

COMING SOON: THE HINDU EDITORIAL ON NEW CENSOR LAW

Relevant for: Indian Polity | Topic: Indian Constitution - Features & Significant Provisions related to Fundamental Rights, Directive Principles and Fundamental Duties

Film-makers around the world have often made extraordinary efforts to keep cinema alive. Under a repressive regime in Iran, directors such as Abbas Kiarostami, Mohsen Makhmalbaf and Majid Majidi fought for art as a basic social need with films like *Where Is the Friend's Home?*, *The Cyclist* and *Children of Heaven*. In India, during the Emergency when the government apparatus came down heavily on any criticism, the prints of Amrit Nahata's political satire *Kissa Kursi Ka*, filmed in 1975, were destroyed. Even though a revised version was released in 1978, it invited several cuts from the Central Board of Film Certification. For the past few years, the CBFC has objected to the content of several films, ordering cuts. Now, a proposed amendment to the Cinematograph Act, 1952, will make it even more difficult for film-makers to work on thorny or controversial subjects. The [draft Cinematograph \(Amendment\) Bill 2021](#), which has been put out for public comments, has a provision that allows the Government to order re-certification of a film already certified by the CBFC. [Film-makers argue](#) that the new provision adds one more layer of censorship to the existing process. Already in April, the Government took the ordinance route to [scrap the Film Certificate Appellate Tribunal \(FCAT\)](#), a statutory body set up to hear appeals of film-makers against decisions of the CBFC.

In 2000, the [Supreme Court had upheld](#) the verdict of the Karnataka High Court in the K.M. Shankarappa vs Union of India case that the Union government cannot exercise revisional powers in respect of films that are already certified by the CBFC. The draft acknowledges the existing apex court order but has added a new clause: "...that on receipt of any references by the Central government in respect of a film certified for public exhibition, on account of violation of Section 5B(1) of the Act, the Central government may, if it considers it necessary so to do, direct the chairman of the board to re-examine the film". The provision of Section 5B(1) of the Act, the draft says, is derived from Article 19(2) of the Constitution "which imposes reasonable restrictions upon the freedom of speech and expression in the interests of sovereignty and integrity of India..." New restrictive laws have come into place for over-the-top (OTT) platforms as well. Giving the Government powers to vet content not only curbs freedom of expression but also quells democratic dissent. Fresh barriers to content generation are a threat to the existing space for public discourse and are indicative of the current pressures on freedoms from authoritarian tendencies of the ruling establishment.

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