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CENSORSHIP LAWS IN INDIA: BALANCING FREEDOM OF EXPRESSION AND LEGITIMATE STATE RESTRICTIONS

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ABSTRACT

Censorship in India operates at the intersection of freedom of expression and the State's responsibility to protect public order, national security, morality, and other constitutionally recognised interests. Article 19(1)(a) of the Constitution guarantees freedom of speech and expression, while Article 19(2) permits the State to impose reasonable restrictions on that freedom on specified grounds. Indian censorship is therefore not founded upon an unrestricted governmental power to suppress expression; it is structured by constitutional limitations, statutory mechanisms, and judicial review. This article examines the principal legal frameworks governing censorship in India, particularly film certification under the Cinematograph Act, 1952, press regulation, television broadcasting, and online content regulation under the Information Technology Act, 2000 and the Information Technology Rules, 2021. It also analyses important judicial decisions including K.A. Abbas v. Union of India, S. Rangarajan v. P. Jagjivan Ram, Bennett Coleman & Co. v. Union of India, and Shreya Singhal v. Union of India. The article argues that the constitutional validity of censorship depends less upon the existence of restrictions and more upon their legality, necessity, procedural safeguards, and proportionality. With digital platforms and synthetic media rapidly transforming the information environment, Indian censorship law faces the continuing challenge of preventing genuine harm without converting regulation into excessive control over lawful expression.

Keywords: Censorship, Freedom of Speech, Article 19(1)(a), Article 19(2), Film Certification, Digital Media, Reasonable Restrictions.

1. INTRODUCTION

Freedom of expression is an essential component of a constitutional democracy. It enables individuals to communicate opinions, question public institutions, create artistic works, circulate information, and participate in public debate. In India, this freedom is constitutionally protected by Article 19(1)(a) of the Constitution. The guarantee, however, is not absolute. Article 19(2) permits the State to impose reasonable restrictions upon speech in the interests of specified constitutional grounds, including sovereignty and integrity of India, security of the State, friendly relations with foreign States, public order, decency or morality, contempt of court, defamation, and incitement to an offence.¹

Censorship therefore occupies a difficult constitutional space. On one side lies the State's obligation to respond to speech that may produce legally recognised harm; on the other lies the danger that broad or vague restrictions may discourage legitimate criticism, artistic expression, journalism, or political discussion. The central legal question is consequently not whether every form of censorship is permissible, but whether a particular restriction satisfies the constitutional requirements governing limitations on speech.

Indian censorship law is not contained in one comprehensive statute. Instead, it is distributed across different legal instruments dealing with different forms of communication. Films are regulated principally through the Cinematograph Act, 1952; television broadcasting is subject to the Cable Television Networks (Regulation) Act, 1995 and the Programme Code; newspapers operate within a framework shaped by constitutional protection and the Press Council Act, 1978; and digital communication is regulated through provisions of the Information Technology Act, 2000 and the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.²

The expansion of social media, streaming services, artificial intelligence and synthetic media has made this framework increasingly complex. The traditional model of examining a film before public exhibition is fundamentally different from regulating millions of pieces of user-generated content circulated instantly through digital networks. The law must therefore

¹ INDIA CONST. art. 19(1)(a), (2).

² See Cinematograph Act, 1952, No. 37 of 1952, INDIA CODE (1952); Cable Television Networks (Regulation) Act, 1995, No. 7 of 1995, INDIA CODE (1995); Press Council Act, 1978, No. 37 of 1978, INDIA CODE (1978); Information Technology Act, 2000, No. 21 of 2000, INDIA CODE (2000); Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, Gazette of India, G.S.R. 139(E) (Feb. 25, 2021).

attempt to protect legitimate interests without treating technological change as a justification for unlimited restrictions on expression.

2. CONSTITUTIONAL FOUNDATION OF CENSORSHIP

The starting point for analysing censorship is Article 19 of the Constitution. Article 19(1)(a) protects freedom of speech and expression, while Article 19(2) defines the constitutional boundaries within which legislative restrictions may operate.³ This structure is significant because the State cannot justify a restriction merely by demonstrating that particular expression is unpopular, controversial, offensive, or inconvenient. The restriction must be connected with one of the grounds expressly recognised by Article 19(2).

The Supreme Court has repeatedly treated freedom of speech as extending beyond the expression of agreeable or popular opinions. In *Bennett Coleman & Co. v. Union of India*, the Court recognised the relationship between freedom of the press and the broader constitutional protection of speech and expression.⁴ The decision demonstrates that governmental regulation affecting the conditions under which newspapers operate may also have constitutional consequences when it substantially interferes with the dissemination of ideas.

The requirement of reasonableness is equally important. A restriction must have a constitutionally legitimate basis and cannot be evaluated solely from the perspective of governmental convenience. The constitutional scheme consequently places judicial review between governmental regulation and individual freedom.

3. FILM CENSORSHIP AND PRIOR RESTRAIN

Films have traditionally received special treatment within Indian censorship law. The Cinematograph Act, 1952 establishes a certification system for cinematograph films intended for public exhibition. The Act empowers the Central Board of Film Certification to examine films and grant certificates subject to the statutory framework.⁵

The constitutional position concerning pre-censorship was considered by the Supreme Court in *K.A. Abbas v. Union of India*. The Court accepted that prior restraint in relation to films

³ INDIA CONST. art. 19(1)(a), (2).

⁴ *Bennett Coleman & Co. v. Union of India*, (1973) 2 SCC 788, 807–08.

⁵ Cinematograph Act, 1952, No. 37 of 1952, §§ 3–5A, INDIA CODE (1952).

could constitutionally exist because of the distinctive impact and mass communication potential of cinema, while simultaneously recognising that such power must remain subject to constitutional safeguards.⁶ The judgment is important because it did not treat censorship as an unrestricted executive function. Instead, the statutory power had to operate within the framework of Article 19(1)(a) and Article 19(2).

The Court subsequently adopted a stronger formulation in *S. Rangarajan v. P. Jagjivan Ram*. The case concerned a challenge to the exhibition of a film dealing with caste and reservation. The Supreme Court emphasised that freedom of expression cannot ordinarily be suppressed merely because some individuals or groups threaten to create a disturbance.⁷ The decision placed an important responsibility upon the State: the proper response to threatened disorder should not automatically be suppression of the speaker's expression.

This principle is particularly relevant to modern censorship. If expression is prohibited simply because it may provoke opposition, the practical consequence may be that the most intolerant audience determines the boundaries of permissible speech. Constitutional protection would thereby become dependent upon the willingness of others to tolerate disagreement.

The Cinematograph (Amendment) Act, 2023 also demonstrates that film regulation continues to evolve. Among other changes, the amended framework introduced additional age-based certification categories and strengthened measures against unauthorised recording and transmission of films.⁸ These changes show that film regulation today encompasses not only conventional concerns of certification but also technological and copyright-related challenges.

4. PRESSREGULATION AND FREEDOM OF JOURNALISM

The press occupies a distinctive position within the constitutional system because newspapers facilitate the circulation of information necessary for democratic participation. Although the Constitution does not separately enumerate a fundamental right called “freedom of the press,” press freedom is protected as part of Article 19(1)(a).⁹

⁶ *K.A. Abbas v. Union of India*, (1971) 2 SCC 446, 462–63.

⁷ *S. Rangarajan v. P. Jagjivan Ram*, (1989) 2 SCC 574, 613–14

⁸ Cinematograph (Amendment) Act, 2023, No. 12 of 2023, INDIA CODE (2023); Cinematograph Act, 1952, §§ 6AA, 6AB, 7, INDIA CODE (1952).

⁹ *Bennett Coleman & Co. v. Union of India*, (1973) 2 SCC 788, 797–98.

The Press Council Act, 1978 established the Press Council of India with the stated objective of preserving press freedom and maintaining standards of newspapers and news agencies. Section 13 sets out its functions, while section 14 permits the Council, after following the prescribed process, to warn, admonish or censure newspapers, news agencies, editors or journalists in appropriate cases.¹⁰

This framework illustrates an important distinction between censorship and professional regulation. Not every regulation affecting expression amounts to prior censorship. A regulatory mechanism may instead operate after publication and focus upon professional standards. Nevertheless, any regulatory power affecting journalism must remain consistent with the constitutional protection of speech.

The Supreme Court's decision in *Bennett Coleman* remains significant in this context because it demonstrates that apparently economic or administrative restrictions can have consequences for expressive freedom.¹¹ The constitutional inquiry therefore cannot depend merely upon the formal label attached to a governmental measure. The practical effect upon the ability to communicate information may also be relevant.

5. TELEVISION AND BROADCASTING REGULATION

Television broadcasting is governed in part by the Cable Television Networks (Regulation) Act, 1995. The legislation provides for regulation of cable television networks and incorporates a Programme Code and Advertisement Code framework.¹² The statutory system allows restrictions upon certain categories of content and provides mechanisms for regulating programmes transmitted through cable networks.

Broadcasting regulation raises a recurring constitutional question: how far may the State regulate content while preserving editorial and creative freedom? The answer must remain connected to Article 19(2). A regulatory framework cannot acquire unlimited constitutional authority simply because television reaches a large audience.

The logic of *Rangarajan* remains relevant here. The existence of public disagreement or the possibility of protest cannot by itself become an automatic justification for suppressing

¹⁰ Press Council Act, 1978, No. 37 of 1978, §§ 13–14, INDIA CODE (1978).

¹¹ *Bennett Coleman & Co. v. Union of India*, (1973) 2 SCC 788, 806–07.

¹² Cable Television Networks (Regulation) Act, 1995, No. 7 of 1995, §§ 5–6, INDIA CODE (1995)

expression.¹³ The State has responsibilities not only to prevent unlawful disorder but also to create conditions in which lawful expression can take place.

6. DIGITAL CENSORSHIP AND SECTION 69A OF THE INFORMATION TECHNOLOGY ACT

The Internet has significantly altered the nature of censorship. Unlike traditional cinema or television, online communication allows users themselves to create, upload, modify and distribute content. Indian law therefore uses several mechanisms to regulate online expression.

Section 69A of the Information Technology Act, 2000 authorises the Central Government or specially authorised officers to direct blocking of public access to information through a computer resource on specified grounds, including sovereignty and integrity of India, defence of India, security of the State, friendly relations with foreign States, public order, and prevention of incitement to specified cognizable offences.¹⁴ The provision also requires reasons to be recorded in writing and operates subject to prescribed procedural safeguards.

The Supreme Court examined the constitutional framework surrounding online restrictions in *Shreya Singhal v. Union of India*. The Court struck down section 66A of the Information Technology Act because its vague and overbroad restrictions were not saved by Article 19(2).¹⁵ At the same time, the Court upheld section 69A and the associated blocking framework, noting the procedural safeguards incorporated into that mechanism.¹⁶

Shreya Singhal is particularly important because it establishes a distinction between constitutionally permissible regulation and restrictions that are too uncertain or disconnected from Article 19(2). The judgment therefore remains central to understanding digital censorship in India.

7. REGULATION OF SOCIAL MEDIA, OTT PLATFORMS AND SYNTHETIC MEDIA

The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 created a regulatory framework covering intermediaries and digital publishers,

¹³ *S. Rangarajan v. P. Jagjivan Ram*, (1989) 2 SCC 574, 613–14.

¹⁴ Information Technology Act, 2000, No. 21 of 2000, § 69A, INDIA CODE (2000).

¹⁵ *Shreya Singhal v. Union of India*, (2015) 5 SCC 1, 86–90.

¹⁶ *Id.* at 90–94.

including publishers of online curated content. Part III provides a Code of Ethics and a three-tier grievance redressal structure for publishers of digital news and online curated content.¹⁷

The framework has subsequently developed alongside technological changes. In 2026, amendments to the IT Rules introduced specific obligations concerning synthetically generated information. The amended framework addresses realistic synthetic audio, visual and audio-visual material and imposes labelling and related due-diligence obligations in specified circumstances.¹⁸

This development illustrates a major transformation in the meaning of censorship. The contemporary problem is not limited to whether a government can prevent publication of a particular work. It also concerns how platforms identify unlawful material, how quickly content is removed, how users challenge decisions, and how synthetic material is distinguished from authentic information.

However, regulation of digital platforms creates a constitutional risk when broad compliance duties encourage excessive removal of lawful content. If intermediaries face substantial consequences for failing to remove disputed material, they may have an incentive to remove content rather than carefully assess its legality. This creates the possibility of indirect censorship even where the State does not directly prohibit the speech.

8. JUDICIAL SAFEGUARDS AGAINST EXCESSIVE CENSORSHIP

Indian constitutional jurisprudence has developed several safeguards against excessive restrictions on expression.

First, the restriction must fall within one of the grounds expressly mentioned in Article 19(2). Second, the restriction must be reasonable. Third, laws affecting speech must not be impermissibly vague or overbroad. *Shreya Singhal* illustrates the importance of precision

¹⁷ Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, Gazette of India, G.S.R. 139(E) (Feb. 25, 2021), pts. II–III.

¹⁸ Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2026, G.S.R. 120(E) (Feb. 10, 2026), r. 3(3); Ministry of Electronics & Information Technology, Gov't of India, *FAQs on the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2026* (2026)

because uncertain standards can cause individuals to avoid lawful speech merely because they cannot determine what expression may attract legal consequences.¹⁹

Fourth, the State cannot rely merely upon the possibility of public opposition. In *S. Rangarajan*, the Court placed emphasis on the obligation of the State to protect lawful expression rather than allowing hostile audiences to dictate its limits.²⁰

Finally, procedural safeguards matter. Where the law provides for blocking, certification, removal, or other restrictions, transparent procedures and opportunities for review can reduce the possibility of arbitrary decision-making.

9. CONTEMPORARY CHALLENGES

The principal challenge for Indian censorship law is therefore one of calibration. Complete absence of regulation may permit genuinely unlawful or harmful material to circulate widely, but unrestricted regulatory power can equally weaken constitutional freedom.

The digital environment makes this balance more difficult because content can cross geographical boundaries instantly. A single post may constitute political commentary, satire, journalism, artistic expression or misinformation depending upon context. Automated systems may struggle to distinguish these categories. Synthetic media further complicates the problem by making realistic but fabricated audio-visual material easier to produce.

Another concern is the distinction between lawful restriction and informal pressure. Censorship need not always occur through a formal prohibition. Producers, publishers or platforms may alter content in anticipation of possible governmental, legal or social consequences. Such self-restraint may be difficult to measure, yet it can affect the diversity of expression available to the public.

The appropriate response is therefore not simply more censorship, but clearer legal standards, reasoned decisions, meaningful procedural safeguards and effective judicial review.

10. CONCLUSION

¹⁹ *Shreya Singhal*, (2015) 5 SCC 1, 83–90.

²⁰ *S. Rangarajan*, (1989) 2 SCC 574, 613–14.

Censorship in India exists within a constitutional framework that simultaneously protects freedom of expression and permits specified restrictions. The legal system does not treat speech as absolutely immune from regulation, but neither does it confer unlimited authority upon the State to determine what citizens may see, hear, read or communicate.

The jurisprudence of the Supreme Court demonstrates that restrictions on expression must remain connected to constitutionally recognised objectives and satisfy the requirement of reasonableness. *K.A. Abbas* illustrates the constitutional treatment of film pre-certification; *Rangarajan* emphasises that anticipated disorder cannot automatically justify suppression; *Bennett Coleman* demonstrates the importance of protecting the conditions necessary for press freedom; and *Shreya Singhal* establishes significant safeguards against vague and overbroad restrictions in the digital environment.

India's censorship framework is now entering a more technologically complex phase. Film certification, television regulation, intermediary obligations, content blocking and regulation of synthetic media operate across different legal structures. The continuing task for Indian law is to ensure that legitimate protection of public interests does not become a substitute for tolerating lawful disagreement.

Ultimately, the legitimacy of censorship depends not merely upon what is restricted, but upon why it is restricted, under which legal authority, through what procedure, and with what safeguards against arbitrary interference. A constitutional democracy is strengthened when regulation addresses demonstrable legal harm while leaving adequate space for criticism, creativity, journalism and dissent.