Introduction

The New Encyclopedia of Britannica defines censorship as the suppression or prohibition of speech or writing that is condemned as subversive of the common good. Collier’s Encyclopedia defines censorship as any system for examining important items of information, opinion, dramatic representation, pictures and works of art, and similar matters touching upon public opinion or taste – but especially supervision by a political authority over questions of political belief and social morality. However, the contemporary usage offers no commonly agreed upon definition of the term.

The term ‘censorship’ comes from the Latin ‘censere’ meaning to give one’s opinion, or to assess. In ancient Rome the censors, two Roman magistrates, conducted the census and regulated the manners and morals of the citizens.1

Censorship’s may be applied to both written and oral communications. Its span encompasses books, magazines, newspapers, radio, TV, movies, dramas, paintings, plays, speeches, dance, music, art,
literature, photographs, mails, emails, websites etc. deemed to be offensive, indecent, obscene and sexually explicit.

**Methods**

There are many methods of censorship. Some are obvious, some are subtle, and some are violent. Censorship methodologies include suppression, prohibition, formal book banning, pressure not to acquire works, proscription, removal, labelizing, suspension of publication, and restriction of access to electronic materials. The use of legislation, law suits, licensing, registration requirements, filtering software, or codes of behaviour may all constitute methods of censorship.

Other methods of censorship, specially in western countries, include citizens removing materials from libraries, churches condemning publications, authors voluntarily rewriting their works, and governments requiring a formal license to print in advance of publication. Physical abuse, police interrogation, book burning, and bans on travel are more often employed as methods of censorship in other parts of the world.

**Types of Censorship**

Broadly speaking censorship has mainly been practiced in two forms –preventive and punitive according to whether it is exercised
before or after the expression has been made public. As it has been exercised by different authorities or institution, hence the terms religious censorship, state censorship and private censorship.

**Preventive Censorship**

It is the suppression of ideas, opinions, views, news, informations, artistic expression etc. by government officials, religious authorities, private pressure groups and corporations in advance or before the material has been made public. Its scope expands to books, magazines, newspapers, movies, stage plays, and radio programmes. It demands materials to be submitted before the authorities for scrutiny and thorough check before they are allowed to be made public. The authorities have full right to approve or disapprove materials as according to their nature and public interest. It is imposed only by law if government believes that the idea or information which is to be publicly expressed or circulated is posing threat to public interest. Though the practice has long been rejected in many countries, but they still exist in others. In Jordan, for example, all books and imported publications must be submitted to the Press and Publications Department of the Ministry of Information for approval before being circulated within Jordan. In many countries, film and videos must be submitted to government body
for classification before being released commercially. In India, for instance, films and videos must be submitted before the Central Board of Film Certificate for classification and approval. In the UK, film and videos must be submitted to the British Board of Film Classification.

A more subtle form of preventive censorship is the court-ordered injunction preventing the publication of material that is alleged to be defamatory or to be an invasion of privacy.\(^7\)

**Punitive Censorship**

The growing resistance against pre-censorship resulted in its abolition. In western democracies relatively few restraints are imposed, particularly, by means of preventive censorship. The same is true in India.\(^8\) As in democracy, the constitution prevents prior censorship, the state must look for other means of control. And obvious alternative is the threat of punitive or post censorship. Post censorship, often resulting in seizure or banning, occurs after the work has been made public.

**Religious Censorship**

Religious censorship has existed for long time. After the fall of the Roman Empire in the fifth century B.C., the Roman Church exercised censorship for nearly the next one thousand years in the western world. By religious censorship, any material which seems
objectionable is removed. Most often than not dominant religion or the religion followed by the majority forces limitations on the less dominant religion or the religion followed by the minority. Obviously, one religion may shun the works of another because they believe that the content is not appropriate for their faith. Religious censors, in the Middle Ages, protected churches from both verbal and written attacks. During Middle Ages, church and state were protected by religious and political censors from written and verbal attack. People were branded heretics for their ideas or opinions which went against the Church doctrine. The Church frequently suppressed the views with which it did not agree. The Church would silence heretics through torture, exile or even death.\textsuperscript{9}

Ecclesiastics have been exercising a very high degree of watchfulness over heretical books from the days of primitive church. Ecclesiastical authorities always examined carefully new writings for error, and took measures to make sure that Christianity should not be corrupted by heretical or reckless books. Pope Gelasius, in 494, issued what was probably the first regular list of prohibited books; and many others followed. The fate of writings of the great Schoolmen, Pierre Abelard is conspicuous among the many celebrated actions of the medieval Church in the matter of censorship. Abelard was forced by a
Censorship: A Case Study

provincial synod to burn his Introduction to Theology in 1120. In 1140, Innocent II ordered to bum all his works. And in 1559 and 1564, all of Abelad’s books were put on the Catholic index.

The invention of printing, late in the fifteenth century, caused the Roman Catholic Church to increase greatly its censorial inspection of books; the Lateran Council of 1515 pronounced that no book should be printed without previous examination by ecclesiastical authority.¹⁰

A new version of prior censorship commenced during the Middle Ages; authors submitted their manuscripts to their superiors, as a matter of courtesy and as a prophylactic against subsequent censure. But the ecclesiastic authorities, with the advent of printing and with steady cultural growth, insisted upon organized censorship. The famous ban against the printing of books was issued by Pope Alexander VI in 1501. That was mainly designed to protect the vast domain of the Church of Rome against heresy. And so much so that Scottish Estate took more drastic measures in 1551. And by 1586, all books printed in England had to be read and approved by the Archbishop of Canterbury or the Bishop of London prior to publication. And it was not only written word that felt censor’s sting, it was extended to drama and plays.¹¹

However, the orthodoxy led to unprecedented recourse to creeds.
Censorship: A Case Study

The Nicene creed was promulgated in 325 AD. Its main aim was to fend off heretical threat to Christian doctrine and ultimately led to schism that continued since 1054 between Eastern orthodoxy and Roman Catholicism.¹²

**State Censorship**

In recent usage censorship is practiced under the supervision of political authority over questions of political belief and social morality. In Protestant Europe, the national monarchies undertook the censorial function eagerly, as Catholic Church was forced to give it up. While in Catholic Europe the Church retained its censorial powers, the nation-state generally supplemented or superseded these by separate political censorships. Thorough censorship or licensing of publications continued in force in England until 1694, in France until 1789, in Spain until 1808, in most of Italy until 1848, and in Russia until 1905. No official general censorship was ever established in the USA.

The state censorship which prevailed from the middle of the sixteenth century until the later years of the nineteenth century were often harsh, but rarely were they efficient enough to secure enduring conformity. The most eloquent appeal against such censorship was John Milton's Areopagitica (1644). Before the influence of liberal ideas of
the 18th and 19th centuries, and as the powers of the European monarchs were diminished, these state censorships rapidly gave ground – first in England, last in Russia.  

Private censorship

Most often than not censorship is generally associated with official action, but a significant part is played by private organizations that attempt to ban particular books and other materials usually on moral grounds. They directly address to the potential readers or moviegoers and condemn the material as unworthy of patronage, they do not directly engage in censorship. They exert their efforts against distribution channels in order to eliminate the power of individual choice, and this is censorship. Often, they try to induce action on the part of public officials who have, in their eyes, or should have censorship powers such as the FCC, customs authorities, and school boards. They lobby for stronger obscenity legislation and encourage prosecutions under existing law.

Such organizations have also worked independently of government through boycotting of offending merchants. For instance, lists of disapproved books and magazines have been distributed to members of the organization and to the public with a request to make no purchase at all from bookstores, drug stores, or other retailers that sell
any item on the list. Such action has often been highly effective.

The historical example was the index of prohibited books published by the Roman Catholic church from 1559 until its discontinuance in 1966, which in its latest revision listed over 4,000 works forbidden to Catholics as heretical or otherwise sinful.

In the United States Anthony Comstock’s Society for the suppression of vice became prominent in the latter part of the 19th century, as did the New England Watch and Word Society.

In India private pressure groups like VHP, Bajrang Dal and Shiva Sena have been working as public moral police. From time to time, they have vandalized the exhibition of precious arts and cinema hall showing the movies which are not according to their beliefs.
Bhavat Mata
(A painting by M. F. Husain)
Censorship: A Case Study

Ethical Analysis

CASE – I

Bharat Mata (a painting by M.F. Hussain)

Bharat Mata, a painting done by M. F. Hussain, was withdrawn from going into an exhibition following the persistent threats and attacks by members of fundamentalist Hindu groups (Bajrangdal, Shivsena & VHP). In fact, the painting depicts a nude woman’s outline resembling the map of India. It was to go into an auction in an exhibition in Delhi and its proceeds was to be utilized for the victims of earthquake in Kashmir. Before going into the auction, the painting featured in an ad for the Feb. 6-8 auction organized by the Chennai based Apparao Art. It was displayed on the website which created furore among the groups. The groups issued threats and held protests against the noted artist M.F. Husain in different parts of India alleging that the painting denigrated the motherland (India) and hurt the sentiments of Indians. They claimed that the painting manifested an anti-national and perverse attitude of the painter and so they filed a police case against him. They claimed that the painting allegedly depicted our mother land (India) in the nude which was against decency, modesty and public morality. It embarrassed India and its habitants as well. However, having seen the protest and
respecting the sentiments of the group, the noted painter apologized and withdrew the painting from going into the auction in an exhibition in Delhi.\textsuperscript{15}

\textbf{Analysis}

After minutely analyzing the painting, I find that the complaints advanced by the groups do not sound good, strong, logical and reasonable. If we take closer look at the painting, we don’t find any sexual connotations. Hence it does not seem wise to call this painting as obscene or vulgar. Furthermore, it does not violate the modesty of Indian culture.

The outbreak of protest, threats and attack against the painting only because of the nudity does not look good on the part of the groups. As nudity has never been taboo in Indian culture and it has been widely used in art, including on temple walls. Cases in point are the Khajuraho sculptures and Chola bronzes of 5\textsuperscript{th}-6\textsuperscript{th} centuries, which depicted the gods and goddesses in nude. Nude yogis are quite common at many religious places and genitals are worshipped in Hindu culture. Thus, the protests and complaints lodged by the fundamentalist Hindu groups are unreasonable and unjustified.

From artistic stand point, nudity has never been looked down
upon. Showing men, women and even gods in nude is an honest and most natural way to depict them. Therefore, the so-called protests are born out of ignorance and urge to comment without understanding.

If we observe the painting minutely, we fail to find any sexual reference and connotation. So it can hardly be called obscene and vulgar. And the protest concerning obscenity and vulgarity does not make any sense. As to the allegation that the painting is anti-national, I fail to find how this is anti-national. Neither does it disrespect any national symbols, national flags, or any other national entity. Nor does it pose any threat to law and order, sensibility, tranquility, security, sovereignty and integrity of the country. So how it can be antinational. However, the claim seems to be fake. As far as hurting of the sentiment is concerned the groups should not feel hurt and insulted because no insult was aimed for any individual, group or religion. Moreover, this is an art, and an art needs to be accepted for what it is and appreciated as a manifestation of an artist’s attempt to communicate the essence of something. Art knows nothing more than convening emotions and feelings. And for an art and artists nudity does not signify any derogation. Artists use their art, knowingly and unknowingly, to help others find the truth of emotions. A true art is freestanding. It is a reflection of its own true form and not the subjects it depicts. If an art or
painting evokes emotion then that is a natural human response and has enough right to be recognized and celebrated rather than banned and censored.

If there seems any possible harm of an art depicting nudity or anything else, it should be left to the critics and observers of an art to decide whether it conveys a message of value, and one need not feel hurt, injured and insulted.

However, the ban imposed by the groups is in gross violation of the fundamental right of freedom of expression, guaranteed by the Indian constitution. The protest, threats and attack not only led to censorship of the painting and curtailing his freedom of expression, rather it also made a big economic (monetary) loss to the artist. It has destroyed the peace and tranquility of his mind and finally it led him to live abroad, away from his homeland fearing hounded and harassed if he stays anymore here in India. However, it does not seem right that a legend of art who has brought immense honour to our country and our civilization is fleeing away fearing the harassment from the fundamentalist groups on the petty issue.

Apart from violating the freedom of expression of the painter, the ban imposed by the group also violates right to information of general
masses who have every right to enjoy and appreciate a valuable painting by the great legend of art. However, a handful of people succeeded in suppressing a masterpiece of art by the legend M.F. Husain.

**Utilitarian Perspective**

According to the utilitarian principle, which aims at the greatest good for the greatest number, the protest by the groups which resulted in ban or censorship of the painting produced no maximum good for the maximum number except satisfying the unreasonable demand, and political malaise of the fundamentalists who are very few in number. On the contrary, the ban deprived the majority of people of their right to information. It deprived the legend artist of his fundamental right of freedom of expression. These protest and threats which turned out into the censorship, kept the great artist in permanent disquiet and compelled him to flee from his own homeland where he has lived his decades happily. However, the overall result of the ban brought by the group has produced no greatest good over evil and therefore, is unwarranted by the very principle of teleology or utilitarianism.

**Kantian Perspective**

In view of Kantian ethics, the painter’s use of nudity is not justified. As nudity is not a universal moral value. Nudity has always been looked down in every society. Here, the painter employs female nudity to outline Indian map that is not universalizable and cannot be
Censorship: A Case Study

approved by Kantian ethics and hence it does not uphold the painting by great artist, M.F. Husain.

Conclusion

My understanding about the about the case is that there are no valid reasons to impose a ban on the painting as it is simply an art and should be appreciated for its own beauty and for artist’s attempt to communicate the essence of something in a beautiful manner. Furthermore, I do not find any point to call this art as vulgar and obscene. Hence, any attempt to ban this painting would be unreasonable and unjustified.

CASE - 2

The Final Solution (a documentary film)

The Final solution, an award-winning documentary film, was banned in India in 2004. The Central Board of Film Certificate imposed a comprehensive ban on the film’s public screening. The board cites reasons that the film is highly provocative in nature and may incite communal violence and trigger off unrest in the society. It may jeopardize safety and security of the public. It may disturb law and order of the society. It will affect friendly relation with neighbouring countries. And finally, it attacks the basic principle of the Indian Constitution, that is national integrity. This was the government’s
justification verbalized by the Central Board of Film Certificate for banning the film. After seeing the film we find that the film looks at religious rioting between Hindus and Muslims. It has documented the interviews of victims of Hindu and Muslim families, places where people were brutally killed and burnt to death, the places where raped and killed women and children were buried, the house of ex-MP (Ehsan Jafary) who was burnt to death. The film is about the violence and the places where it all took place and about the election campaign of Narendra Modi.

In fact, the Final solution is the study of the politics of hate, set in Gujrat during the period Feb. 2002 – July 2003. The film graphically documents the changing fate of right-wing politics in India through a study of the 2002 genocide of Muslim minority in Gujrat. It specifically examines political tendencies reminiscent of the Nazi Germany of early/mid 1930s.17

The film examines the aftermath of the deadly pre-planned genocide by right-wing cadre and violence that followed the burning of 59 Hindus in the Sabarmati Express train at Godhra on Feb. 27th, 2002. In retaliation to the incidence, some 2000-3000 Muslims were brutally murdered, hundred of women and girls were raped publicly or in front
of their family members, and more than 200,000 families were driven from their homes. This incidence of genocide deeply traumatized more than four million Muslims living in Gujrat.

Analysis

While analyzing the values involved in the aforementioned case, we find that the government purports to be supporting public interest by banning the film which may trigger off unrest in the society. Though there is little possibility of eruption of communal violence after release of this film. Because lots of researches have proved that it is not necessary that after seeing violence in the film people will become violent, after seeing the scene of rape people start raping, by watching murder or killing scenes people will begin to kill or murder other people. However, this logic of the government that after watching the film the people will start righting is not sound and valid at all.

As far as safety, security and law and order are concerned, so for what matter the government is spending millions and millions of rupees (public money) on the police force. Needless to say the government is spending public money on the police force to maintain law and order and to provide safety and security to the public. Therefore, the government should not bother about law and order problem in the
Censorship: A Case Study

society. The government should believe and have confidence in its agency of police force to maintain the law and order problem. And the police force, who are paid handsome salary, understand their duties and responsibility. Hence the government should not interfere in the duties and responsibility of its able agency of police force. However, the government should not bother so much for the problem of law and order and safety and security and should leave it to its concerned agency. So the reason for maintaining law and order through banning the film does also not sound valid and good.

Third and fourth reason of government for banning the film is to maintain friendly relation of India with its neighbouring countries and to maintain national integrity. We know that communal violence has been plagueging India for more than half century. In the life span of more than half century India did not succeed in curbing out this communal violence, which has been spoiling its image and friendly relation not only with neighbouring countries but also with other far away countries.

At the time of genocide the government did not dare to stop communal violence between Hindus and Muslims for fear of maintaining integrity and friendly relation with its neighbour. When the genocide (that left thousands of people killed, hundreds of girls and
women raped, and lacks of families out from their home) is over, India is fearing of disintegration and breaking of its relation with neighbouring countries. Had India been earnestly concerned with the plague of communal violence and worried of its integrity and relation with neighbouring countries, it must have rooted out the problem of communal violence years ago. But as it is still plaguing India, it seems that India is not very much concerned about eradicating the problem and simply making false claim for maintaining integrity and relation with its neighbour by banning the film like the Final Solution. So it seems ridiculous argument of maintaining integrity and friendly relation with its neighbour by banning the Film.

However, foregoing analysis shows that government’s concern for protecting law and order, for providing safety and security, for maintaining good relation with its neighbour by banning the film is false and dishonest. And the reasons forwarded by government to ban the film do not make very strong sense.

Furthermore, the right to freedom of speech and expression is being violated by banning the film. Freedom of expression should be given precedence as it is the basic principle of democracy. It is only curtailed when it really poses threat to national security, sovereignty,
law and order, integrity etc. But here in the above explained case the threat shown are not real rather imaginary. Therefore, it does not seem wise to curtail the most basic and fundamental rights of citizen in democracy on the basis of suspicion, though there are no real threats to sovereignty, security, health, morality etc. And along with film maker’s right of freedom of expression, there is victim’s right of freedom of expression that is also being curtailed along if the film is stopped from releasing. In other way the victim is not given opportunity to put their grievances before the public, and they are in a way denied justice.

As far as the universal principle of truth telling is concerned, we must be committed to this principle unless there are some other more compelling reasons to go otherwise. Here the film is serving the truth. Truth is necessary to make informed and rational judgement about the incidence. Truth helps bring justice to victims. And going otherwise from truth or suppressing truth is called deception. Deception intends to misleads others. It makes them believe what we ourselves do not believe. And eventually it hampers justice to be brought to the victims. The government by censoring this film is suppressing the truth. And suppressing of the truth will help the guilty and violators go scot-free. Thus, censoring the film will result in suppressing justice. Furthermore, it will help injustice to prevail and violators to repeat the same in future.
Hence, the censorship of the film is against the universal principle of truth-telling.

To censor film is also against the public’s right to information. Censorship suppresses information to be provided to public for making informed and rational judgment, for taking right decision, for public health, for safety and security, for avoiding an unseen or potential danger, and for avoiding an economic or physical loss. It’s suppression may lead to unprecedented loss to public and to victims. The public will never come to know the real facts and misconception will remain concerning the incidence. Misconception will not allow the public to make right decision or right opinion. Lies and deceptions will mislead and misguide the general public. The victims will never be able to get justice. And violators will not be punished. This way the suppression of the facts will boost up the violators. The violator will not realize that they have done wrong. And there will be every possibility of repetition of the genocide and inhuman acts consequently, innocent people would suffer unnatural death, women and girls will suffer brutal rape and innocent children will be burnt to death before their family members.

The benefits of knowing of facts by public will bring justice to victims and punishment to the violators. Because the public will
pressurize the government to punish all those involved in the genocide. Knowing of the reality to the public will build up opinion against this inhuman act and the public will not allow the repetition of the same in their vicinity and in their locality.

However, in the light of above explained reasons the suppression of the right to information will bring unprecedented loss. And hence, this right of public must be respected for several benefits of the society. Finally, the right to informants of public outweighs the censorship of the film.

**Utilitarian Perspective**

From utilitarian perspective the censoring of the film does not seem to bring maximum benefits to the maximum number. Though the government claims for bringing maximum benefits for maximum people by censoring the film. As it believes that by banning the film the government is stopping the repetition of communal violence, protecting low and order, safety and security, and national integrity which are in larger benefits to the general public. But this belief of government is just opposite of the fact, if we examine the case minutely.

Censorship of the film is not bringing larger benefits rather greater loss. By banning the film general public are deprived of the real
story of the incidence. People, in absence of real story, would make biased and impartial judgement of the incidence. And the biased and impartial opinion will not allow the general public to condemn the inhuman act. Consequently the victims will never get justice if the facts are concealed. The violators will never be punished if the reality does not come out. And they may repeat the same in future which is harmful for general masses. However, overall analysis of concealing the facts in the form of censorship the film will not bring maximum benefits except maximum loss. Therefore, the banning of the film is never justified from utilitarian perspective.

Kantian Perspective

From Kantian perspective the censoring of any truthful information or material can never be universalized. Because censorship aims to restrict truth for the sake of some better results, which is not justified according to Kantian ethics. Truth should never be censored for the sake of some good consequences according to Kantian ethics. According to the second principle of Kantian ethics i.e. human beings must always be treated as an ends and never as means. So here in censoring the Final Solution the censors are not respecting the victims who are voicing their grievances through the film. On the contrary, they are suppressing their voices with the aim of larger benefit for general
public and society. Thus the censors are treating the victims as a means and not as an ends. Thus this case of censoring the film does not find support from Kantian ethics as well.

Conclusion

The foregoing analysis of the case strongly oppose censorship of the film. As the case did not get support either from utilitarian or Kantian ethics. So, the government’s position of banning the film is not justified.

In overall analysis the release of the film and its potential benefits for the victim and for general mass and society would outweigh the supposed or imagined negative consequences. Therefore, it will not be justified to ban the film.

CASE – 3

Mee Nathuram Godse Bolto (a play)

The play, Mee Nathuram Godse Bolto (I am Nathuram Godse speaking), was banned by the government of Maharashtra in 1998. The then Chief Minister of Maharashtra, Manohar Joshi, said the decision had been taken following the advice of the central government. He said that his government wanted to avert any fallout on laws and order in Maharashtra and did not want any one to harm Mahatma Gandhi’s
memory.

The announcement came after violent protests erupted. About 200 protestors blocked the Shivaji Mandir Auditorium in Dadar and burned leaflets of the play and smashed the windows of some buses near the theatre demanding immediate ban on the showing of the play.

The demonstrators alleged that the play denigrated Gandhi by glorifying the gunman who killed the father of the nation. The play is alleged of focusing on the rationale of Nathuram Godse who killed Gandhi. It paints a favourable and heroic picture of Nathuram Godse.¹⁸

The play purports Godse's rationale of murdering Mahatma Gandhi. It projects Godse not as a murderer rather patriotic and martyr. In the play, Godse justifies his act of murdering Gandhi beautifully. He vindicates that he did this act in the larger interest of nation and Hindus – the majority community in India. Thus he seems to be projecting himself as patriotic and nationalist.

In a scene Devdas Gandhi, the fourth and youngest of Mahatma Gandhi, is seen shaking hands with Nathuram Godse as though Devdas is either expressing his joy at beholding Nathuram who had carried out the holy deed of killing his father or congratulating Godse for his patriotism that led him to assassinate his father. The play shows that the
people admire Nathuram Godse. Sheikh, the police inspector in the play, have become fan and admirer of Nathuram. He tells Godse that Zubeida, his daughter, worships him. He says, “My daughter Zubeida goes to masjid everyday to seek blessings for you. Inspired by this sisterly affection, Nathuram gives Sheikh a message for Zubeida. “If you really love this brother of yours, look after the baby in your womb. You will give birth to a son. Teach him my value. If another Gandhi is created on this soil, this country will need another Nathuram”.

Nathuram, in the very first scene of the play, addresses the audience, “There is a deep wound in my heart, in my mind, blow after blow on the same wound. The pieces of the country due to partition, the slaughter of refugees, the rape of my mothers and sisters. The grant of 55 crores we had to give to Pakistan to satisfy Gandhi’s childish obstinancy and my Sindhu (Indus) river was separated from United Hindustan and presented to Pakistan.

At the end of the play, while speaking to Devdas Gandhi, Nathuram says, “The partition was not necessary. It was definitely wrong decision made by Gandhi. Then the slaughter of the refugees. The 55 crores that was given to Pakistan to help it fight against our soldiers fighting in Kashmir and the obstinate and headstrong manner in
which Gandhi fought for it were all unpardonable”. And above all, play potrates Godse as hero, patriot, nationalist and martyr. Gandhi was shown as villain, anti-national, traitor and against the larger community of India i.e. Hindus. However, the play justifies the murdering of true hero – Gandhi. The play makes a killer or murderer a hero and martyrre. And on the contrary, Gandhi, a true nationalist, becomes a villain and traitor. The play honors and glorifies Nathuram. And Gandhi, a noble man, is branded as evil minded, anti-Hindu and anti-national.

Analysis

No doubt, the writer, the producer and the director have their rights of expression and it should be respected as well. But their rights of freedom of expresses ends when it curtails others rights. Here in the garb of freedom of expression the producer and director are spreading misunderstanding and hatred against Mahatma Gandhi, the father of the nation. And definitely in this way they are denigrating Gandhi, and putting the country on shame by showing him as an anti-national and traitor.

We, Indians, have grown up adulating and revering Gandhi for bringing freedom to this nation. So, if anyone will declare him as anti-national and traitor will hurt most of us in someway or the other, as
Gandhi has brought us freedom from oppressive English government. And he has proven himself as messiah for the country. However, none has got rights to hurt feelings and emotions of others by spreading lies and misunderstanding about their heroes and ideals.

As far as public’s right to know or public’s interest is concerned, public, of course, should know facts and truth provided it is only facts and truth without contamination.

Truth is universal value and we should be committed to truth. Its distortion will prove fatal and harmful for a country and its citizens in someway or the other, if not now, then some other times. So as far as this play is concerned it is in complete violation of this universal value. Historically speaking, this play is not projecting the truth besides complete distortion of the facts. Truth must have precedence over all rights if and only if it is truth or facts projected through any medium. But here in this play it is quite opposite. The play is not projecting the truth or facts rather its distortion. However, the director and producer can not claim for the right to know or public’s interest as the play is projecting distortion of historical facts which may prove to be dangerous for Indian society. Hence, this universal prince cannot become the excuse of the play aimed at disgracing Gandhi.
From the standpoint of fairness the projection of Gandhi as anti-Hindu, anti-national and traitor is deplorable. The projection of the killer or murderer as national hero and true martyr is disgusting. The producer and writer must discover the truth to avoid distortion of the facts. Gandhi and Godse both should be projected in fair and balanced way without giving any extra and undeserving importance to either of them. Biasness should not creep up in the projection of either Gandhi or Godse. Each of them should be given projection and importance as per their position in Indian history. If Gandhi deserves to be projected as a true hero and martyr, he must be projected like that. If Godse deserves to be projected like murderer or killer, then he also must be projected like that. However, this is not so here in this play.

**Utilitarian Perspective**

If we see this case from utilitarian perspective which aims at maximum benefits for maximum number, we find that the staging of the play will maximize disappointment, disgust, misunderstanding, confusion, distortion of facts and rioting among the people. It is meant to bringing unhappiness to maximum people rather than bringing happiness to few supporters of Godse. However, if the play allowed to be staged across the country, it would score more unhappiness than
happiness. Hence, utilitarians would not support the play to be staged at all.

**Kantian Perspective**

A Kantian perspective which purports universal moral duties and principle would go against the staging of the play. Because, the universal principle of telling truth and fairness are in violation. The producers have not presented the truth rather they have distorted the facts. The fairness principle is also in violation because the producers are biased and not presenting the accurate facts. And the principle of dignity of all has also been violated by disgracing and denigrating true martyr, who is not in this world to defend himself. However, Kantians would not support the staging of the play at all.

As far as motive of the producers are concerned it does not seem to be honest as they have projected Gandhi as anti-national and Godse as true nationalist. Though Godse is murderer. Moreover, they are showing their biasness against Gandhi and have distorted the facts of history. If they were having true and honest motive, they would have consulted different books of history and would not have projected distorted facts. Thus it seems that Kantian would not approve staging of the play.
Conclusion

The foregoing analysis does not support the decision to allow the play to be staged. As it is not the true picture of history except distortion. In overall analysis of the play the possibility of harm is maximum and benefits minimal. Thus the decision to allow the play would be in contradiction of utilitarian theory. It has also been contradicted by Kantian theory as it did not presented historical truth. Furthermore, it disrespected the father of the nation, which is against ethics and morality. Hence, over all analysis of the play does not support it to be allowed for staging.

CASE - 4

The Water (a film by Deepa Mehta)

Water (a film) was set to be filmed in Varanasi in the year 2000. The shooting of the film had started, but soon the fundamentalists (Bajrangdal, Shivsena, Vishwahindu parisad) began to protest and burned the sets of the film and issued death threats to the film maker. Initially, Uttar Pradesh government provided security for the film, but later on withdrew seeing violent protest from the fundamentalist group. However, the group succeeded in their purpose of banning the film in India. But it could not stop gutsy and highly motivated and inspired
Deepa Mehta from shooting this film outside of India. Years later, she made a fresh start under a veil of secrecy in neighbouring Sri Lanka, filming under the fake title the Full Moon.

The film examines the way widows are treated in India. The central character of the film is 8-years-old Chuyia. Chuyia was married off by her family to an older man who, unfortunately, dies leaving Chuyia a widow at an age when she cannot even comprehend what marriage is all about. As is tradition in India, after death of her husband Chuyia is stripped of her colourful clothing and jewelry. Her head is shaved. She is dressed in the white sari of a widow and then unceremoniously abandoned by her father at an ashram for widows – a pitiful dark place where a group of widows has banded together to survive in the barest poverty.

The film was a great deal to say about the plight of socio-economically challenged women, especially, widows of Varanasi in the 1930s. It tells about how people dump their beloved in ashrams to survive in the barest poverty and to pay penance for the death of their husbands. They did not shy for a moment rather they would use religion to justify this inhuman practice. And this practice did not spare even to children widow. 20
This film brings to light the lives of widows plagued by pathos of dereliction, deprivation and prostitution. They are abandoned to poverty and insecurity, simply because their husband died. It shows that how widows are forced by pathetic condition of Ashrams to resort to prostitution or begging. It shows that the ashrams are financed through prostitution.

The film highlights social and religious injustices against women in India. It also shows patriarchal domination in Indian culture. As according to traditional Indian culture women may outlive their husbands but they are considered partly dead. Widowhoods are basically akin to a walking dead bodies. Widows are considered bad luck, and are not allowed at fortuitous occasions like birth and weddings. This highlights ostracization of widows. The film depicts how wealthy hypocrites use religion to justify using and mistreating the lower castes and widows of the ashram. It also highlights the issue of child marriage still prevalent in Indian culture.

The film tackles the issues of religious intolerance, patriarchal domination and social injustices. However, for fundamentalists it is critical towards religious and spiritual heritage.
Analysis

This film exposes cultural hypocrisy of India. It depicts how people dump their beloved daughters, sisters, mothers in the ashrams to survive in barest poverty and pay penance for the death of their husbands.

In ashrams widows live in very pitiful condition. They do not have enough money to buy two times of bread. So they earn their two times of bread by begging or by prostitution. The film clearly shows that the ashrams are financed through prostitution.

The film shows how social and religious injustices are prevalent in Indian society. It exposes the hypocrisies of the rich Brahmins who also use religion to justify using and mistreating the lower caste and widows of ashrams.

Fundamentalist claim that the film is attacking Hindu faith and religion. But this is not so, rather it is exposing social ills which must be eradicated from the society. The movements had been launched in India to radicate this cultural practice in 20th century. To larger extent this movement succeeded but sometimes or the other it is still practiced in India. However, the film is only exploring cultural ills and not attacking, Hindu faith and religion.
The other value involved in this case is truth. The director is merely depicting truth. And in depicting truth none should have any objection. Before truth all other values seizes to be claimed. If exploration of truth is meant to bring reformation, then it must be explored. However, the aim of the film is to explore the bitter truth, which is against women’s rights.

Another value that is being violated in banning the film is public’s right to know. The public has full right to know the fact if it is someway or other affecting their society. This practice of dumping widow must be brought to public notice so that the public could be aware of unreasonable practice and could put restraint to it in their locality.

**Utilitarian Perspective**

As according to utilitarians the exploration of this cultural ill through cinema is right. Because cinema has large audience and it can bring to notice to maximum people about the social ill. It tells to the larger audience how this cultural practice is wrong specifically against women. So this way, film is benefiting majority of the people by making aware of the fact and inciting them to stop this practice. Thus the film is bringing maximum benefits to maximum number.
Kantian Perspective

Kantians (deontologists) will argue that we should follow universal principle no matter what the consequence it brings. The film is following universal principle of truth telling. It is depicting truth no matter who is being hurt and disgraced. The film is simply exploring the truth which had been practiced in the past, and sometimes still practiced in some part of India. The film aims to bring dignity and justice to woman that is also justified by Kantian principle. As far as motive of film makers is concerned, the motive of producer is to highlight the social injustice and suppression of women. Their motives are not to hurt anyone.

Conclusion

The foregoing analysis does not support the banning of the film and vandalizing the film sets by fundamentalists. There seems to be no harm in seeing the film. If an individual feels himself or herself hurt by seeing this socio-cultural injustice practiced years ago in India, then his approach of seeing the film is unreasonable and illogical. This social and religious injustice and ill has taken thousand of lives, so it must be eradicated from Indian society. And the film is an attempt to eradicate this cultural injustice done to widows. The harm, in the form of hurting
fundamentalists Hindus, is outweighed by the potential benefits of the film. The film tries to make aware the people of India of the plight of widows and try to bring change in their treatment. Finally it seems quite illogical and ridiculous to ban this film which is to restore the dignity of widows and to bring change in the treatment of women.

CASE -5

The Polyester Prince (a book written by Hamish MacDonald)

Hamish MacDonald’s book, The Polyester Prince, has been banned in India. The book exposes Dhirubhai Ambani’s manipulative and treacherous acts against other business empires, who are well known for business ethics. The book talks about many issues which were kept under the carpet and never ever spoken in the public. The book describes how the senior Ambani tamed the media. He used vouchers that journalists could redeem at a Vimal Showroom. Advertising had become a lifeline for the Gujarati press and could be turned off in case of an offending paragraph, and willingness to sue for huge sums in damages made sure that the media didn’t meddle with the house of Reliance.

In old days when such things were allowed and public shares were priced at a fraction of their true worth because of crazy government
rules, favoured journalists would be allowed shares from the director’s quota; this was a licence to make money because the share would list on the market at multiples of the issue price, and many journalists got rich as a result. So much so that a Reliance representative in Delhi used to even walk into newspaper offices waving the forms for applying under the director’s quota. This was in the 1970s. Thus no journalist was ready to do an anti Reliance story either for losing profit or because of fear of being sued.21

Thus, reporting Reliance was never easy. The company has always been famous for its media management. A Reliance spokesman once admitted privately that at least a third of the group’s success is because of media hype and two-thirds on account of actual performance. Earlier, it used its considerable powers of persuasion to plant hostile stories about its rivals and prevent flattering stories about itself. If anyone dared to step out of line, advertisements dried up instantly, and law suits often followed (one newspaper still has a Rs. 2,000 crores case hanging perilously over it). This was the business house which controlled or used media for its own benefit and planted stories for its rivals.22

The book explains how Dhirubhai Ambani used journalists,
politicians and bureaucrats for building his empire – Reliance. It entails a close relation of Dhirubhai Ambani with Giri Lal Jain, Murli Deora, Yashpal Kapur, T.A. Pai, R.K. Dhawan, P.C. Sethi, Pramod Mahajan and Pranab Mukherjee. We can understand that how Dhirubhai Ambani manipulated government machinery for the benefit of Reliance. Several policies such as the High Unit Value Scheme were introduced for the sole benefit of Reliance and tariffs mostly for the detriment of competitors like Kapal Nehru (Orkay Silk Mills) and Nusli Wadia (Bombay Dyeing).

Dhirubhai Ambani used the government to destroy Indian Express and Bombay Dying. Wadia, Mehra and the journalist, Gurumurthy, were arrested on fake charges. He is alleged to have tried to get Wadia assassinated through Kirti Ambani and contract killers.

The Ambani used loopholes, duplicate shares, inside trading, and financial engineering tricks to ensure that Reliance was the largest zero tax company and a pure cash flow operation. For increasing the capacity of production Ambani had become a big political fixer.

Analysis

Ambani’s claim of privacy and to live with dignity is right till he is not involved in any crime, corruption, treachery, manipulation,
Censorship: A Case Study

decception etc. But he has been found to be involved in many forgery and crimes. Therefore, he must be exposed. Since, his crime and corruption affect lots of people, which they do not deserve. However, this crime and corruption must be exposed to the shareholders of the company and general public as well.

If we evaluate Ambani’s right of privacy and the right of public to know, then we find that the public right to know overrides Ambani’s right of privacy because of social importance of information of Reliance to general public. However, Ambani’s manipulation, corruption, treachery, deception, conspiracy, fixation, bribery, intimidation, etc. forfeit his and his company’s right to maintain reputation, privacy, dignity and confidentiality. Rights of Ambani and his company are outweighed by the public’s right to know the fact or information. The bad acts of Ambani and his company must be exposed for the larger benefit of public and to stop such discrepancies, corruption, deception, criminal activities further. If it is not disclosed and stopped, it will deprive other businessman of their rights and benefits. Moreover, it will be against justice. Therefore, it is in the public interest and in larger benefit to expose Ambani and his company.
Utilitarian Perspective

Utilitarians would not justify the banning of The Polyester Prince as it does not seem to be the reason to maximize happiness for maximum number. The censorship of the book is aimed at protecting Ambani and his treacherous acts, which are harming the government and the people who are associated with Reliance in form of shareholders for long time. Hence, the author following utilitarian principle of the greatest good for the greatest number felt it necessary to expose Ambani and his company in the larger benefit of the public and the government. However, the prospective good supposed to come out after the release of the book would clearly outweigh the harm supposed to be done to Ambani and his company. Therefore, utilitarians would not support and justify the censorship of the book.

Kantian Perspective

According Kantians the banning of the book would not stand justified as it is aimed at protect manipulative and treacherous acts of Ambani and his company, and at hiding truth. Both protecting manipulative and treacherous acts and hiding truth are not universalizable and can never be universally practiced. Hence, censoring the book would stand unjustified according to the first categorical
imperative. Furthermore, the censorship of the book is also aimed at protecting the rights of privacy of Ambani and his company, but on the hand it is violating the rights of freedom of speech and expression of the author that is not justice being done to the author. However, the third categorical imperative of Kant seems to be violated and hence Kantians would not justify the case.

Conclusion

The foregoing analysis does not support the censorship of the book. As it has public interest and reveals the facts which are negatively affecting the government, consumers and a number of investors. In overall scheme of analysis, the amount of prospective harm would be outweighed by the prospective benefits which are to come after revelation of the truth. However, censorship got imposed by Reliance Company is not justified and the book should be made available to the general public to know the truth.