



# The Indian Journal for Research in Law and Management

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## LAWS ON THE SILVER SCREEN

“Art is the closest we can come to understanding how a stranger really feels.” Roger Elbert, an American film critic, made this beautiful comment while describing motion pictures. However, these elaborate stories that we see on the big screen, whether fictitious or a biographical account, are not raw projects that are presented to us by the director. Rather these projects go through several filtration process to make them as unchallenged as possible and suited for the viewers. The Latin term “censere” means to give one’s opinion in order to assess. This term is the root word for Censorship. Taking it meaning from ancient Rome, Censorship is defined as a tool which keeps a check on what is introduced in the public domain subject to several interpretations. It also sets down the established standards which are derived out of the accepted morals to maintain peace and order in the society, standards which need to be met before entering the public domain. In India, Censorship is a subject of debate between political parties, scholars and even the ordinary folk, the most impacted audience. Censorship can be understood in terms of movies, newspapers, advertisement, music, dance, literature, etc., essentially everything written and oral which is a matter of public interpretation. There are various legislations in India which govern censorship, namely, the Indian Penal Code of 1860, The Criminal Procedural Code of 1973, Central Board of Film Certification, Press Council of India, Cinematograph Act of 1952 And Cable Television Act of 1995.

### THE INIDAN PENAL CODE, 1860

Inserted in 1925, Section 292<sup>1</sup> of the IPC avers that a book, pamphlet, paper, writing, drawing, painting, representation, figures, etc. are to be classified as obscene if the said is, lascivious; or it appeals to the prurient interest; or it effects tends to deprave and corrupt persons who are likely to read, see or hear the contents of such document. Along with defining the kind of documents that

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<sup>1</sup> Section 292 of The Indian Penal Code of 1860, available at: [iddashboard.legislative.gov.in](http://iddashboard.legislative.gov.in) (Last visited on Feb 09, 2024)

will be covered under the ambit of this section, it also calls for punishment for sale, circulation, import, export or advertisement of such content.

Section 293<sup>2</sup> presents an aggregated form of offence under section 292, when the sale of aforementioned obscene content is sold to a youngster, defined as someone below the age of 20 years.

Section 294<sup>3</sup> of Indian penal code, penalizes any act through which a person performs any obscene act in public; or sings, recites or utters any obscene song, ballad or words in or near any public place; or causes annoyance to a particular person or people at general.

### **CRIMINAL PROCEDURAL CODE OF 1973**

Section 95<sup>4</sup> of the CrPC empowers the state government to declare retraction of publications through notification and search warrants issued by any magistrate on the condition that the said publication satisfies the criteria for it to be labelled as problematic or is covered under the definition provided by section 124A, 153A, 153B, 292 OR 293 of the Indian Penal Code, 1860.

### **PRESS COUNCIL OF INDIA**

Created by the Press Council Act of 1978<sup>5</sup>, Press Council of India is a statutory body that is primarily responsible for regulation of the Print Media in India. Being rather autonomous, the chief purpose of this body is to preserve the freedom of the press and of maintaining as well as enhancing the standard of the Indian media. It is referred to as one of the important pillars of Indian democracy.

### **CENTRAL BUREAU OF FILM CERTIFICATION**

More famously known as the censor board, this bureau is the sole regulating body for the Indian filmmaking industry. Its creation is rooted in the Cinematography Act of 1952<sup>6</sup>. The fundamental function of this board is to certify after screening and rating the suitability of the feature films, trailers, short films, documentaries and theater based productions that subject matter of public

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<sup>2</sup> Section 293 of The Indian Penal Code of 1860, available at: [iddashboard.legislative.gov.in](http://iddashboard.legislative.gov.in) (Last visited on Feb 09, 2024)

<sup>3</sup> Section 294 of The Indian Penal Code of 1860, available at: [iddashboard.legislative.gov.in](http://iddashboard.legislative.gov.in) (Last visited on Feb 09, 2024)

<sup>4</sup> Section 95 of The Code of Criminal Procedure of 1973, available at: [iddashboard.legislative.gov.in](http://iddashboard.legislative.gov.in) (Last visited on Feb 09, 2024)

<sup>5</sup> The Press Council Act of 1978, available at: [iddashboard.legislative.gov.in](http://iddashboard.legislative.gov.in) (Last visited on Feb 09, 2024)

<sup>6</sup> The Cinematography Act of 1952, available at: [cbfcindia.gov.in](http://cbfcindia.gov.in) (Last visited on Feb 09, 2024)

viewership. Four board categories have been established by the board and all the aforesaid documents are to be placed in one of these four categories. They are: -

1. U: Unrestricted Public Exhibition
2. A: for adult views only.
3. S: for restricted and special audience.
4. UA: which require parental guidance for children under the age of 20 years.

### **THE CABLE TELEVISION NETWORKS ACT OF 1995**

Initially introduced to control the surge witnessed in the 1990s of the cable TV networks and satellite broadcast, this act majorly keeps a check on the programs that are being displayed by the network provider on their channels. Earlier, because of lack of any legislations at that time, the cable operators broadcasted anything according to their whims and fancies. The case of Shiv Cable TV System V. State of Rajasthan (AIR 1993 RAJ 197)<sup>7</sup> highlighted the need for this legislative action taken by the parliament.

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<sup>7</sup> Shiv Cable TV System V. State of Rajasthan, n.d., AIR 1993 RAJ 197.