

Muted Media

An analysis on the Press Censorship in India

Definition:

According to Oxford Learner's Dictionaries, press censorship is the act or policy of regulating, suppressing, or prohibiting media content—such as news reports, books, and broadcasts—by a governing authority. It involves auditing, editing, or restricting information deemed sensitive, immoral, or politically inconvenient.

In contemporary philosophy, censorship is an effort by the government, a private organization, a group or a person to keep people from reading, seeing or hearing things that are potentially damaging to the government or destructive to public morals.

Censorship can be used for political, religious or moral reasons, resulting in treason, heresy or obscenity. In a broader sense, the word refers to the creation and execution of laws that limit one's ability to publish unless the laws are intended to defend others' rights, such as in situations of defamation, libel or copyright infringement.

The functioning of censorship in India:

In India, According to the Information Technology Rules 2011, objectionable content includes anything that "threatens the unity, integrity, defence, security or sovereignty of India, friendly relations with foreign states or public order"

Censorship is exercised in India directly and indirectly via different legislations and authorities, in different domains like Indian Penal Code, Code of Criminal Procedure, Central Board of Film Certification, Press Council of India, Cinematograph Act, 1952, Cable Television Act etc.

(i) Code of Criminal Procedure (Cr.P.C): Section 95 of the Cr.P.C allows forfeiture of certain content/ publications.

It is **punishable by the State Government** via an official notification under this section if any newspaper, book, or document, wherever printed, contains any matter that the State Government considers harmful to the state

(ii) Central Bureau of Film Certification (CBFC): It provides for categorization in the following four categories i.e.

- 'U'- connotes the category of unrestricted exhibition.
- 'UA'- connotes category of unrestricted exhibition except children below the age group of 12 years of age.
- 'A'- connotes the category of exhibition permitted and restricted to adults.
- 'S'- connotes the category of films restricted to specified classes of people only.

(iii) Press Council of India: It **acts as the self-regulatory body** for the press and regulates what comes to the media domain. This **body emphasizes the need for media persons and journalists to self-regulate**, and acts as a watchdog for media content at large to assess if it goes against press ethics and the public interest.

(iv) The Cable Television Networks Act: It lays down provisions to regulate content to be broadcasted by the cable operator, following this it mandates the certification of film by CBFC under the category-'U' (i.e. Unrestricted-public-exhibition) before it is transmitted or broadcasted via cable television irrespective of the film being produced in India or abroad.

History of Press censorship:

In our country ever since the time of the British, censorship has existed in the industry of the Press.

One of the earliest limitations on press freedom in India emerged in 1780 and was directed at James Augustus Hickey, a British national who launched India's first English-language newspaper, *The Bengal Gazette*. The paper initially carried neutral content, but over time Hickey began openly criticizing the East India Company's administration, as well as the British Governor-General Warren Hastings and the Bengal Supreme Court's Chief Justice Elijah Impey. In response, the government took punitive action. Hastings and Impey levied fines on Hickey and eventually seized his printing press, which ultimately forced the Gazette to shut down in 1782.

During India's struggle for Independence, we can see how Gandhiji's articles were not allowed and his newspaper was ultimately banned.

Restrictions on the press were further increased in the late 1800s in response to the emergence and rapid growth of the Indian freedom movement. The British response was to add sections 124A and 153A to the Indian Penal Code. These two sections specifically focused on sedition and provocation to cause riot – specifically aimed at the press. Other restrictive Acts directed at the press followed, namely, the Official Secrets Act of 1903, the Newspapers (incitement to offenses) Act of 1908, the Press Act of 1910. As the Indian independence movement gained strength, other Acts to curb this were passed, which included the Prevention of Seditious Meetings Act of 1911, and the Defense of India Act of 1914. A new Press Act was passed in 1930, which was followed by a Criminal Law Amendment Act. All of these incrementally focused on restricting the press and freedom of speech.

Press Censorship during the Emergency period (1975 - 1977):

In India, during the Emergency, the suppression of the press became a central aspect of governance, where major newspapers and their editors had to navigate a landscape fraught with government-imposed restrictions. Despite the oppressive environment, sections of the press attempted to resist and report, thereby highlighting its critical role in maintaining a balance between state power and civil liberties.

Despite many constraints, several journalists and publications devised innovative methods to circumvent censorship and continue their duty as watchdogs of democracy. One such method involved the use of oblique references and metaphors in reporting. This technique allowed journalists to hint at government abuses and societal issues without directly violating censorship regulations. By embedding subtle cues and double meanings in their articles, newspapers like "The Statesman" managed to convey critical viewpoints under the radar of government scrutiny.

Defiant publications occasionally left blank spaces where censored material would have appeared, quietly protesting the erosion of press freedom and signaling to readers the extent of government intervention. This protest, though subtle, was symbolic of the ongoing battle for journalistic freedom.

The primary legal framework used was the Maintenance of Internal Security Act (MISA), which allowed for the arrest and detention of individuals without trial. Coupled with the Defence of India Rules, these laws empowered the government to impose pre-censorship on publications and control the flow of information.

Current Scenario:

In 2023, India's ranking slipped from 150 in 2022 to 161, out of 180 countries, in terms of press freedom according to the Reporters Without Borders' Press Freedom Index, with the organisation stating that the situation for journalists was "very serious" in the country.

In 2024, the annual Freedom in the World report by Freedom House gave India an overall score of 66 out of 100, corresponding to a status of "partially free", with a Civil Liberties rating of 33 out of 60 and a score of 2 out of 4 for the specific question "Are there free and independent media?". The analysis specifically noted that this did not include conditions in Indian Kashmir, which was analysed separately and scored a much lower overall score of 26 out of 100 (status "not free"), with a Civil Liberties rating of 20 out of 60. This represents a continued worsening of conditions over the recent years.

Analysis:

Article 19 of the Indian constitution provides us with the freedom of speech and expressions but Article 19(2) imposes reasonable restrictions on this freedom. These restrictions include sovereignty, security, public order, decency, or morality.

Freedom of the press is an essential requirement for the sustenance of democracy and must be protected at all costs despite the need for reasonable curtailment in certain cases such as media trial, right to privacy, hate speech, etc.

A comparison of historical and modern examples shows that **indirect censorship has become more common**. Instead of openly banning newspapers, governments today may restrict economic resources, issue legal notices, or interrupt internet

access in sensitive regions. These methods are harder to identify but can still significantly reduce the press's ability to report freely.

Regulations have to be made to bring about more transparency in the funding of press agencies and also to regulate the flow of direct funds from political parties, which renders the news agencies as mere mouthpieces of the government or the opposition.

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