



This is an Open Access article distributed under the terms of the Creative Commons Attribution- Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

Silver Screen, Iron Fist: The Legal Architecture of Film Censorship in India

~Shafaque Fatima

India's romance with cinema is legendary, but behind every frame lies a legal battle. The Central Board of Film Certification (CBFC), established under the Cinematograph Act, 1952, stands as the gatekeeper of Indian cinema, operating under the Ministry of Information and Broadcasting. Films can only be shown publicly in India after receiving certification from the CBFC, making it a statutory requirement with no exceptions for theatrical releases.

I. The Constitutional Framework

The foundation of cinema censorship lies legally in a precarious balance of constitutional provisions. The Constitution, through Article 19(1)(a), confers fundamental rights of freedom of speech and expression, which include the form of expression in cinematic media.¹ Even so, Article 19(2) opens a window for the state to impose "reasonable" controls on these rights, mainly in cases about the sovereignty of the country, public order, maintenance of good relations with neighbours, prevention of contempt or defamation of the judiciary, and the like, as the case may be.² This constitutional right has legislative backup in the form of Section 5B of the Cinematograph Act, which states that the Film Certification Board shall not be able to give a green light to a film that, in its view, contravenes India's sovereignty, public order, decency, or morality.³

In the landmark *K. A. Abbas* case, the Supreme Court, by upholding the pre-censorship mechanism, recognised film censorship as a necessary evil not only to protect sovereignty but also morality and decency.⁴ And, the Court concluded that even though Section 5B lacks an

¹ India Const. art. 19(1)(a), 19(2).

² *Id.*

³ Cinematograph Act, 1952, No. 37 of 1952, § 5B.

⁴ *K.A. Abbas v. Union of India*, (1970) 2 SCC 780.

explicit wording of "reasonable restrictions, " the CBFC can't arbitrarily resort to censoring films without any justification or explanation whatsoever.⁵

II. Certification Categories and Powers

Based on Section 4(2) of the Act, the CBFC will categorise a film into one of these four: U (Suitable for All), UA (Suitable for Adults only with Parent/guardian for the Child), A (Adults only), S (Specialist audiences).⁶ Filmographers can also be required by the CBFC through their certification request to either delete material or make certain modifications deemed necessary by the Board. Though the state insists on it being "certification" instead of "censorship, " the real result is censorship, since the content gets blocked from or withheld from its target viewership.

As per Section 5E, the Central government may suspend or revoke the Film Certification of a film after hearing the applicant or the Board if it is exhibited in an uncertified form or it violates any provisions or clauses of the Act.⁷ And, under Section 6(2)(a) of the Act, the Central government can declare a film,⁸ certified under the provisions of the Act, as "uncertified" anywhere in India and under Section 6(2)(c), the Central government has a further power of suspending public exhibition of a film for a period of two months without any chance for the filmmakers to present their defence.⁹

III. The Uda Punjab Watershed

The turning point of the controversy surrounding 2016's film *Uda Punjab* was the overzealous behaviour of the CBFC. The Board was pushing for deletion of 89 parts, including the words "Punjab, " "MLA, " and "election."¹⁰ The High Court of Bombay found the CBFC to be guilty of a major blunder by going against the law and that the Board can't even legally exercise such a power to cut or modify a film on its own, as an act of banning a film, for all practical purposes, is an exercise of censorship power, and not an exercise of certification power. The filmmakers' challenge reached up to the Court of the High Bench of Bombay, which gave the movie clearance with just one cut and three disclaimers since the film didn't have anything in it even remotely indicating any threat to the sovereignty or integrity of the country, the bench decided.

⁵ *Id.* at 785.

⁶ Cinematograph Act, 1952, No. 37 of 1952, § 4(2).

⁷ *Id.* § 5E.

⁸ *Id.* § 6(2)(a).

⁹ *Id.* § 6(2)(c).

¹⁰ *Uda Punjab* Certification Dispute, Bombay High Court (2016).

The court further observed that the film "has not been made with a view to malign the state or its people" and that the CBFC should not act like a "grandmother."¹¹

IV. The Padmavat Precedent

The 2018 Padmaavat Row showed what outside-the-law pressure could do to certification of films. Even though the censor board cleared the movie as a modified one, right-wing organisations like the Sri Rajput Karni Sena threatened a violent attack and demanded that the movie be banned. The Supreme Court stepped in, put a stop to all the ban orders from four states and declared that state governments have no right to ban a movie that has been certified by the Board.¹² This basically said that a certification by the CBFC has to be respected; one cannot just take a movie away on the grounds of potential public outrage alone.

V. The Satluj Saga: A Case Study in Systemic Censorship

Filmmakers have been having a hard time due to repeated CBFC censorship demands in Satluj (originally titled Punjab '95 or Ghallughara), which was to be their first biopic on human rights activist Mr Jaswant Singh Khalra. For over three years, this film was on the run, firstly because they tried to film the story of someone who was known for exposing that authorities might have cremated people as a means to cover up the death figures during militancy in Punjab.

The CBFC asked filmmakers to cut a total of 127 scenes, not to show the name of Mr Khalra and not to include events that could be real (or that could point to a real scenario).¹³ Besides those demands, the censor board asked them to change the name of the movie four times. The filmmakers refused and left their petition against the CBFC at the Bombay High Court untouched for two years. They finally released an uncut version of Satluj directly on the OTT platform ZEE5 on July 3, 2026.¹⁴

This is justified because the OTT streamers are not subject to the CBFC's regulation and that the Ministry of Information and Broadcasting has clarified that the CBFC does not have any say over the content of streaming platforms. Due to the removal of the movie from streaming

¹¹ *Don't act like grandmother': HC allows Uda Punjab release with one cut*, DECCAN CHRONICLE (June 13, 2016)

¹² *Padmaavat Ban Challenge*, Supreme Court of India (2018).

¹³ *127 cuts, no release: Diljit Dosanjh's Punjab 95 is caught in a cycle of postponements, disappointments, says director Honey Trehan*, INDIAN EXPRESS (June 4, 2025),

¹⁴ *Behind 'Satluj' takedown, India's parallel regimes to regulate theatrical and OTT releases*, INDIAN EXPRESS (July 10, 2026).

platforms in India, the film could be watched in India for 48 hours at the most (though it is still available through foreign platforms).

The movie's availability in theatrical release was cited as the main reason for the removal, with a government official adding: "Nearly 100 cuts were recommended and the producers were able to quietly release the movie on an online platform under a changed name." The filmmakers said that their case had been treated differently.¹⁵ "If The Kashmir Files exists, The Kerala Story also exists, then why is one not called an instrument to serve a foreign hand and the other is considered so dangerous that it will suddenly be misused by extremists?"

VI. A Pattern of Selective Censorship

CBFC is a film censor board which is responsible for the regulation of the film industry in India through censorship. The CBFC's role is to protect the public interests from films which are of an offensive or subversive nature. There are times when CBFC may demand cuts for political reasons, unlike for the public good, and this may be a factor in a decision not to recommend certification. CBF Watch is an open-source project which collects data from sources of film censorship, and the results have shown that in the period from 2017 to 2025, the board has asked for a total of nearly two million editorial changes across nearly 18,000 films.¹⁶ The recent ones are *Homebound*, a biographical film, which was India's Official Submission for the 95th Academy Awards, and was told that it would need to make 11 corrections and some sections that mention caste were deleted. *L2: Empuraan* (2025) had to make 24 cuts after a right-wing backlash to the depiction of events related to the 2002 Gujarat riots, an instance of filmmakers self-censoring. *Phule* (2025), a film about people who fought against caste discrimination, was certified with a U rating until Brahmin community organisations complained, when the Censor Board asked them to delete certain caste-related words. Director Anurag Kashyap has openly accused the Board of a systematized, biased behavior against him naming "casteism, regional bias", and "Phule", together with "Punjab '95" as movies which he feels have been blocked by a kind of a "casteist, regionalist" approach, where oppositional politicians argued that no film like *The Kashmir Files* or *The Kerala Story* has ever run into similar issues.

VII. The Janaki and Haal Controversies

¹⁵ Centre Plans To Bring OTT Under Censor Purview: Sources Amid 'Satluj' Row, NDTV (July 15, 2026).

¹⁶ CBFC Watch, *Censorship Data* (2025).

Janaki vs State of Kerala, a Malayalam movie that is a story of women's empowerment against a sexual assault survivor, was halted at the CBFC over the lead character's name, Janaki, another name for the Hindu goddess Sita, as they were thought to carry the burden of carrying the name of an incarnation of a deity.¹⁷ The Malayalam filmmaking community protested at the CBFC Office in Thiruvananthapuram over the decision. They have also been quoted as saying they don't agree with the idea that a woman's choice of name would be considered a blemish on her personality. After a compromise by the movie-makers, the CBFC cleared the film. The main requirement of the censors was the removal of the protagonist's name 'Janaki'

Haal, a funny satire by filmmaker Veera, was quite strange and unexpected. The film's censors, the CBFC, were not ready to compromise unless they had these four main sequences removed from the film. A girl eating beef biryani, using a burqa to hide her identity, characters dressing up in rakhi (linked to Sangh Parivar activists), references of 'Ganapathi Vattam' [a name for Sulthan Bathery suggested by BJP], the CBFC wanted these scenes cut before the film was officially released.¹⁸ The Directors of the film went all the way to the Kerala High Court, which not only viewed the movie but also partially allowed them to film with the original material. Veera told The Hindu, "The film promotes the idea of inter-religious marriage, which is against social stereotypes and religious divides in a way. It is the very essence of unity in diversity, but it seems the political powers of our country are bent on ensuring these ideas do not reach the next generation."

VIII. The Jana Nayagan Battle

Vijay's movie Jana Nayagan went to court and came home only after 7 months, getting an A certificate with 12 conditions.¹⁹ The CBFC's modifications were replacing the dialogue "Ambedkar sattam" with "TVK sattam"; altering all images of Dr B.R. Ambedkar on book covers; cutting out a scene depicting Indian national flags falling; silencing words like "Bhagavatham, " "Ranganathar, " "OM, " "New India, " and several expletives; depicting a kid burning; and substituting the name "Sheela Rani" wherever it appears. Combined cuts were about 20 seconds, and 10 seconds of film was swapped. After CBFC Chairperson Prasoon Joshi, at a complaint of the film depicting religious and armed forces sentiments in an offensive and objectionable manner, had assigned the film to a Revising Committee, the film's censorship

¹⁷ CBFC grants certification for Malayalam movie Janaki V v/s State of Kerala, THE HINDU (Sept. 16, 2025).

¹⁸ CBFC demands makers to cut beef biriyani eating and several other scenes from Malayalam movie Haal, THE HINDU (Oct. 9, 2025).

¹⁹ Vijay's Jana Nayagan Clears CBFC With A Certificate and 12 Mandated Changes, FILMFARE (July 10, 2026).

path was one of the hottest issues in the business. The final list by CBFC of the changes required was: changing the dialogue "Ambedkar sattam" to "TVK sattam," deleting the scene with the Indian national flag falling to the ground, etc.

IX. The Manushi Intervention

The Madras High Court stepped in in the production of the Tamil movie *Manushi* done by Vetri Maaran after an insistence from CBFC that 25 cuts and 12 changes should be made. Judge N. Anand Venkatesh watched the flick and gave his verdict that was both fair and deep in that he described the movie as "a moving film reflection on how the life of ordinary people could be wrecked when their encounters with the pre-discriminatory mindset and the State's power."²⁰ It also told the filmmaker to do only the modifications that the court had suggested and to submit a request to the CBFC for the film certificate. This meant essentially that the court rejected many of the censorship demands of the board.

X. Title Censorship: The A Nice Indian Boy Case

The CBFC's scissors are still cutting out words even in the title of the film. It happened for the movie *A Nice Indian Boy*, a romantic comedy of a gay Indian American man who is trying to tell his parents and show his true love to his father, after the CBFC objected to including the word "Indian" in the title, as their main reservation was "how could a 'nice Indian boy' be gay?"²¹ The film opened in India quietly after its title was changed to *A Nice Boy* on the day of October 17, 2025, which stripped it of the name. This was not an exclusive case, as the cinema titles were cut down on many different occasions. For instance, the most iconic example was how it turned out when Sanjay Leela Bhansali's *Padmavati* came out as *Padmaavat* (2018), while a film titled *Janaki v/s State of Kerala*, after getting CBFC's objection over including a Hindu deity's sacred name in its movie title, had its name reduced to a shorter one.

XI. The OTT Question

The Satluj takedown debate has reopened discussions on the regulation of OTT. The Ministry of Information and Broadcasting has said unequivocally that the CBFC has no jurisdiction over OTT platforms, which are regulated under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.²²

²⁰ Madras High Court lauds Vetrimaaran-produced Tamil movie 'Manushi', orders issue of censor certificate after necessary cuts, THE HINDU (Aug. 29, 2025).

²¹ A Nice Indian Boy' | What's in a name? Ask the censor board, THE HINDU (Oct. 25, 2025)

²² Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.

In fact, even after the Satluj controversy, the government is contemplating amendments to the IT Rules requiring certification for non-theatrical releases in addition.²³ It appears the Centre wants to bring OTT platforms under the censor's scrutiny by implementing measures that practically mean the CBFC's censorship regime will be extended to the digital world.²⁴

XII. The Cumulative Effect

The message to Indian filmmakers is clear: some stories are allowed, others are silenced. The CBFC was meant to be a certification board, not a censor board. But when 127 cuts are demanded from one film while another on an equally controversial subject sails through, the pretence of neutrality collapses. As constitutional lawyer Navroz Seervai observed: "What's happening with the movie has chilling effects. It's like telling the producers and distributors 'you take the risk of making a film we may not like, and we will have the last laugh.'"²⁵

When rules are broad and enforcement selective, the rational response is self-censorship. And that is exactly what the government wants. The chilling effect does not announce itself dramatically; it accumulates quietly, frame by frame, until the boundaries of permissible storytelling shrink without formal decree.

²³ *As Satluj creates ripples*, *supra* note 21.

²⁴ *Centre Plans To Bring OTT Under Censor Purview*, *supra* note 25.

²⁵ *Why India Has Spent Years Blocking the Release of Diljit Dosanjh's 'Satluj'*, N.Y. TIMES (July 9, 2026).