



THEORETICAL ANALYSIS OF CENSORSHIP ON MEDIA IN INDIA

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Abstract

This research paper **aims** to analyze the censorship of media in India along with comparative studies with other countries. Censorship of media is a worldwide phenomenon that for decades has pre-empted news outlets. The preservation of an orderly state is one common interest of censorship; the main agenda is to retain the knowledge which could be harmful to the public unaware. This paper presents its **originality** by reflecting on current debates on controlling the Internet and media in India. It also attempts at providing a comprehensive account of historic and narrative elements, providing significant ideas, claims, and legal cases in the period of political instability and growing 'activism' in the media¹. The **application of the study** is about the benefit and drawback of complete freedom of speech focuses on media, power, and censorship is centered in democracy India. Indian freedom of expression may be removed if it is deemed offensive, disruptive, or threatening to harmonize societies. Movies, rock bands, Blogs, Internet posts, activities, documentaries, and novels in India have been limited or fully prohibited under different censorship laws in recent years. The **methodology** used in this paper is qualitative and not quantitative as it is theoretical scrutiny of censorship of media in India. References have been used from journals, books, articles, and various research papers. There will be laws stated relating to media censorship and cases will also be taken into account. This **paper discusses** the recent judgments of media censorship; why these events have been widely criticized, the explanations for the Indian people's opinions and responses more closely². It addresses the future of Indian media, in the light of power and censorship, within the context of current laws in India, historical culture, and traditions.

Keywords: *Censorship in Media, Government, Freedom of Speech and Expression, Free Media, Free Surveillance.*

Introduction

Censorship of the media, including abolishing expression and public interaction, poses concerns of free speech that the Indian Constitution nominally covered. In Indian media, this plays a very important role and we are forced to obey the government's regulations. It is now up to the Government to let it be broadcast or not, which has led to us challenging the very nature of a law like that. Whilst it is necessary for a regulatory body to regulate the limits of freedom of expression, it can in no way serve as a restriction against thought spreading. Under the 2011 Information Technology Regulations, unacceptable material comprises something "threatening the unity, dignity, protection, stability or sovereignty of India, international relationships or the public order."³

The word 'censorship' is derived from the Latin word 'censorship,' to give or judge your opinion. In ancient Rome, the censors, two Roman judges, led the census and controlled the customs and morals. Both written and oral communications can be subject to censorship. The period of the film is books, magazines, newscasts, radio, TV, films, dramas, paintings, piano plays, speeches, dance, music, art, literature, photos, emails, e-mail sites, etc.

¹**the spectre of censorship: media regulation, political anxiety and public contestations in India (2011–2013)**
<https://journals.sagepub.com/doi/abs/10.1177/0163443715584099>.

²**Muscle or muzzle? A critical analysis of media, power and censorship in democratic India**
https://www.researchgate.net/publication/316703232_Muscle_or_muzzle_A_critical_analysis_of_media_power_and_censorship_in_democratic_India

³**Censorship of Media in India**
<https://lexquest.in/censorship-of-media-in-india/>



Censorship is used to regulate and officially censor any speech which could jeopardize the state order. Censorship has traditionally been used for tracking public morality, regulating public knowledge, and silencing dissent. Socrates was one of the first censoring victims to be forced to drink poison in 399 BC for his acceptance of unorthodox gods. It is possible to trace the roots of official censorship back to Rome, where the Censor Office was founded first in 443BC. In AD 300, the first censure law was enforced in China. Government censors are historically scrutinizing journals, magazines, books, news broadcasts, and films to edit questionable material, usually before publication. Anti-censorship activists are shouting slogans against limits on freedom of expression, freedom of speech, and knowledge pollution. Dictatorships and battling democracies mask media censorship as a weapon to preserve law and order; while the real intention is to keep the public ignored⁴.

Many censorship activities exist. Some of them are clear, some of them subtle, some aggressive. Censorship strategies include removal, restriction, formal banning of books, pressure not to purchase works, prohibition, deletion, marking, publication termination, and restricting access to electronic media. Methods of censorship may include regulation, legal action, licensing, registration, software filtering, or codes of conduct. Citizens' deletions from the bookshops, churches which reject publications, author writers which rewrite their work voluntarily, and governments requiring formal permits for printing before publication are other methods of censorship, especially in western countries. Methods of censorship are most commonly used in other regions of the world for physical violence, police interrogations, book burning, and travel prohibitions.

In India, it is perfectly lawful to watch or have pornographic materials, but the sharing of pornographic material is prohibited. The Central Film Certification Board requires the release of certain films with sexually suggestive contents (labeled A-rated), which can only be seen in enclosed spaces by individuals 18 and older. Doordarshan also broadcast adult films from India's public television channel. Films, TV shows, and music videos have to take place on stage or are not permitted, but it is typically not for sexual purposes if any literature is forbidden. Pornographic magazines are legally illegal, but many soft-core Indian magazines are available from a wide variety of news providers, who mostly place them in a stack of non-pornographic magazines and supply them on demand. Most non-Indian publications are typically harder to find (including Playboy). In India, it is also unlawful to mail pornographic magazines out of a country in which they are lawful. Customs seize magazines also often and show that they are violating the law, which is then investigated in detail.

Types of media censorship

Generally defined, censorship is already practiced primarily in two forms: preventive and punitive, depending on which censorship is exercised before or after the publication of the speech. As various authorities or institutions have practiced it, the words religious censorship, state censorship, and private censorship.

Preventive Censorship

In its widespread sense, censorship includes repression by anyone, either government representatives, church officials, private press, or speakers, authors, and artists themselves, of knowledge, ideas, or artistic expressions⁵. Censorship is in its narrower and more legalistic form only to avoid the dissemination of already created messages by official government intervention. Therefore, authors who 'censor' themselves in a narrower context until they put words on paper because they fear who they will not sell their jobs, are not boycotting the sponsors of hated television shows. However, both of these limitations limit the variety which is otherwise possible on the market of ideas and can thus be seen as censorship in the broader sense.

⁴**Media censorship: Freedom versus responsibility**

https://www.researchgate.net/publication/281785140_Media_censorship_Freedom_versus_responsibility.

⁵**Defining Censorship**

<https://media.okstate.edu/faculty/jsenat/censorship/defining.htm>



It requests materials for review and detailed review by the authorities to be submitted before publication. The officials have every right to accept or deny material following its existence and the public interest.

Punitive Censorship

The growing resistance against pre-censorship resulted in its abolition. In western democracies, relatively few restraints are imposed, particularly, using preventive censorship. The same is true in India. As in a democracy, the constitution prevents prior censorship; the state must look for other means of control. And the 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 public⁶.

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 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 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 the public with a request to not purchase at all from bookstores, drug stores, or other retailers that sell Censorship: A Case Study any item on the list. Such action has often been highly effective.

State Censorship

We mark the ruler's decision to censor media coverage conveying information to people who determine whether to rebel. (i) the dictator earns (the ex-ante estimated increase of his payoffs) by performing marginally lower censorships than he does in balance: his balance figures neglect the fact that the censoring less allows people to update more favorably after no news; (ii) the higher sensor gains if and only if the cost of censorship overrides a critical threshold⁷;

Censorship is exercised in recently used matters of political views and social moralism under the control of the political authority. State censorship, which existed from the mid-16th century to the later years of the 19th century, was often harsh, but not necessary to ensure permanent enforcement.

Religious Censorship

Though fringe Hindu groups have operated ineffectively on censorship, many other powers in India determine what Indians can see and not see. These organizations are well connected and strategically situated and operate away from the scrutiny of the media. They are very successful, more importantly. A case study shows how such groups in India are functioning and how their rise and accessibility to power can deprive India of their conventional liberal value and turn Indian society into a medieval society in which the heretics have been combusted with their books.

On May 15, 2009, the global launch of Dan Brown's 'Angels and Demons' was planned by Columbia pictures. On 25 March 2009 an e-mail from an organization "The Catholic-Christian Secular Forum (The CSF)" was sent to a group of Christian activists. It clarified why a prohibition on this film should be sought:

⁶Censorship: A Case Study

<https://shodhganga.inflibnet.ac.in/bitstream/10603/70234/8/chapter6.pdf>

⁷State Censorship

<https://www.aeaweb.org/articles?id=10.1257/mic.20130221>



“It is anticipated that the film, with its special effects, would disastrously affect the lives of people of gullible audiences. The social framework in the country is bound to be vitiated and community disharmony is developed. It will contribute to a damaging picture of the Christian community and the Church that will intensify the discord in Orissa, Karnataka & BJP-regulated countries and will not be good for the future.”⁸

All in all, what matters is how the Church and her different organizations play behind the veil, decide what you and I can see and not read. And this is to be contrasted with L.K.Advani's stance to protect freedom of speech and condemn the prohibition of the novel.

Laws relating to censorship of media

Censorship is practiced by laws such as **Section 95 of the CCP** and is entitled to report and demand search warrants for those kinds of publications revoked. Where-

(a) Any journal, book or other (or) any

(B) Wherever it is published, the State Government can, by notifying it on basis of judgment, declare any duplicate of the problem of the news item contains to any subject of publishing which is punished under **Article 124A or Section 153B and Section 292 or Sections 293 or 295A of the Indian Penal Code (34 of 1860)**⁹. These are severe rights granted to the government regarding censorship which, without appropriate reasons, cannot be exercised against any media outlet. The explanation, however, is rarely used in these circumstances. Likewise, **Section 124A** of the IPC criminalizes sedition by a provision, which includes, or efforts to bring into disrepute and disbelief the individual by words, either spoken or written, signs, evident representations, or otherwise.

Criminalizing sedition is an effective weapon to speed up self-censorship since the resolve of the seditious and scrutiny is very little objective. Any government oversight or resistance may easily be characterized as seditious. In particular, sedition can only refer to hate towards a country, and a nation's government is a representative of, not the counterpart of a nation. Another ambiguous provision is **Section 153a of the IPC** which criminalizes speeches that pose questions or objections against an opponent. The selling of books classed as 'obscene' is forbidden under **Section 292 of the IPC**.

Censorship is carried out by organizations such as the CBFC, established under the 1952 Cinematographic Act. The CBFC is a film regulatory authority that not only complies with basic censorship requirements but is also strict in their application. In the study on modifications of the CBFC's laws, the CBFC rejected the Shyam Benegal Committee. The Ministry of Information and Broadcasting (the "MIB") has recently set up expert commissions to investigate not just the problems of certification of films but also the rules of the Legislation, acknowledging the need for a re-examination of the rationality in the existing film standards. In January 2016, Mr. Shyam Benegal (the Committee) was named as an expert committee headed by the MIB¹⁰. The Committee was primarily aimed at recommending general guidelines and certifying procedures to the CBFC for films and ensuring a unified, non-discriminatory, and non-discretionary mechanism of certification of films for public display.

The Indian Press Council is another body that would not exercise censorship explicitly but also tackles the same problems. It's very straightforward to prosecute or censor the law here, as most legislation can quickly be twisted

⁸ *Religious Censorship in India: a case study*

<https://swarajyamag.com/commentary/religious-censorship-in-india-a-case-study>.

⁹ *A Brief Analysis of Censorship In India*

<https://www.youthkiawaaz.com/2019/03/a-brief-analysis-of-censorship-in-todays-india/>.

¹⁰ *India: Censorship: The Current Regulatory Framework and its Content*

<https://www.mondaq.com/india/broadcasting-film-tv-radio/757742/censorship-the-current-regulatory-framework-and-the-future-of-digital-content>



and tailored to suitable narratives. It's crucial to remain aware of the censorship laws and to know that whether news sources or individuals or books are censored, anything from "really inappropriate" to "mindfully opposed to the status quo" may have happened.

Conclusion

Censorship is a monopoly of its subjects by an authority. Authority is often a political authority and prescribes different criteria to regulate its subjects in the desired way. Although the people under it are an authority, in a society it is an artificial structure. For this reason, the criteria may be called into question. It might not be possible to censor what is censored today. In India, how films are censored bears witness to the consistency and confirms the values generally followed in India. Standards should not be static, they should shift in time. Censorship is now dynamic in India because of our today's fast-changing effectiveness values. We are in a phase when we all should be more inclusive and to consider voices and ideas that contradict us. When required to protect the freedom of speech, which we all respect despite our differences, we have to stand united. We must stand next to each other. The truth is still ahead of the specified criteria, which under an authority may change them. Homosexual intercourse through a cinema in India currently opposes the prescribed expectations, but in a time when it is a realized fact, the same norm will shift¹¹. What needs to be seen is if such legislation would also affect the current censorship laws on films and TV shows, which must be checked to strike the right balance between artistic and general society at large freedoms.

¹¹**CASE STUDY: FILM CENSORSHIP IN INDIA**

https://www.researchgate.net/publication/318446682_CASE_STUDY_FILM_CENSORSHIP_IN_INDIA