

Cinema & censorship

Sadly, the battle for free expression is having to be fought so often these days

In a system that sets much store by retaining the power to censor films in the name of certifying them, random attempts by petitioners seeking cuts or even a ban often add to the pre-release anxieties of filmmakers. While rejecting the petition filed by a person claiming to be the daughter of the late Sanjay Gandhi to set aside the certificate granted to *Indu Sarkar*, a film directed by Madhur Bhandarkar, the Supreme Court has rightly banked on a well-established principle that freedom of expression cannot be curtailed without a valid reason. It has reiterated that the film is nothing but artistic expression within the parameters of law and that there is no warrant or justification to curtail it. Earlier, the Central Board of Film Certification, which under its present director, Pahlaj Nihalani, has not exactly distinguished itself, had granted a certificate to the film after suggesting 14 cuts. The Revision Committee had reduced the number of cuts, leaving nothing to be adjudicated as far as the suitability of the film for exhibition is concerned. Yet, a single individual managed to create some uncertainty over the release of the film by approaching the courts. The film relates to events set during the 1975-77 Emergency and, going by the director's disclaimer, its factual content is limited to 30%. Apart from the expression of concern by some Congress functionaries, there was little to suggest that anyone would take seriously the claim that the party's leaders may be convincingly shown "in a bad light".

Recent experience suggests that the CBFC does not always see itself as a certifying authority, but rather plays the censor quite merrily. In the case of *Uda Punjab* last year, it was seeking to be the guardian of Punjab's honour against the depiction of the high prevalence of drug addiction in the State. The Bombay High Court had to remind the CBFC that certification, and not censorship, is its primary role and that its power to order changes and cuts must be exercised in accordance with constitutional principles. More recently, the CBFC sought to play the moral censor with regard to *Lipstick Under My Burkha*, a film it thought was too "lady-oriented" to be given a certificate, presumably because it depicts their fantasies. The Film Certification Appellate Tribunal had to intervene to secure the release of the film, with an 'A' certificate. These instances demonstrate that challenges to freedom come from both within the systemic framework and outside. It is a matter of satisfaction that the courts prefer to protect the right to free expression rather than entertain excuses such as maintenance of law and order and public tranquillity, or someone's sense of hurt or the fear of someone being portrayed in a bad light. It is disconcerting, nonetheless, that the battle for free expression is having to be fought so often these days.