
WHEN THE MOB EDITS THE SCRIPT: FILM CENSORSHIP VS. FREEDOM OF SPEECH

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ABSTRACT

There has been a growing need to counter the evil of mob censorship. This sociopolitical phenomenon strikes at the heart of the fundamental right of freedom of speech and expression, acting as a dagger that erodes the constitutional safeguards not by law, but through fear, violence and outrage. People hold different kind of moral, social and political ideals, which they try to impose on others acting contrary to their views.

This article discusses the meaning of the word mob censorship, the role of censor board including its recent instances of institutional overreach, the failure on part of the state government in upholding the constitutional mandate and the apex court's reluctance against street veto.

Freedom of speech and expression engraved under Art. 19(1)(a) of the constitution of India is a fundamental right, this article highlights the need for a societal and legal reformation; while reanalyzing how fleetingly we allow public sentiment to overshadow constitutional protections as a state and as a society.

Keywords: freedom of speech and expression, Art. 19(1)(a), mob censorship, CFBC, reasonable restrictions.

INTRODUCTION

Freedom of speech and expression is a basic fundamental right guaranteed by Art 19(1)(a)¹ of the constitution of India. Freedom of speech and expression entails the idea of free speech i.e. right to speak or express one's ideas, opinions, aspirations by spoken words, writing, symbols, gestures and also includes pictorial representation or the like. This right is said to be the cornerstone of a functioning democracy.² However, this right is subject to certain "reasonable restrictions" like public order, decency, morality, sovereignty and integrity of India, security of the state, friendly relations with foreign states, contempt of court, defamation and incitement of an offence. Now two points need to be noted here:

Firstly, the list of restrictions imposed under Art 19(1)(a) is *exhaustive* i.e. the given list is complete in itself, which means there is no room for implications.

Secondly, the restrictions to be imposed are qualified by the word "*reasonable*." Now the term reasonable restriction has not been defined in the constitution of India. However, it incorporates the idea of **judicial review**. It is thus for the courts to determine reasonableness of a restriction³.

Thus, freedom of speech and expression can be curtailed but only on the aforesaid grounds and that to by or under the authority of law.

Films as a means of expression have a lasting impact on individuals because of the use of a combination of auditory and visual elements. The era of Indian cinema can be traced back to its first film, *Raja Harishchandra* released in 1913, during the colonial regime. Shortly thereafter the era of censorship in Indian cinema began with the enactment of the Cinematograph Act, 1918. Prior to this legislation a bill was introduced in the imperial legislative council in the year 1917 which noted the "*rapid growth in the popularity of cinematograph and increasing number of such exhibitions in India*."⁴

After independence with some modification the idea of censorship in films was retained and the act of 1918 was replaced by the Cinematograph Act of 1952. Under this act a board called

¹ India Const. art. 19, cl. 1(a).

² Narender Kumar, Constitutional Law of India 249 (11th ed. 2022)

³ Narender Kumar, *supra* note 2, at 245-246.

⁴ Uday Bhatia, 100 years of film censorship in India, LIVEMINT (July 7, 2018, 08:59 AM), <https://lifestyle.livemint.com/how-to-lounge/movies-tv/100-years-of-film-censorship-in-india-111644473960098.html>.

the central board of film certification (hereinafter referred to as “CFBC”) was established which dealt with certification of a film for public exhibition.

Even after having a lawfully established body for regulating public exhibition, there have been instances where the state machinery has failed to uphold the right of freedom of speech and expression embodied in the Indian constitution and has continued to bow down to those stereotypically organized groups that promote violence and mob censorship. This can be illustrated efficiently by a recent case i.e. the Kamal Hasan’s case where due to widespread protests of mobs the screening of the film “thug life” was in jeopardy. However, the apex court made it clear that the rule of law must prevail.

Emphasizing this hon’ble Justice Ujjal Bhuyan stated that *“We cannot have mobs and vigilante groups take over our streets. We cannot allow this to happen. Rule of law must prevail⁵.”*

MEANING OF MOB CENSORSHIP AND ITS PREVALENCE

Before dwelling into the topic further let’s take a look what exactly the word mob censorship entails:

What is mob censorship?

While there is no precise definition of the word, its meaning can be gathered through a general understanding of the words that constitute it and the context in which it is used:

Mob censorship is made up of two words ‘mob’ and ‘censorship’.

A mob means “a large, angry crowd, especially one that could easily become violent.”⁶ And censorship according to Webster’s Dictionary, means “to examine in order to suppress or delete anything considered objectionable.” The word “censor” originated in ancient Rome, where the government appointed officials to take the census and to supervise public morals. Censorship

⁵ Krishnadas Rajagopal, Rule of law must prevail Supreme Court tells Karnataka on Thug Life screening, THE HINDU (June 17, 2025, 07:55 PM), <https://www.thehindu.com/entertainment/movies/thug-life-film-must-be-released-in-karnataka-guns-cant-be-put-to-peoples-head-supreme-court/article69703921.ece>.

⁶ CAMBRIDGE DICTIONARY, https://dictionary.cambridge.org/dictionary/english/mob#google_vignette (last visited June 27, 2025).

happens whenever some people succeed in imposing their political or moral values on others by suppressing words, images, or ideas that they find offensive⁷.

Now by reading these two definitions together we understand that mob censorship happens whenever a group of vigilantes forcefully suppress or prevent expression of ideas in order to impose their own political and moral views.

This sociopolitical phenomenon called mob censorship has been there from a long time and is mostly watered by a political agenda of superiority, so-called 'morality' and a superficial idea of norms.

ROLE OF CFBC

Presently the law dealing with cinema censorship is cinematograph act, 1952. In accordance with the aforesaid act films need to be authorized by the central board of film certification, in common parlance known as the 'censor board', in order to be exhibited publicly. Sec 5 (B) (1) of the act provides the following:

*"A film shall not be certified for public exhibition if, in the opinion of the authority competent to grant the certificate, the film or any part of it is against the interests of 1 [the sovereignty and integrity of India] the security of the State, friendly relations with foreign States, public order, decency or morality, or involves defamation or contempt of court or is likely to incite the commission of any offence"*⁸.

Based on this we can gather that restrictions or censorship on films can be imposed under art 19(2)⁹ or the 1952 act. In addition to this the SC has time and again reaffirmed that certification by the CFBC is a lawful certification.

Moral policing by CFBC

Under the cinematograph act, 1952 the CFBC is designated as a certifying authority, however there have been many instances where it has showcased itself as a censoring agency and

⁷ National coalition against censorship, what is Censorship?, NCAC.ORG, <https://ncac.org/resource/what-is-censorship>, (last visited June 27, 2025).

⁸ Cinematograph act, 1952, §5(B)(1).

⁹ India Const. art. 19, cl. 2

censoring has been done by it on ambiguous grounds like “hurtful to the sentiments of a community”, “public morality”, etc.

***Shyam Bengal Report of the Expert Committee on CBFC (2016)*¹⁰**

An Expert Committee was constituted under the chairmanship of Shyam Bengal to recommend guidelines for certification of films by CBFC which submitted its report in April 2016. The committee recommended certain changes in the role of CFBC and observed that the owner of the film has exclusive rights over it. It recommended that present system of suggesting modifications and amendments to a film by the CFBC should be discontinued and the function of the board should be limited to certification. For instance, recently CFBC blocked the release of a film namely; *Janaki v/s State of Kerala* on the ground that the name “Janaki” cannot be allowed to be used as the name of the film the reason being it is attributable as another name for Lord Ram’s wife Sita¹¹.

Apart from this there have been many instances in the past where the CFBC has acted beyond its powers and has suppressed the release of films on vague grounds.

KAMAL HASAN’S CASE AND MOB CENSORSHIP

Now nowhere in the list of reasonable restrictions or under the aforesaid act, the words “**mob censorship**” are mentioned. Nevertheless, mob censorship has been prevalent and there have been countless times when the state functionary has bowed down to the demands of these violent vigilant groups. More recently, this can be seen and is clearly portrayed from the ongoing controversy around the ban of the film ‘Thug life’, due to certain remarks of the Telugu actor ‘Kamal Hasan’ that “Kannada language is born out of Tamil”.

As threats on potential ban of the film increased the Raajkamal industries filed a petition before the Karnatak high court. It is pertinent to note here that the high court asked the actor to seek a public apology. Contrary to this the apex court on June 17 while emphasizing the prevalence of principles of rule of law passed an interim order stating that any film certified by the CFBC must be allowed to screen, A bench of Justices Ujjal Bhuyan and Manmohan said, “**There is**

¹⁰ PRS INDIA, Report of the Expert Committee on CBFC, <https://prsindia.org/policy/report-summaries/report-expert-committee-cbfc>, (last visited June 27, 2025).

¹¹Manju Elsa Isac, Producer of Suresh Gopi-Starrer 'Janaki v/s State of Kerala' Film Moves Kerala High Court Against Delay in Certification by CBFC, LIVELAW, (June 24, 2025, 10:56 PM), <https://www.livelaw.in/high-court/kerala-high-court/kerala-high-court-jsk-janaki-v-state-of-kerala-cinema-certification-suresh-gopi-295675>

no end to hurt sentiments in India. If a stand-up comedian says something, sentiments are hurt and there is vandalism and protests. Where are we heading?”¹²

FAILURE OF THE GOVERNMENT’S MACHINERY

There have been many instances where the government’s machinery has failed to uphold the fundamentals of free speech and expression and bowed down to these mob vigilantes’ protests and violence. The apex court in various judgements like *Prakash Jha Productions & Anr. v. Union of India & Ors*¹³ established that upon CFBC’s approval on the public exhibition of the film the same cannot be reviewed or restricted by the state government on potential law and order concerns as it is the duty of the apex court to maintain law and order. On the basis of this precedent the apex court stayed the ban on the screening of the film *Padmavat* in the year 2018.

The same has been reaffirmed by the apex court in the case of *Indibility Creative Pvt Ltd v. Govt of West Bengal*¹⁴ wherein the apex court highlighted a ‘positive obligation’ on part of the state in ensuring meaningful exercise of the right to freedom of speech and expression by discerning numerous occasions on which the state’s machinery has failed to provide adequate protection to the film’s release. In the aforesaid case the court cited *S. Rangarajan v. P. Jagjivan Ram*¹⁵ in order to establish that, once a film has been passed by the censor board and is not restricted under Article 19(2), which provides for reasonable restriction on freedom of speech and expression, the same cannot be restrained on the basis of protests and threats of violence by mobs.

The inability of the state government or their failure can be further highlighted by mentioning a recent scenario, surrounding the release of the film *Thug Life* wherein the film failed to release in the state of Karnataka despite the apex court’s order and assurance by the state government in ensuring its proper release¹⁶.

¹² Suchitra Kalyan Mohanty, just because someone's sentiment is hurt, movie, stand-up comedy can't be stopped, says SC on Thug life ban, THE NEW INDIA EXPRESS, (June 19, 2025, 5: 47 PM), <https://www.newindianexpress.com/states/karnataka/2025/Jun/19/just-because-someones-sentiment-is-hurt-movie-stand-up-comedy-cant-be-stopped-says-sc-on-thug-life-ban>

¹³ *Prakash Jha Productions & Anr. v. Union of India & Ors*, (2011) 8 SCC 372

¹⁴ *Indibility Creative Pvt Ltd v. Govt of West Bengal*, AIR 2019 SC 1918

¹⁵ *S. Rangarajan v. P. Jagjivan Ram* (1989) SCC 2 574

¹⁶ Express News Service, Despite Supreme Court’s green light for Kamal Haasan-starrer ‘Thug Life’, film fails to release in Karnataka, THE NEW INDIA EXPRESS, (June 20, 2025, 9: 31 PM), <https://indianexpress.com/article/cities/bangalore/thug-life-film-karnataka-supreme-court-10078739/>

CONCLUSION

The right to freedom of speech and expression is an inherent right of all human beings subject to just restrictions. Speech and expression exhibit itself in various forms ranging from spoken words to cinema and in all of these forms exists the right of freedom of speech and expression that needs to be protected within reasonable bounds. This right should not be at the mercy of oppressive groups or mobs as highlighted by various supreme court judgements in this article. Although the phenomenon of suppressing others' ideas, opinions, beliefs has existed in society since time immemorial, nonetheless, it becomes the duty of the government to safeguard these rights and protect the interests of all individuals. Moreover, the instances of censorship or breach of this freedom arise not only by pressure through oppressive mobs but also on account of moral policing by the censor board as highlighted in this article. The right of freedom of speech and expression forms the basis of a democratic and diverse society like India that respects the opinions of all human beings.

The way forward would be an approach that follows the ideals given by the apex court, reaffirms state neutrality while dealing with mobs and vigilantes, ensures protection against oppression on free speech and keeps a check on moral policing by the censor board.