

Editorial of the Day – 16.01.2026**Index****1. Jana Nayagan controversy shows – film certification process is punishment (IE)****-1****1. Jana Nayagan controversy shows – film certification process is punishment (IE)****General Studies 2– Polity**

Topic– Statutory, regulatory and various quasi-judicial bodies; Indian Constitution—historical underpinnings, evolution, features, amendments, significant provisions and basic structure.

Sub Topic– Fundamental Rights (Article 19), Censorship vs. Certification, Central Board of Film Certification (CBFC), Judicial Activism in Arts

Film Certification, Free Expression, and Democratic Maturity**1. Introduction**

Recurring controversies surrounding film certification in India have reignited the debate on the limits of freedom of expression. These disputes are not merely isolated cultural clashes but symptoms of a deeper institutional malaise– the tension between state regulation and creative liberty in a constitutional democracy. The central question is whether the state should act as a moral gatekeeper or a facilitator of informed choice.

2. Context and Background– Classification vs. Control

Original Intent– The Central Board of Film Certification (CBFC) was originally conceived as a classification body. Its primary mandate was to guide audiences regarding age-appropriateness and content sensitivity (e.g., 'U', 'A', 'UA' ratings).

The Shift– Over time, the system has drifted from "certification" to "content control."

Current Reality– The CBFC often functions as a moral gatekeeper, imposing cuts, enforcing delays, or enacting *de facto* bans. This reflects an expanding regulatory mindset that prioritizes "perceived social order" over constitutional freedoms.

3. Core Constitutional Issue

The debate centers on the delicate balance between Fundamental Rights and State Restrictions–

Article 19(1)(a)– Guarantees the fundamental right to freedom of speech and expression.

Article 19(2)– Permitting "reasonable restrictions" in the interests of public order, decency, morality, or national security.

The Conflict– Restrictions must satisfy the tests of Reasonableness, Proportionality, and Necessity. Excessive intervention by the certification board often fails these tests, undermining the constitutional spirit.

4. Challenges in the Current System

The systemic inadequacies of the current framework include–

Subjective Decision-Making– Decisions are often driven by individual interpretations of morality or social sensitivity rather than objective, codified standards.

Lack of Transparency– Filmmakers frequently face arbitrary objections without clear, reasoned explanations, aggravating the sense of unfairness.

The "Chilling Effect"– The uncertainty of the process forces filmmakers into self-censorship. To avoid regulatory hurdles, artistic intent is diluted even before the film reaches the scrutiny stage.

Outdated Framework– The system fails to acknowledge the rising media literacy and critical capacity of modern Indian audiences, treating them with "moral paternalism."

Burden on Judiciary– The frequent need for courts to adjudicate certification disputes highlights the failure of the regulatory mechanism to resolve issues internally.

5. Constitutional and Democratic Perspective

Role of Citizens- A mature democracy must trust its citizens to engage critically with diverse, and even controversial, viewpoints.

Empowerment over Dictation- Certification should aim to empower viewers with information (content descriptors) rather than dictating what narratives are acceptable.

Democratic Resilience- Respecting creative freedom strengthens society by encouraging dialogue and dissent, rather than weakening the social fabric.

6. Global Practices

Mature Democracies- Most global jurisdictions favor classification over censorship.

Role of Boards- Film boards in these countries limit their role to providing age ratings and content warnings (e.g., violence, strong language), leaving the final choice to the viewer.

Philosophy- These systems acknowledge social pluralism and reject the state's role as a moral parent.

7. Suggested Reforms

To align the Indian framework with constitutional values, the following reforms are essential-

Objective Guidelines- Establish clear, narrowly defined, and objective guidelines to minimize subjective interpretation.

Independent Review- Create an independent and accountable review mechanism to check arbitrary decisions.

Shift to Certification- Move decisively away from the "censorship" model to a "viewer-oriented certification" model.

Time-Bound Process- Mandate time-bound decisions to prevent "indirect suppression" through indefinite delays.

Stakeholder Consultation- Institutionalize regular consultation with artists, filmmakers, and civil society.

8. Way Forward and Conclusion

Modernizing India's film certification framework is a test of its democratic maturity. A transparent, fair, and constitutionally grounded system is necessary to ensure that artistic expression flourishes. Social sensitivities should be addressed through reasoned engagement rather than coercive control. Ultimately, a democracy that is confident in its own stability does not need to fear the silver screen.

Source- <https://indianexpress.com/article/opinion/editorials/jana-nayagan-controversy-shows-film-certification-process-is-punishment-10476426/>