mazzarella, \textit{Censorium Cinema and the Open Edge of Mass Publicity} (Orient Blackswan 2013).
Muslim leaders were particularly incensed that Thackeray had apparently been allowed to demand his own cuts to *Bombay* after the CBFC had cleared it.\(^\text{277}\)

The authorities’ willingness to comply with Thackeray’s demands was an affront on both ‘communal’ and ‘secular’ grounds as it clearly meant that state was capitulating to Hindu extremist opinion, and it represented a violation of the CBFC’s legal sovereignty. By this time Shiv Sena had formed a state government with the BJP and appointed Manohar Joshi as chief Minister. A special screening was eventually arranged for Muslim leaders. Amid bomb scares and death threats, vitriolic communal discourse, and exceptionally heavy security, *Bombay* was finally released.\(^\text{278}\)

Then came Deepa Mehta’s *Fire*(1998) which depicted the intimacy that emerges between two sisters-in-law in a middle - class Delhi household, an intimacy that was interpreted as ‘lesbian’. The supposed foreignness of lesbianism was a central plank in the Hindu right’s attack on the film, with the Shiv Sena taking the lead. Unlike *Bombay*, *Fire* did not thematize Hindu-muslim relations. But this time right-wing activists positioned woman-to-woman sex as a foreign perversion. The names of *Fire*’s two main characters, Radha and Sita were within Hindu mythology over determined signifiers of wifely devotion, whether devotion of Radha to Krishna or the more solemn and self-sacrificing devotion of Sita to the God-king Ram. Thackeray seized on this apparently shameless affront to Hindu dignity by demanding that the protagonists be given new, markedly Muslim, names Shabana and Saira.\(^\text{279}\)

Originally passed in May 1998, the film, having already been widely screened abroad, opened in India on November 13. On December 2, the ‘Mahila Aghadi’, the Shiv Sena women’s wing having consulted with the Sena’s Minister of

\(^{277}\) Ibid.  
\(^{278}\) Ibid.  
\(^{279}\) Ibid.
Cultural Affairs Pramod Navalkar, initiated a series of violent attacks on theatres exhibiting the same.\textsuperscript{280}

Two successive ministers of information and broadcasting - Mukhtar Abbas Naqvi and Pramod Mahajan, both leading lights of the BJP suspended the screening of \textit{Fire} and sent it back to the CBFC for re-examination.\textsuperscript{281}

\textit{Fire} was cleared for a second time in February 1999, without cuts, although in Mumbai the names of the two female protagonists were dropped altogether. Due to these instances, the reception room at \textit{Matoshree}, Bal Thakeray’s residence in Bandra East, rather than the CBFC’ office in Walkeshwar, became the darbar at which directors and producers had to pay tribute.\textsuperscript{282}

Aggressive responses to cinema became a routine occurrence. Cinema paid the price when government gave in to fringe elements. Extra constitutional interference became way of life wherein violence was seen as the most legitimate way to address moral issues.

\textbf{4.4.3 2000 Onwards:}

Around 2000, the then censor board unleashed a repressive regime of indiscriminate excision and expurgation of films that included documentary cinema. The treatment meted out to Anand Patwardhan’s \textit{War and Peace} (2002) illustrated extreme politicization of the censorship process. War and Peace was a documentary film which explored the rise of Indian jingoism, militarism and the globalization of the arms trade.

\textsuperscript{280} Ibid.
\textsuperscript{281} Ibid.
\textsuperscript{282} Ibid.
Beginning with the assassination of Mahatma Gandhi the film covered the rise of fundamentalism and spread of nationalist propaganda in India.\footnote{Nandana Bose, \textit{The Hindu right and the politics of censorship: three case studies of policing Hindi Cinema, 1992-2002} (University of Texas Press, Velvet Light TrapSpring, 2009).}

Theatre screening the lesbian action drama \textit{Girlfriend} (2004) directed by Karan Razdan were attacked by the Shiv Sena’s student wing which had serious criticisms around the way the film portrayed homosexuality.\footnote{William Mazzarella, \textit{Censorium Cinema and the Open Edge of Mass Publicity} (Orient Blackswan 2013).}

Than it was turn of \textit{Final Solution}, a 2004 documentary film directed by Rakesh Sharma concerning the 2002 Gujrat riots in which both Hindus and Muslims were targeted by political extremists. The documentary consists mostly of interviews, with both communities with different views regarding the causes, justifications and the actual events of the violence that occurred, as well their prospects for the future. The said movie was initially banned in India by the Censor Board for alleged fears that massive communalism and radicalism would be ignited by the film. The ban was lifted after a sustained campaign that included online petition, hundreds of protest screenings multi city signature campaigns and dozens of letters to the government.

Considerably, the political discourse underlying film censorship eventually in the end rose above the routine system of observing and control even. We have perceived how the shooting of Deepa Mehta’s \textit{Water} (2005) was prematurely ended through a realpolitik for purportedly attempting to depict Indian women in a "disdainful" way. Water portrayed the treatment of indigent Hindu widows critically. Mehta was forced to shut down production of ‘water’ in Varanasi, one of India’s holy cities on the banks of the Ganges after Hindu nationalists protested that the film was anti-Hindu.
In the same year there was uproar over the Sunny Deol starrer *Jo Bole So Nihaal* (2005) on grounds of religious sentiments. Shiromani Gurdwara Prandhak Committee (SGPC) dubbed the film as an insult to the Sikh slogan and sensibilities. SGPC’s objections were with the title, a Sikh slogan uttered in prayer and in the battle which means ‘he who takes the Lord’s name will be blessed’. SGPC along with other radical Sikh bodies also objected the portrayal of the Sikh image by the main Actor who played a role of Punjab Police Constable flirting with guns, girls and crimes.

Although producer who apparently anticipated trouble had tried to take precautions by setting a panel under Akal Takht Jathedar Giani Joginder Singh Vedanti comprising little known Sikh leaders, to examine the complaint he had received against the film. The panel flew to Mumbai, previewed the movie and submitted a report, saying there was nothing that could hurt the Sikh sentiments. The Akal Takht stamped report was made public a day before the Punjab and Haryana High Court was to take up a petition against the film and it was used by the film producer as clearance by the Akal Takht considered to be the highest temporal seat of the Sikh faith. But far from clearing the air, the report acted as a red rag for the radicals who denounced the Jathedar for giving a clean chit to the film.

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286 Ibid.
287 Ibid.
288 Akal Takht is the primary seat of Sikh religious authority and central altar for Sikh political assembly. It provides guidance or clarification on any point of Sikh doctrine or practice referred to it. Available online at http://www.sikh-history.com/sikhhist/events/akaltakht.html(last accessed 10 march 2017).
290 Ibid.
Another panel was set up to examine the film even though 10 member review committee of the CBFC had given its go-ahead to screening the movie after a preview ordered by the High Court. Second panel declared the entire movie ‘polluted’ and used the row to lay down an SGPC mandated code for the film and serial makers on casting Sikh characters and practices. Taking the title and theme of the movie as blasphemous, the panel asked the film’s director and producer to change the title and delete the objectionable scenes or withdraw the movie throughout the country. All this happened with Jo Bole So Nihaal despite being cleared for screening by the Censor Board.

There was another religious protest against screening of a movie when Roman Catholic organisations demanded a ban on the Vinod Pande film Sins (2005) for depicting a priest having a sexual relationship with a young girl. Though it was based on a Kerala priest who was sentenced to death on sexual harassment and murder charges in 1988, but it was not well received by the Catholics.

In 2006, there was lots of politics over screening of Aamir Khan starrer Fanna, on account of Aamir Khan’s comment on Narmada Bachao Andolan wherein he publicized his support for the rehabilitation of people displaced by the Narmada dam project in the state of Gujarat. The political parties took great offence at this and as a result, screening of ‘Fanaa’ was unofficially banned in Gujarat. The posters and Aamir Khan’s effigies were burnt.

In 2007 Uttar Pradesh Chief Minister led the charges against the use of the allegedly derogatory term ‘Mochi’ in Madhuri Dixit starrer Aja Nach Le, claiming that it demeaned the lower caste and hurt the feelings of Dalits. Film was banned in Uttar Pradesh and Punjab.

291 Ibid.
292 Ibid.
Showing the hero in a turban once again made a news when there was politics over Akshay Kumar’s *Singh is King* (2008). For releasing his film, Akshay had to appease Sikh organizations which objected to the length of his beard and the way his turban was tied.

Saloons and Beauty Parlour Association were up in arms about the use of the word ‘Barber’ in the title of *Billu Barber* (2009) claiming it to be derogatory.²⁹⁴

### 4.4.4 Post 2010:

The first major film during this period, the release of which was politicized, was Sharukh Khan’s *My Name is Khan* (2010). Approximately two weeks prior to the film release, the film plunged into controversy after Sharukh Khan commented about no participation of Pakistan’s Cricket players in Indian Premier League²⁹⁵ (IPL). Raising slogans against the release of the film, Shiv Sena immediately called on Sharukh Khan to apologise for the same, threatening ban if he did not comply.²⁹⁶

Then came, Prakash Jha’s *Aarakshan* (2011), a movie which was based on caste-based reservation in the Indian education system. It faced flak from certain groups who claimed that the movie was anti-reservation. The National commission for Scheduled Castes dubbed the movie as anti-dalit and days before the release of the film, demonstrators in Chennai, Mumbai, Bangalore and Mysore burnt film posters, vandalized cinema and chanted slogans against the director. The film was banned before its release in Uttar Pradesh and Andhra Pradesh because local governments feared it would spark communal violence.

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²⁹⁵ The Indian Premier League (IPL) is a professional league for Twenty20 cricket competition in India. Available online at http://www.firstpost.com/topic/event/india-premier-league-profile-91650.html (last accessed on 8 January 2017).
In spite of censor certificate, different groups tried to prevent its release. The director had to appeal to India’s Supreme Court to overturn the state bans. Protest against the movie was criticized by stalwarts like Shabana Azmi and Mahesh Bhatt.

After controversy over reservation, next year it was turn of blasphemy. Protest rose against anti-ritualistic attack on religion in Umesh Shukla’s *Oh My God* (2012). This film raised questions on the commercialisation of religion in our country. Posters were burnt and theatres were vandalized. Although the movie was screened for Shankracharya before its release. Several organizations led by Shiv Sena and Bajrang Dal stopped it from being screened in major cities in Punjab after release. Case was file against film producer, director writer and actors for hurting religious sentiments. Due to fear several cinema halls owners chose not to screen the film.

"I came to know about the attack on Hindu beliefs in two recent movies - 'Oh my God' and 'Student of the Year(2012)'. In the latter, there are references to Radha not knowing how to dance and being invited to the dance floor to learn dancing. Why is it that the attack in films is only on Hindu beliefs and on names like Sita, Radha and Kaushalya", said SushmaSawraj, the then Leader of Opposition in LokSaba.297

Speaking at a cow protection programme, Swaraj said, some names are revered by Hindus and are shown in a bad light in Bollywood movies.

She talked about taking the said issue in the Parliament asking like-minded people from various parties to join hands. She maintained that other religions are not touched by the filmmakers for fear of reprisal but this is not the case with Hinduism\textsuperscript{298}.

Next, it was Kamal Haasan’s \textit{Vishwaroopam}(2013) which made news for several critically viewed controversies. First issue was the title of the movie, where it was demanded a change from its current Sanskrit title to purely Tamil one. Despite of its clearance from censor, district collectors in the state of Tamil Nadu gave orders to the theatre owners not screen the film, in the wake of demands from Muslim groups to ban the movie. Muslim groups made such demand on account of some scenes that they said would hurt Muslim sentiments. The ban in Tamil Nadu triggered the stop of screenings in neighbouring Indian states as well as few foreign markets. Outraged by these controversies, Kamal Haasan said that if situation would be the same, it would force him to leave the state of Tamil Nadu and India.

In the state of Tamil Nadu, there was politics over release of \textit{Madras Cafe} (2013), wherein, the MDMK\textsuperscript{299} leader Vaiko and Seeman, Founder of Naam Thamizhar-Katchi (We Tamils Party) sought a ban on the same alleging that it portrayed the outlawed LTTE\textsuperscript{300} in a bad light.

Then, there was controversy over Rajkumar Hirani’s movie \textit{PK} (2014). The Vishwa Hindu Parishad (VHP) demanded for its ban. Its members, along with followers from the Bajrang Dal took to tearing up the film’s posters and halting screenings.

\textsuperscript{298} \textit{Ibid.}
\textsuperscript{299} Marumalarchi Dravida Munnetra Kazhagam.
\textsuperscript{300} The Liberation Tigers of Tamil Eelam (LTTE) was one of the many groups that came into existence in Sri Lanka to fight for Tamil rights. See “The history of the Tamil Tigers”, \textit{Aljazeera} (28 April 2009), available online at http://www.aljazeera.com/focus/2008/11/2008112019115851343.html(last accessed 15 March 2017).
According to VHP spokesman Vinod Bansal, “PK made fun of Hinduism”. Members of the All India Muslim Personal Law Board too demanded that the Censor Board remove some scenes in the interest of maintaining “communal harmony”.

The other charge against PK was that it promoted ‘love jihad’\(^{301}\), with a romantic track that revolves around a Pakistani man named Sarfaraz and a Hindu woman with the goddess-like name of Jagat Janani, the “creator of the world.”

However, the Supreme Court's order rescued the film caught in a swirl of legal controversy after its poster showed Amir Khan standing in the buff on a rail track with a transistor covering his private parts. Indian society is mature enough to distinguish between art and obscenity, the Supreme Court said while dismissing a petition seeking a ban on the release of PK for promoting nudity. Chief Justice of India R.M. Lodha, heading a Bench of Justices Kurian Joseph and Rohinton Nariman, said tolerance to works of art and fiction is the hallmark of a tolerant society\(^{302}\).

“This is fiction, a matter of art. Don't try to bring religious facets into works of fiction and art. You must have tolerance”, the Chief Justice told Nafis A. Siddiqui, counsel for All India Human Rights and Social Justice Front, the organisation which sought the ban in its petition.\(^{303}\)

\(^{301}\) Often used to denote practice under which young Muslims seduce non-Muslim girls with the aim of converting them to Islam. See “Muzaffarnagar: 'Love jihad', beef bogey sparked riot flames”, *Hindustan Times* (12 September 2013), available online at http://www.hindustantimes.com/india/muzaffarnagar-love-jihad-beef-bogey-sparked-riot-flames/story-C4zF5w9K1FoS5Sffu0DU2L.html (last accessed 10 March 2017).


\(^{303}\) *Ibid.*
During the hearing, the Bench queried whether the Censor Board had approved the film. On receiving confirmation of this, the court then challenged the counsel to show which constitutional right would be violated by the release of the film.

“If we interfere, we will be taking away somebody's right to watch a movie. This is entertainment. Don’t be sensitive to these things”, Chief Justice Lodha spoke for the Bench. When Siddiqui said such movies are an affront to the “Indian society”, the Bench brushed it aside, saying “the Indian society is mature. They know the difference between entertainment and something else”.304

After PK, it was Baba Ram Rahim starrer Messenger of God (2015), that was highly politicized. Upset by the support given by Baba Ram Rahim to BJP in the assembly elections of Haryana, some political parties protested against the release of the movie.305

Akshay Kumar again had to please the Sikh Community who decided to call him out for Singh is Bling (2015). On the basis of just the trailer and songs, Sikh organizations raided objections against the said movie. In order to pacify the protestors, Akshay Kumar called leaders and prominent members of the various Sikh organizations from Punjab to Delhi to Mumbai for as private screening of the film. Akshay wisely decided to take the organizations into confidence in order to avoid further contention.306

In the end of 2015, there was politics over Rohit Shetty’s Dilwale (2015) and Sanjay Leela Bhansali’s Baji Rao Mastani (2015).

304 Ibid.
Angered by Sharukh Khan’s statement on intolerance in the country several BJP and Bajrang Dal protestors staged protest across some parts of the country against film ‘Dilwale’. Screening of the same was stopped in several cities. Posters of Sharukh Khan were burned down. At one of the theatres in Bihar, the activists burnt an effigy of Sharukh Khan.  

Members of the Hindu Janajagruti Samiti protested against twisting of historical facts in Bajirao Mastani. Leader of the Samiti said that some songs in the film had shown the history of Peshwa ruler Bajirao and Mastani in a distorted light. Lodging a complaint against the film with the CBFC and the Union Ministry of Culture, the Samiti demanded that the film be banned if Bhansali, the director, did not remove the historically twisted portions from it. Some political parties too joined the protest. Several shows were cancelled.

The year 2016 started with controversies around adult comedies. Members of some Hindu organisations entered into a scuffle with security men during their protest against the Bollywood flick ‘Mastizaade’ in Ludhiana. The police pacified the protestors and the show of the movie - which stars adult entertainer-turned-Bollywood actor Sunny Leone, was cancelled.

The Hindu organisations also demanded a criminal case against the producer, director and actors of the movie for hurting sentiments.


Some organisations protested against the movie claiming it to be indecent and vulgar. They raised slogans, saying that it was derogatory of the censor board to pass such a film.  

In 2016 it was turn of film *Santa Banta Pvt ltd*. The Punjabi Cultural Heritage Board and members of the Sikh community demanded the film not be released for its “indecent, immoral portrayal of the community”. They alleged that it can hurt the feelings of the community at large and can also be a potential danger to public order. Protest was held outside the Vile Parle office of the film’s producer, Viacom 18. Protestors said, it was evident from the film’s posters and trailers that it was based on the Sikh community, and that it mocks their ideals and projects them as immoral. Decision was taken by the Punjab government to ban the movie for allegedly portraying the Sikh community in a denigrating and defamatory manner. A decision to this effect was taken after a delegation of the Delhi Sikh Gurudwara Managing Committee (DSGMC) led by its President Manjit Singh GK met Deputy Chief Minister Sukhbir Singh Badal. The movie was dropped from various cinema halls in Delhi after strong protests. The Delhi Sikh Gurudwara Management Committee and Delhi Unit of Shiromani Akali Dal (Badal) held massive demonstrations against the movie in various places in Delhi claiming that the film pokes fun at the Sikh community. Most Delhi cinemas decided not to screen the film, fearing protestors. Strange thing here was that there were protest before the release of this film, without having any clue what was going to be shown in the film.

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4.5 CONCLUSION:

The above mentioned incidents mirror the dictatorial and discretionary nature of the authorities, vested interests of political parties and their endeavors to unnecessary curtail the freedom of expression through films which they cannot digest. To exercise their constitutional right to expression, the filmmakers have to depend either upon the fantasies of anti-democratic forces or to fight delayed legal battles with lots of unpredictability. Accordingly, it can be pertinently concluded that if democracy has to advance, the screening of films should never be denied for reasons based on mere speculation because such banning amounts to banning the Constitutional right of freedom of speech and expression. It is high time that we wake up to the different manifestations of political manipulation of film censorship in India. The political parties must understand that public in India today is mature enough to handle truth and fiction, understanding the difference between the two. Cinema 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.