

CENTRAL BOARD OF FILM CERTIFICATION (CBFC) – SPECTATORS’ PERSPECTIVE ON CENSORSHIP PROCESS IN INDIA

Dr. Archana Chanuvai Narahari¹ & Mr. Kaushik Garasiya²

¹ Dr. Archana Chanuvai Narahari is currently working as Asst. Professor in the Dept. of Journalism and Mass Communication, Institute of Language Studies and Applied Social Sciences (ILSASS), Affiliated to S.P. University, V.V.Nagar, Anand, Gujarat, India.

¹ Mr. Kaushik Garasiya is currently pursuing PG Certificate Course in TV Direction from Film and Television Institute of India, Pune.

Abstract:

A long-drawn controversy that ran in India between the filmmakers of Padmavati (later renamed as Padmavati), Karni Sena, CBFC, and finally the interference of Supreme Court puts forward various questions of predicament that need to be debated. They very first question being how much weightage of freedom is available to filmmakers in expressing their views; secondly the seriousness of CBFC in performing its statutory duties; thirdly the intensity of political involvement in controlling the release of a movie. In this context, the current study aims at understanding how the spectators perceive the process of censorship and the role of CBFC is in the changing phase of the digital world. The research paper provided certain suggestions for the betterment of the censorship process based on the audiences’ perceptions.

Keywords: CBFC, Censorship Process, Ratings, Freedom of Expression, Cinema.

Introduction:

Cinema as an art form has always have been a great source of entertainer, educator, and above all considered to be the persuader of various happenings in the society. Since its emergence in India in 1913 to till date, it has seen a tremendous journey in terms of narrative styles, production values, distribution and exhibition styles etc., and enabling spectators to cherish the essence of cinema by satisfying their specific needs of entertainment. But this tremendous journey is not a cake walk to filmmakers. With great efforts given by every great team for every small to big production, delivers out the ‘cinema’. Yet the pain the filmmakers undergo in the process of certification after pre-censorship is tremendous and troublesome. Cinema as an art form has always drawn a lopsided attention from the Indian state through an authority called CBFC – Central Board of Film Certification.

If any information, communication, views, opinions, ideologies etc., are suppressed or modified so as to avoid mass reach of public in a society, it is termed as censorship. The freedom of speech guaranteed by the Constitution of India can be suppressed if it is considered objectionable, harmful, or necessary to maintain communal harmony (Kant, 2017). In India, the freedom of expression is not absolute. The same rule applies to media too. And what is irony with the censorship or certification process of Cinema is that it has to undergo pre-censorship compare to any other media.

The Central Board of Film Certification - CBFC, which comes under the purview of Ministry of Information & Broadcasting, has got all powers to censor anything that it feels offensive, objectionable, and harmful or subjects considered to be politically seditious, and could lead to discrepancies in maintaining communal harmony or the civil social order in the country. Inspired by the colonial censorship laws, the

Cinematograph Act of 1952 has been formulated. Sharma (2017) argues that the world has changed dramatically, yet the Cinematograph Act of 1952 has not been amended and the guidelines of CBFC are absolutely out-dated and narrowly fits the judgement of movie content.

The constant debate going on the issue of censorship is that the censorship kills the creativity or voice of the filmmakers. It becomes absolutely critical when a movie is being judged completely just based on a song, or a dialogue or one scene, by failing to understand the context in which it is placed (Bhaskar, 2017). Critics like Julka (2017), a former I & B secretary argue that total censorship and absolute freedom can both be problematic. He further adds “Citizens of the country as complex as ours have varying needs, requirements and sensibilities and one has to strike a balance.

In this context, the current study aims at understanding what the role of censorship is in the changing phase of the digital world; what the audiences are expecting in terms of movie censorship; and how the CBFC guidelines can be revamped for the better of the censorship process.

What Research Says?

Rathore (2016) in his critical overview of CBFC in Indian Cinema suggested that cinema being an important instrument of expression of ideas and free thoughts must remain unrestricted from any kinds of censorship. However, he added that the film makers should keep in mind the practical realities of the society in which such ideas are being spread and hence the peace and security of the society should not be disturbed in the process of expression of one’s thoughts. **Chandavarkar et.al, (2016)** in their research article “Privatizing Film Certification: Towards a Modern Film Rating Regime”, identified and mentioned three primary reasons for the failure of CBFC as a system of regulation i.e., the subjectivity of the medium of film; secondly the lack of qualified members who actually watch and certify the film; and finally the lack of autonomy from the union government. The researchers suggested a market place model that emphasized on the privatization of certification process wherein the CBFC be renamed the Indian Movie Authority (IMA) and that the primary purpose of the IMA would be to license and regulate private organisations called Independent Certifying Authorities (ICAs) which will then certify films.

Similarly, **Singh (2017)**, speaking in the context of ban on Hindi film *Lipstick Under my Burkha* for being lady oriented and extreme sexual fantasies, and another Malayalam movie *Ka* that dealt with Gay relationship, she strongly opposed the existence of pre-censorship bodies as it harms freedom of artistic expression and creativity would by far outweigh the benefit of its goals. **Jain (2017)** criticizing the reason specified CBFC for the ban award-winning film *Lipstick Under My Burkha* in India as “lady-oriented film... with a bit sensitive touch about one particular section of society”, she critically analyzed that when gender stereotypes are so deep rooted in Indian cinema, one cannot expect anything better from the guard i.e., CBFC which will be obviously more male centric and this ideology is very much ingrained in our culture.

For **Palekar (2017)** one of the famous film fraternities, the film certification guidelines are abstract, vague and imprecise, leading to rampant erratic and subjective interpretations of scenes/language in a film amounting to unfair curtailment of the filmmakers’ freedom of expression. “The Benegal panel recommends restricting the CBFC’s powers but, while welcome, this doesn’t go far enough. India’s 1952 law on films must also change. Only then will arbitrary cuts end”, argues **Raha (2016)**. The real problem of film certification in India is that it is always haunted by the bogey of the Cinematograph Act of 1952. And the vagueness in words mentioned in section 5B(1), especially with special reference to “public order”, “decency”, or “morality” are perfect for subjective interpretation.

It is not the CBFC that becomes hindrance to freedom of expression as criticized by many creative or intellectual film fraternities, but the CBFC many a times proved to be a scapegoat because of political or other religious group interferences. An analytical observation by referring to the issues stirred up with two films *PK* and *MSG: The Messenger of God*, by **Dhupdale (2015)** confirmed that the CBFC is not functioning autonomously but has been a tool of exploitation from the political parties.

Adding on to the above argument, **Sarkar and Sarma (2008)** opined that the reasonable restriction under Article 19(2) was invariably public interest but it has been twisted on many occasions to strangle the freedom of speech and expression. Because of that we have been deprived of several films as it does not satisfy the taste of 'Others'. **Sarkar (2009)**, in his elaborative analysis of all the incidents, judgments and laws, concludes that the activities and rationale of having a Censor Board becomes highly debatable. If at all we need such a body it should be absolutely autonomous rather than to be a puppet in the hands of government says **Sarkar (2009)**.

According to **Natarajan (2017)**, film certification is neither control nor prohibition, and that too, a very subtle form of regulation. In India, however, it is pre-censorship of films i.e., censorship ever before it is viewed by public, which masqueraded as film certification. Especially in the context of growing popularity and impact of television and internet it would be wrong to quote that cinema is the only powerful medium of mass communication and hence demands pre-censorship (**Natarajan, 2017**). **Dasgupta (2017)** also had similar kind of argument that questioned that the role and relevancy of having an outdated censorship system that forces cuts and beeps in the digital age. She, stating the Cinematograph Act of 1952 as outdated further argues that when the web has become a repository of unedited and uncertified content having an authority like CBFC doesn't make sense. Though the ShyamBenegal Committee was formed after Modi took charge, that advocated a scissor-free grading system, it seems to be nothing has changed even in 2017 as at least five major films i.e., '*The Argumentative Indian*', '*InduSarkar*', '*Jab Harry Met Sejal*', '*1946 Calcutta Killings*' and '*Shunyota*', met with censorship rows (**Dasgupta, 2017**).

With the advent of the 'Netflix era', the interplay between media content and ownership, service provision and regulatory choices will undergo significant disruption. In the Indian context, the state has unfortunately chosen to deal with this paradigm shift by creating separate regulatory frameworks in an ad hoc manner instead of trying to realise some sort of convergence (**Grewal, 2016**). In a research study, **Narendra (2016)** opined that the idea of censorship is becoming obsolete with the advent of the Internet in smaller parts of India. Unlike film theatres and TV, the Internet cannot be censored and so it leaves the general public with only one option — self-monitoring. He further mentioned "the list of words that were banned by the CBFC like 'Saala', 'Haramzaada', 'Lesbian' and 'Bombay' etc. are frequently used in everyday conversation by regular Indians". A case study by **Panda (2017)** on film censorship in India states that Censorship is a control of an authority over its subjects. An authority which is an artificial construct in a civilization - is always political and it prescribes various norms for its subjects to rule them in a desired designed way. This is why the norms can be challenged. What is censored today may not be censored tomorrow (**Panda, 2017**).

Objectives of the Study:

The following objectives have been identified for analysis to have a comprehensive understanding on the role of CBFC in certification process, and what people anticipate with regard to censorship of movies.

Objective 1: To identify and analyze the changes that audiences anticipate with regard to censorship process in India.

Objective 2: To identify and suggest few recommendations for the reformation of CBFC based on audience perceptions and expectations.

Methodology:

The study is a *mixed methodology with quantitative and qualitative analysis* administered with a survey method. *Random Sampling Method* has been adopted so that anybody who watches movies in India can participate in the survey. The sample size is 50.

A questionnaire has been designed through Online Google Forms tool and has been circulated across India by sharing the link of the questionnaire through email, Facebook and WhatsApp through *the method of*

closed networks i.e., friends, friends of friends that enables access to maximum viewers who are connected through networks. With the help of this self-administered questionnaire, the researcher could able to gather information covering all the objectives mentioned for the study. The questionnaire is designed with the combination of both open ended and close ended questions for a holistic analysis. The opinions and the level of agreement or disagreement are measured using likert scale to understand direction of agreement as well as intensity of the opinion. The results are quantified using percentages and descriptive analysis.

Findings:

Demographic details:

- Around 78% of respondents fall in to the age group of 18 to 25, and only 10% belong to 35-45 of age group. Participants from 25-35 of age group is negligible standing at 10%.
- 67% of survey participants belong to student fraternity, whereas 27% are job holders and 6% are unemployed.

Opinions on freedom of expression:

- A good majority of respondents i.e., **60% agreed that Indians are incapable to handle the criticisms, and hence the opinions are often censored.** Only 26% contradicted the statement. Few felt that influence of religion and culture, and lack of proper education and awareness on others social practices is the crucial reason for such mind set.
- **70% agreed that freedom of expression is under threat in the country** and 26% denied this argument. However, the open ended opinions are more lenient to religious, caste and communal issues again.

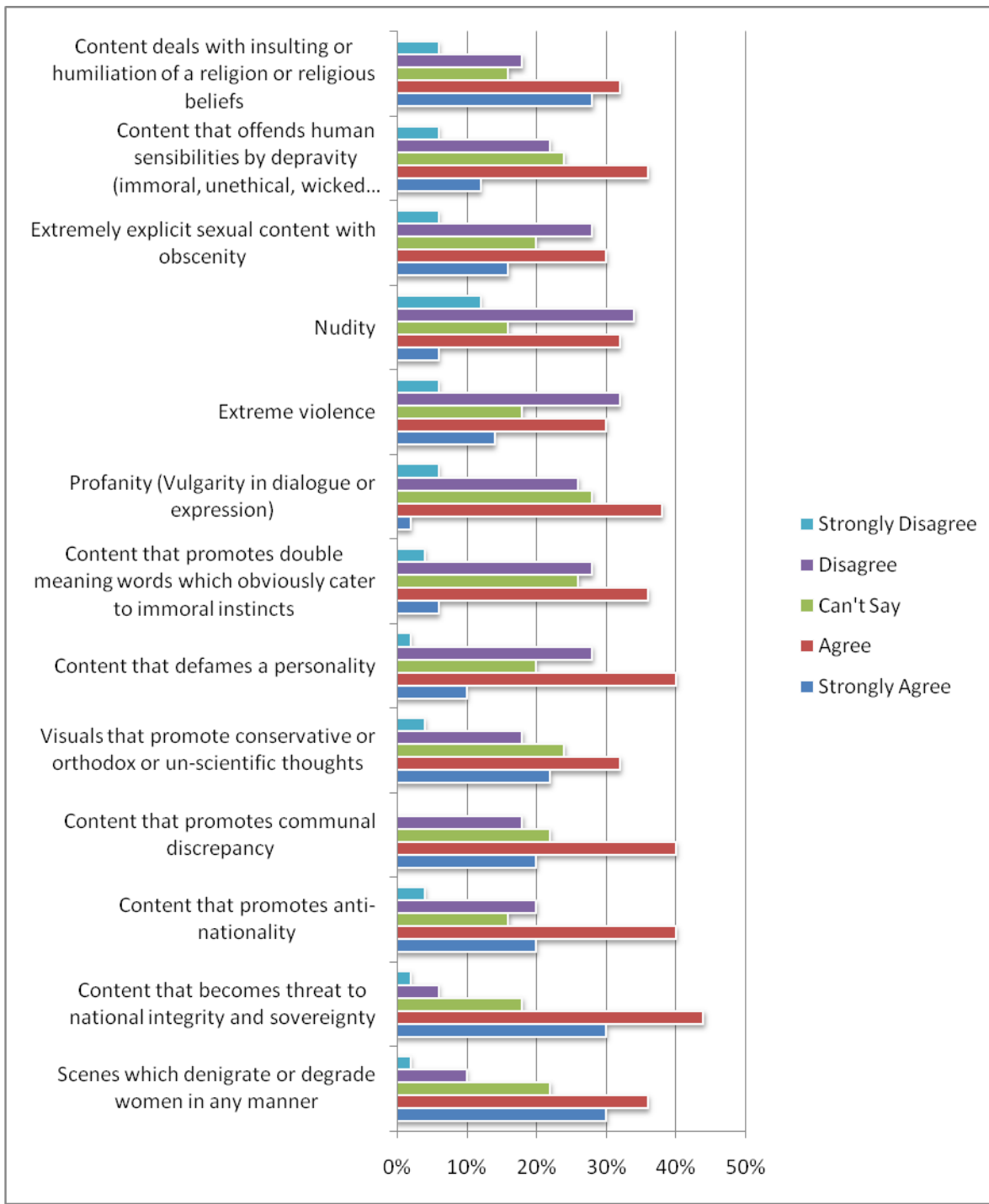
Opinions regarding awareness on CBFC, Guidelines and anticipated changes:

- A significant majority i.e., 98%, which means 49 out of 50 respondents have expressed that they are aware of CBFC and its certification categories.
- But only 67% could identify what is category 'U', 78% could identify category 'A', 61% could identify 'U/A'. And noticeably 63% could not identify that category 'S' is restricted to special class of persons. It shows that **still there lack of awareness on the categorization of movies which would obviously affect the choice of movies.**
- 60% of respondents are under strong impression that the censorship laws in India are too strict in India, whereas 26% felt the rules and laws are not strict.
- Many opined that **the rules are absolutely out dated, not getting updated with the changes in the society and hence to be reformed.**
- A significant percentage of respondents i.e., 88% opined that censorship is going to affect the freedom of expression and creativity of the filmmaker. **A majority urged for the limitless or boundary less freedom of a filmmaker.** Very few insisted on the social responsibility of the filmmaker.
- 70% of respondents strongly condemned to the fact that for an adult, CBFC need not decide what to see and what not to see, and hence should avoid censoring the films. **They felt that CBFC's role should be restricted to just certification and guide that audience to choose their choice of movies.**

- More than half of the respondents i.e., 56% agreed that un-censored cinema will have effect on the behaviour of the cinema going audience. Only 22% denied and another 22% are neutral on the opinion. ***This proves that the role of censorship cannot be ruled out completely.***
- A considerable percentage of respondents i.e., 56% wanted reformation in the film censorship certificate categories. ***The certification should the appropriate age patrons like PG, PG-13, NC-17 etc. as followed by MPAA.***
- A good number of respondents i.e., 74% felt that ***filmmakers should strictly declare the nature of content in the form of disclaimers for various trailers and promotional messages.*** They felt that this should able to help the audience to choose what is appropriate for them to view.
- ***54% respondents felt that if strict rules are followed by the theatre management to allow the audience based on the certification and age restriction, problem will be resolved automatically.*** However, they are sceptical about the implementation process as political intervention and corruption would easily enable the theatre management to dig the loopholes.
- 52% respondents felt that the minimum age for entry of adult movies is required, 44% felt it is not necessary. Among those who asked for a change, suggested that 16 should be the moderated minimum age to watch Adult movies.
- 52% of respondents said they would not wait and watch a censored movie in a theatre, in an ethical manner. Only 34% said they would follow an ethical manner.
- ***68% of respondents opined that they have various sources to access the uncensored movies.*** A great majority of the respondents said that they depend on online Torrent sites to download these movies, followed by Youtube. Few depend on pirated CDs available in the market.

Opinions on the Mandatory Role and Interference of CBFC in Various Factors for Regulation:

Figure 1: The Mandatory Role and Interference of CBFC in Various Factors for Regulation



- 28% of respondents have strongly felt that the offenses on religious practises and beliefs should be kept at check by CBFC.
- Another 32% also agreed that interference of CBFC is required as insulting a religion can infuriate a section of people and therefore can affect the civil order of our country.
- Over all 48% (12% strongly agreed and 36% agreed) opined that the content that offends human sensibilities by depravity should be monitored by CBFC. However, only 28% completely denied the interference of CBFC in this issue.

- Few felt that mainstream movies deals with lot of depravity based themes like corruption, cheating, and may other illegal practices like drugs, human trafficking etc., get the certification very easily without any hazards, but artistic movie or a neo-realistic movies undergo serious hazards under censorship.
- Around 46% (16% strongly agreed and 30% agreed) felt that there should be a check on extremely explicit sexual content and obscenity in movies.
- 34% felt having explicit sexual content or obscenity in movies is not an issue.
- 46% disagreed to the idea that nudity has to be controlled. Whereas, 38% felt nudity has to be controlled. They opined that since nudity deals with human sensibilities, it has to be dealt carefully by avoiding vulgarity.
- 44% of respondents felt that extreme violence should be curbed on screen. Whereas 38% felt that extreme violence need not be controlled as it is a special genre.
- Only 40% agreed that CBFC should control profanity. 28% are neutral and 32% denied that is not a serious issue and hence need not be censored if story demands it.
- Only 42% felt there should be check on content that promotes double meaning words. 32% felt this needs no big attention from CBFC and 28% are neutral. They felt that there are special audience in India who admire such movies.
- There is a 50-50 approach with regard to check on content that deals with defamation of a personality. Those who denied the CBFC's interference in this strongly argued that defamation is a personal issue. Those who seeks a CBFC interference demanded for a factual check of information before certification.
- More than half of the respondents i.e., 54% agreed that content that promote conservative or orthodox thoughts should be monitored. Some 24% are neutral and only 22% denied control on this factor.
- Many opined that conventional and unscientific thoughts should not be perpetuated through cinema
- Few counter argued that film is an platform for artistic and creative expressions which are mostly fictional and hence one cannot simply rule out a movie stating that it is un-scientific or logic less.
- 60% felt that content that promotes communal discrepancy should be monitored. And 40% denied that.
- 60% of respondents felt that the content that promotes anti-nationality has to be controlled. Only 24% denied a censor check on this.
- A significant amount of respondents i.e., 74% felt that CBFC should censor the content that becomes threat to national integrity and sovereignty. Only 8% of respondents disagreed for the role of CBFC in this.
- 30% strongly insisted CBFC to look into controlling the scenes which denigrate or degrade women in any manner. Another 36% also felt this issue has to be take care of.
- Over all it shows that a significant number of respondents i.e., 66% want some change in the portrayal of women, as role of women has been degraded on screen since ages.

Conclusion:

The movie lovers in India are under strong impression that the laws in India are too strict, and needs to be revamped with the changes of the society. An observation from the study is that the CBFC is not absolutely autonomous and still under the crux of various hierarchical and political influences. The CBFC acts to be strict or lenient according to instructions.

The study concludes that the censorship affects the freedom of expression and creativity of a filmmaker. However, the greater responsibility of the filmmaker towards betterment of society is not excluded, as good cinema has always played a persuasive role in changing the behaviour and mind sets of the society. Hence the role of CBFC is not completely ruled out. It has to regulate the content keeping in view the changing perceptions of audiences. CBFC should make the journey of good movies and the artistic movies more easy to reach the public, educate, make them aware and enlighten besides entertainment. A strong reason to reform the guidelines of CBFC is again evident in this point of view.

Also the study concludes that audiences are looking for betterment and sensible role in the censorship process especially with regard to content that deals with factors like humiliation of religious beliefs, communal discrepancy, anti-nationality, national integrity & sovereignty and content that denigrates the portrayal of women in any manner.

Suggestions:

- The medium of film should go with standards, values and requirements of the society. As the needs of any society are not static and they evolve with changing lifestyles and circumstances, the process of censorship should be adaptable and guidelines to be updated accordingly.
- The filmmakers also should bear the responsibility of enlightening the masses in a right way besides providing entertainment.
- Artistic expressions and creativity should be allowed to project without any restriction, unless until it disrupts the civil order of the society.
- Absolute autonomy to CBFC has to be granted by limiting the interference of political parties and other hierarchies. The autonomous CBFC should be able to form various need based committees to update the rules and regulations and regulate the movies, if required.
- The role of CBFC should be restricted to only film certification but not to censor the content, unless until the dire situation demands. Thus the primary scope of the CBFC is to categorize the suitability of the film to the audience groups on the basis of age or maturity.
- However, in the extreme cases like i.e., for content that deals with factors like humiliation of religious beliefs, communal discrepancy, anti-nationality, national integrity & sovereignty, defamation or contempt of court etc., a need based committee has to setup to check for the scope of censorship.
- The need based committee should mandatorily include members from CBFC, sitting judges of high court, personalities from film fraternity, a woman representative and intellectuals from the educational field to monitor the content.
- The content of the film has to be judged based on the 'context' and the 'period of movie depiction' upon which the storyline, basic theme and the characters have been developed.
- A great understanding on the point of view of the film has to be evidently delineated by the committee by discussing its relevance to the contemporary ideas and lifestyles in the society; and its anticipated impact on the people's mindset and behaviour, which could be either negative or positive.
- The film certification categories have to be further classified into sub-categories like UA12+ & UA15+ to guide the appropriate age patrons. The A category should also be sub-divided into A and AC (Adult with Caution) categories. This would enable the audience to decide whether to view the film or not.
- The disclaimers specifying the content type and age category has to be displayed strictly in every promotional trailers and messages to inform and guide the public to choose the movie with appropriate content.
- Strict rules are to be formulated against theatre management to monitor their activities in terms of allowing the audience for theatre screening. For movies that carry categories like UA 12+ & UA15+, A and AC, the management should cross check the age and allot the tickets. Failing to abide the rules, the licenses of theatres can be temporarily banned or fined with certain amount.
- Growing access to Internet and convergence of various digital media platforms enables the people to access any sort of content. This becomes even more problematic, when content with extreme views flows freely to any age group, irrespective of age restriction. Hence, an integrated regulatory mechanism has to be setup

under the prevalence of Ministry of Information and Broadcasting to regulate censorship not just on films but also on other media units like TV, Internet etc.

- Movies with good standards with enhanced aesthetic and production values have to be encouraged by the state, by enabling the CBFC to facilitate the certification process more easily and smoothly.

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