

CERTIFICATION WITHOUT ACCOUNTABILITY*A CRITICAL RE-EXAMINATION OF FILM AND OTT CENSORSHIP IN INDIA, 2021-2026**by*

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ABSTRACT

Between 2021 and 2026, the Central Board of Film Certification (CBFC) has moved with increasing frequency from classifying films by age-appropriateness, its actual statutory function under the Cinematograph Act 1952, toward editorially reshaping or indefinitely delaying films on grounds of historical accuracy, religious sentiment, caste, and political content. This paper examines multiple such cases between 2021 and 2026, distinguishes CBFC action from state-government bans and court-ordered stays that are often conflated with it, and identifies the specific constitutional provisions, Articles 19(1)(a), 19(1)(g), 21, and the manifest-arbitrariness strand of Article 14, that this pattern implicates. It tests the Board's own stated justifications against the case record, compares India's certification architecture with the voluntary United States model and the independent United Kingdom model, and argues that the deficiency is procedural rather than doctrinal: India's substantive certification standards are not obviously more restrictive than its comparators, but the 2021 abolition of the Film Certification Appellate Tribunal removed the one low-cost check on their arbitrary application, and nothing has replaced it.

Key words- Film Censorship, Freedom of expression, Moral Rights, OTT, Article 19

I. Introduction

Movies are an important source of expressing viewpoints, opinions, and reflection on society. Cinema has long been associated with imparting values to the general public. But such rights are often curtailed and restricted by the censor board; such practise is increasingly becoming a norm. In July 2026, Punjab '95 reached an audience for the first time, not in a cinema, but on the streaming platform ZEE5, under the new title Satluj.¹ It had taken more than three years, two title changes, a blocked

¹Diljit Dosanjh's Satluj, previously Punjab 95, secretly releases with zero cuts on this OTT platform' (WION, 4 July 2026) <<https://www.wionews.com/entertainment/bollywood/ever-since-the-movie-was-announced-it-has-found-itself-in-hot-water-due-to-controversies-that-worked-against-it-the-film-faced-several-delays-and-in-july-2025-it-was-stalled-by-the>

international festival premiere, and CBFC cut demands that rose across successive rounds from an initial 21 to more than 120.² The film is a biographical drama about Jaswant Singh Khalra, a human rights defender who documented extrajudicial killings by Punjab Police in the 1990s and was murdered for it. This is not an isolated delay. It is the clearest recent instance of a pattern visible across at least fifteen cases since 2021: certification exercised not to classify content by age-appropriateness, the CBFC's actual statutory mandate, but to reshape or indefinitely withhold films whose politics, history, or social commentary someone in authority finds inconvenient.

This paper sets out the statutory architecture that makes this possible, examines various post-2021 cases while distinguishing CBFC action from state-government and judicial intervention, identifies the specific constitutional and intellectual-property provisions engaged, tests the Board's own justification against the record, and compares the Indian model with the United States and United Kingdom before proposing reform. The analysis rests on the primary sources cited throughout; where a claim depends on a single news report rather than a judicial finding, that is noted rather than treated as settled fact.

II. The legal architecture of film and OTT censorship in India

Three distinct layers of law govern what Indian audiences may watch, and the case record examined in Part III cannot be understood without separating them.

Theatrical and television exhibition is governed by the **Cinematograph Act 1952**, under which the CBFC operates as a statutory pre-censorship body: no film may be publicly exhibited without its certificate. The **Cinematograph (Amendment) Act 2023** introduced granular age-based categories (UA 7+, UA 13+, UA 16+) and removed the Central Government's power under the former Section 6(1) to override CBFC decisions on revision.³ What the 2023 Act did not do is restore any low-cost appellate mechanism. The *Film Certification Appellate Tribunal*, which for decades allowed filmmakers to challenge CBFC refusals or excessive cuts without the expense of a High Court petition, was abolished in 2021 as part of a broader tribunal-rationalisation exercise.⁴ Since then, the

cbfc-over-demands-for-more-than-120-cuts-however-the-movie-is-now-set-for-release-and-without-any-cuts-1783093294061>

²Satluj – Punjab '95 Review | A Gutting True Story That Exposes a System That Mocks Accountability' (Lensmen Reviews, 6 July 2026) <<https://lensmenreviews.com/satluj-punjab-95-hindi-movie-review-2026/>>

³Cinematograph Amendment Act 2023: UA Categories, Sections 6AA–6AB And Penalties' (PW OnlyIAS, 28 March 2026) <<https://pwonlyias.com/cinematograph-amendment-act-2023/>>

⁴Central Board of Film Certification (CBFC) Controversy' (Ajmal IAS Academy, 25 September 2025) <<https://ajmaliasacademy.in/central-board-of-film-certification-cbfc-controversy/>> .

only recourse against an adverse CBFC order is a writ petition in a High Court, an option available in practice only to producers with the resources to litigate for years, as Punjab '95's did.

The manner of the Tribunal's abolition compounded the structural problem. The Tribunals Reforms (Rationalisation and Conditions of Service) Ordinance 2021 was promulgated by presidential decree on 4 April 2021, taking immediate effect, and was introduced in Parliament only months later without prior consultation with film-industry stakeholders. Industry voices, including prominent filmmakers such as Hansal Mehta and Vishal Bhardwaj, publicly criticised both the absence of consultation and the timing. The Internet Freedom Foundation observed at the time that the move was likely to increase delay, cost, and uncertainty for filmmakers who had previously obtained relief through the Tribunal, whose membership had included cinema-industry expertise that generalist High Courts cannot replicate.⁵

Streaming content is governed instead by the **Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021**, notified after the 'Tandav' controversy discussed below.⁶ Unlike the CBFC regime, these Rules impose no pre-certification requirement; they instead create a three-tier grievance mechanism and a voluntary code of ethics administered by the Ministry of Information & Broadcasting. Because a single Part III complaint can trigger executive scrutiny of a platform, the practical incentive is toward pre-emptive self-censorship rather than defending contested content through the grievance process. A further, under-examined consequence of this incentive structure is that streaming platforms, despite facing no legal obligation to do so, overwhelmingly choose to release only the CBFC-approved, cut version of a film rather than the filmmaker's original vision, effectively extending the Board's editorial authority into a domain the IT Rules 2021 deliberately exempted from mandatory pre-certification. This voluntary compliance has been documented as a driver of anticipatory self-censorship: writers and producers, aware of patterns in what the CBFC has historically required, decline to greenlight certain categories of story before any certification application is even filed.⁷⁸

A third layer, less often discussed as censorship proper, is the exercise of state public-order powers to restrict films the CBFC has already cleared. This is a distinct legal question from CBFC

⁵ 'Govt Abolishes Film Certification Appellate Tribunal Without Consultation' (National Herald India, 7 April 2021) <<https://www.nationalheraldindia.com/india/govt-abolishes-film-certification-appellate-tribunal-without-consultation>> accessed 2 September 2026.

⁶ 'Tandav is a Case Study for OTT censorship under the IT Rules, 2021' (Internet Freedom Foundation, 27 March 2021) <<https://internetfreedom.in/tandav-case-study/>>

⁷ Indian Media Studies, 'CBFC and the Crisis of Film Certification in India' <<https://indianmediastudies.com/cbfc-film-certification/>> accessed 2 September 2026.

⁸ 'The 2021 Information Technology Rules And The OTT Platform' (Mondaq, 27 September 2022) <<https://www.mondaq.com/india/social-media/1234112/the-2021-information-technology-rules-and-the-ott-platform>> .

certification: it concerns the limits of state executive power under Article 19(2), not the Board's statutory mandate, and the case law treats the two separately. In *Indibily Creative Pvt Ltd v State of West Bengal*, decided after West Bengal police pressured cinema halls into pulling a CBFC-certified film that satirised the state's political establishment, the Supreme Court held that a state government cannot use extra-legal pressure to prevent the exhibition of a validly certified film, and awarded compensation to the producers.⁹ That precedent was tested again when West Bengal formally banned 'The Kerala Story' in May 2023 after CBFC clearance; the Supreme Court stayed the ban as overbroad, while directing that a disclaimer be added.¹⁰ CBFC clearance is, in practice, only the first of several veto points a film must clear, and the source of the second veto, whether a state government or, as in 'Maharaj', a private petitioner before a High Court, matters for identifying which institution actually needs reform.

This pattern of extra-legal state interference with CBFC-certified releases has continued to recur after the period covered by Part III's table. In June 2025, the Supreme Court intervened in relation to the Tamil film *Thug Life*, which was withheld from Karnataka cinemas by vigilante groups following remarks made by one of its producers at a press event. A bench of Justices Ujjal Bhuyan and Manmohan held that rule of law demands that any film which has a CBFC certificate must be released, and that the state has the positive obligation to ensure its screening. The episode reaffirms that the veto exercised independently of the Board remains, on current evidence, a recurring structural feature of the Indian censorship landscape rather than an exceptional aberration.¹¹

III. Fifteen cases, 2021-2026, by locus of restriction

The table below separates the fifteen cases by which institution imposed the restriction: the CBFC itself, a state government acting outside the certification process, a court order staying an already-cleared release, or a criminal complaint. This distinction did not appear in earlier drafts of this analysis and matters because the appropriate remedy differs by category: CBFC overreach calls for procedural reform within the certification regime (Part VII below); state-government and criminal-complaint interference calls for enforcement of the principle already established in *Indibily Creative*; and court-ordered stays raise a separate question about the threshold at which private religious or communal objection should be permitted to halt an already-certified release.

⁹*Indibily Creative Pvt Ltd v State of West Bengal* (2019) 10 SCC 30 (Supreme Court of India).

¹⁰'Supreme Court Stays West Bengal's Ban On "The Kerala Story" Movie' (LiveLaw, 18 May 2023) <<https://www.livelaw.in/amp/top-stories/supreme-court-the-kerala-story-movie-west-bengal-ban-228994>> .

¹¹'Can't Allow Mobs To Take Over; State Must Ensure Film Release': Supreme Court To Karnataka Govt On *Thug Life* Ban (LiveLaw, 17 June 2025) <<https://www.livelaw.in/top-stories/thug-life-ban-supreme-court-cant-allow-mobs-to-take-over-state-must-ensure-film-release-295082>> accessed 2 September 2026.

Sr No	Film/series	Year release	Reason of restriction	What happened	Objection raised
1	Tandav	2021	OTT platform-criminal complaints	FIRs filed in several states over depiction of Hindu deities; the producer apologised and cut content; Amazon Prime Video India's head sought Supreme Court protection from arrest.	Hurt religious sentiment
2	A Suitable Boy	2021	Criminal complaint (police)	A police case was registered over a scene showing a kiss between a Hindu woman and a Muslim man at a temple.	Communal offence
3	Pine Cone	2022–23	CBFC (initial refusal)	Certification was initially refused over a nine-year-old character's dialogue asking what "gay" means.	Unsuitability for children
4	Oppenheimer	2023	CBFC (mandated alteration)	A CGI black dress was digitally added over a nude scene to secure a U/A certificate.	Nudity/obscenity
5	Kutney	2023	CBFC (mandated cuts)	The Board ordered removal of nudity and other visual and dialogue material before certification.	Obscenity
6	The Kerala Story	2023	State government ban, reversed by Supreme Court	Cleared by the CBFC, then banned outright by the West Bengal government; the Supreme Court stayed the ban as disproportionate but directed a disclaimer be added.	Public order
7	Emergency	2024	CBFC (delay) and High Court intervention	Certification was withheld for months after objections from Sikh organisations; two High Courts intervened before the Board's Revising Committee cleared it with cuts.	Historical/communal misrepresentation
8	Maharaj	2024	Court-ordered stay of an already-cleared OTT release	The Gujarat High Court stayed the Netflix release on a private petition, notwithstanding that the film had already been cleared for streaming.	Religious sentiment
9	The Apprentice	2024	CBFC (refusal to certify without cuts)	The film was not released in India after its director declined to make Board-demanded cuts to a biographical drama about Donald Trump.	Political sensitivity

10	Santosh	2024–25	CBFC (outright refusal)	Certification was denied, despite the film being the United Kingdom's official Oscar submission and a BAFTA nominee.	Portrayal of police conduct
11	Nosferatu	2024	CBFC (mandated alteration)	A CGI garment was digitally added to cover a nude scene before release.	Nudity
12	Punjab '95 / Satluj	2022–26	CBFC (escalating, multi-round cuts)	Demanded cuts rose from an initial 21 to more than 120 across successive rounds; an international festival premiere was blocked and the film's global release delayed; it streamed only after more than three years.	Portrayal of Punjab Police conduct
13	Superman	2025	CBFC (mandated cuts)	Two consensual kissing scenes, one of which appeared in the film's own trailer, were removed from a U/A-rated release.	"Excessive sensuality"
14	Homebound	2025	CBFC (11 mandated changes)	India's official 2026 Oscar submission was subjected to eleven changes, including removal of caste-related dialogue, before its Indian theatrical release.	Caste references
15	Spiderman: Brand new day	2026	CBFC mandated cut	One consensual kiss scene between the lead actors was cut to accommodate U/A rating	Sensuality

A structural point sits outside this table because it is not a case: the 2021 abolition of the Film Certification Appellate Tribunal is not an event with a title, year, or platform, but it is the reason every filmmaker above had no forum short of a High Court in which to contest the Board's decision. Read together with the table, four patterns recur.

First, the objection is rarely about age-appropriateness, the CBFC's actual statutory remit, and almost always about historical accuracy, religious sentiment, caste, or political content.

Second, the process is opaque: filmmakers in the Punjab '95 and Emergency cases both reported demands for cuts that shifted across successive committees without a stable written standard.

Third, delay itself serves as a sanction independent of the eventual outcome, since a multi-year hold destroys a film's commercial and festival window regardless of the final decision.

Fourth, seven of the fifteen cases (rows 1, 2, 6, 7, 8, 9, 10) involve an actor other than the CBFC, which means any reform proposal addressed solely to Board procedure would leave roughly half of the documented pattern untouched.

IV. Constitutional and intellectual-property rights at stake

A. Article 19(1)(a): freedom of speech and expression

The Supreme Court has long treated cinema as a medium warranting free-expression protection while recognising, in *K.A. Abbas v Union of India*, that its distinctive power to move mass audiences justifies a scheme of prior restraint that would not be constitutionally available for print.¹² *S. Rangarajan v P. Jagjivan Ram* supplies the operative limit on that scheme: the possibility of a hostile audience reaction, a heckler's veto, cannot by itself justify suppressing already-cleared speech, since the state's obligation is to protect the speaker and maintain order, not to silence the speaker to avoid disorder.¹³ Several of the religious-sentiment interventions in the table above, *Tandav*, *Maharaj*, *Emergency*, and *Punjab '95*, invert this principle in practice: they treat the prospect of offence as sufficient grounds for suppression or delay rather than as a policing problem to be managed.

B. Article 19(1)(g): freedom of trade, profession, and business

Filmmaking is a capital-intensive commercial enterprise whose value depends heavily on release timing, marketing cycles, and festival momentum. Indefinite certification delay is accordingly not a content-neutral inconvenience but a direct restraint on the right to carry on a profession or business under Article 19(1)(g): Punjab '95's three-year hold and Santosh's outright refusal both destroyed commercial value that no eventual certification decision could restore.

The scale of what is at stake illustrates why Article 19(1)(g) must be weighed seriously. A May 2025 report prepared by the Motion Picture Association in collaboration with Deloitte found that India's film, television, and online video industry generated a total economic contribution of INR 5.14 lakh crore (approximately US\$61.2 billion) in 2024, supporting 2.64 million jobs across the country. Film's direct gross output was valued at approximately INR 1.2 lakh crore for that year alone. Certification delay that disrupts even a fraction of this output represents a measurable injury to the

¹²K.A. Abbas v Union of India (1970) 2 SCC 780 (Supreme Court of India).

¹³S. Rangarajan v P. Jagjivan Ram (1989) 2 SCC 574 (Supreme Court of India).

commercial rights protected under Article 19(1)(g), one that the constitutional framework requires decision-makers to weigh against any content justification advanced by the Board.¹⁴

C. Article 21: personal liberty and the specific holding in Indibily Creative

Rather than rest on a general and uncited claim that Article 21 protects creative autonomy, the more precise authority is *Indibily Creative Pvt Ltd v State of West Bengal itself*, which grounded its holding in Article 19(1)(a) but proceeded from the premise that a citizen's dignity and liberty interests under Article 21 are engaged when the state uses informal coercion, rather than lawful process, to prevent a certified film's exhibition.¹⁵ Denial of certification to a film such as *Santosh*, built around caste discrimination and custodial violence that are legally documented realities in India, forecloses public engagement with a lawful subject without protecting any identifiable third party, which is the same defect the Court identified in *Indibily Creative*, applied one step earlier in the process.

D. Article 14: manifest arbitrariness, not simple unequal classification

The administrative-law defect running through the CBFC's own decisions, as distinct from state or court interventions, is better identified with precision than left as a general invocation of Article 14. The relevant doctrine is manifest arbitrariness, traced from *E.P. Royappa v State of Tamil Nadu*, which held that arbitrariness is the antithesis of equality and can itself found an Article 14 challenge independent of classical unequal-classification analysis,¹⁶ and confirmed as an independent, freestanding ground of review in *Shayara Bano v Union of India*, which struck down state action found to be capricious, irrational, or without adequate determining principle.¹⁷ Applied here, the absence of published, binding criteria distinguishing an acceptable historical depiction from an unacceptable one, or a permissible kiss from an impermissible one, is a manifest-arbitrariness problem: it is the absence of a stable, disclosed standard that is constitutionally infirm, not merely the outcome in any single case. This paper does not treat any specific title outside the fifteen cases in Part III as evidence for this claim; the point rests on the absence of a written standard across those fifteen cases themselves, not on an undocumented comparison to other releases.

E. Copyright: a doctrinal tension, not an established violation

¹⁴ Motion Picture Association and Deloitte, 'Economic Impact of the Film, Television, and Online Curated Content Industry in India, 2024' (May 2025) <https://creativefirst.film/wp-content/uploads/2025/04/MPA_Deloitte_ECR_IN_Report_Final_27042025.pdf> accessed 2 September 2026.

¹⁵ *Indibily Creative Pvt Ltd v State of West Bengal* (2019) 10 SCC 30, paras 27–32 (Supreme Court of India).

¹⁶ *E.P. Royappa v State of Tamil Nadu* (1974) 4 SCC 3 (Supreme Court of India).

¹⁷ *Shayara Bano v Union of India* (2017) 9 SCC 1 (Supreme Court of India).

Section 57 of the Copyright Act 1957 grants authors, including directors as first owners of a film's underlying dramatic and other works, a moral right of integrity against distortion or mutilation prejudicial to their honour or reputation.¹⁸ It should be stated plainly that no court has applied Section 57 against the CBFC itself, and the provision is conventionally understood to run against private infringers rather than a statutory certifying authority acting within its own governing statute. The point made here is narrower and should not be overstated: a CBFC-mandated cut is, as a factual matter, a third-party-imposed modification of a copyrighted work made as a precondition of lawful commercial exploitation, which sits in doctrinal tension with a statutory scheme built to protect that same work's integrity, even though the tension has not yet been, and may never be, resolved through Section 57 litigation.

F. Economic and intellectual-property value erosion

Every month of certification delay is a month in which a finished, capital-intensive intellectual-property asset earns nothing while remaining exposed to leaks and piracy, a risk *the Cinematograph (Amendment) Act 2023's* stiffened anti-piracy penalties, up to three years' imprisonment and a fine of up to five per cent of production cost, do nothing to offset when the delay itself originates with the certifying authority.¹⁹

V. Does the CBFC have proper justification? Testing both sides

A fair analysis states the Board's own case before testing it against the record.

The case for the Board's conduct

- India's religious, caste, and regional heterogeneity means content that would be merely provocative elsewhere can, in specific local contexts, plausibly contribute to public-order breakdowns, a risk state and central governments are constitutionally tasked with managing.
- **Section 5B of the Cinematograph Act** permits certification refusal or modification on grounds including the security of the state, public order, decency, and defamation, grounds that are broader than pure age-classification by Parliament's own design, not the Board's invention.

¹⁸Copyright Act 1957, s 57 (India).

¹⁹Cinematograph (Amendment) Act, 2023 Strengthens Anti-Piracy Framework' (Press Information Bureau, Government of India) <<https://www.pib.gov.in/PressReleasePage.aspx?PRID=2241712®=3&lang=1>>

- Certification decisions are formally made by rotating Examining and Revising Committees drawn from a wider Advisory Panel intended to include regional and demographic diversity, meaning the process is not, in its design, a single unilateral decision-maker.
- Courts have on occasion agreed that some cuts were warranted: the Bombay High Court's 2016 order in the '*Udta Punjab*' litigation still mandated one cut and a disclaimer even while rejecting the great majority of the Board's original 89-cut demand, which shows the underlying statutory test is not inherently indefensible, only its application often is.²⁰

The case against the Board's conduct

- Public-order risk is, per Rangarajan, a policing problem to be managed by protecting the speaker, not a ground for suppressing already-cleared speech; treating the mere threat of protest as an automatic veto rewards the loudest objector rather than the most reasonable one.
- Section 5B's grounds are broad by design, but that breadth is precisely why arbitrary application is a live constitutional problem under the manifest-arbitrariness doctrine described in Part IV, not a defence against one.
- The 2021 abolition of the Film Certification Appellate Tribunal removed the one forum designed to check this kind of overreach cheaply. Its replacement, High Court litigation, is realistically available only to well-capitalised producers, which structurally disadvantages independent, documentary, and dissenting work relative to major studio productions.
- The Board's Advisory Panel diversity safeguard, cited above as a case for its conduct, has itself been reported as compromised in practice: panel reconstitution has lapsed since 2020, mandated quarterly meetings have not been held since 2019, and the Board's own chairperson has been described by panel members as running certification through a small circle of favoured members rather than the full committee structure the statute contemplates.²¹
- Two of the fifteen cases in Part III, *Santosh* and *Homebound*, involved films that achieved Oscar-shortlist or BAFTA recognition abroad while being refused, delayed, or cut domestically. A certification regime that filters out internationally recognised Indian work is

²⁰Balaji Motion Pictures Ltd v Union of India, Writ Petition (L) No 1529 of 2016 (Bombay High Court, 13 June 2016).

²¹'Central Board of Film Certification (CBFC) Controversy' (Ajmal IAS Academy, 25 September 2025) <<https://ajmaliasacademy.in/central-board-of-film-certification-cbfc-controversy/>>

difficult to reconcile with the government's own stated ambition, discussed in Part VII, of positioning India as a global content hub.

The Board's statutory grounds are not fabricated, and public-order concerns in a diverse polity are not a pretext invented for this paper's purposes. What the record does not support is the manner of their exercise: escalating and undocumented cut counts, an advisory structure reported to be operating well below its own statutory design, and no functioning low-cost appeal since 2021. The design defended in the first four bullets above is, on the evidence in the fifth and sixth, not the regime actually operating in practice.

VI. Comparative perspective: the United States and United Kingdom

United States

The United States has no government film censor. The Motion Picture Association's **Classification and Rating Administration (CARA)** is a private, industry-funded body; its ratings are voluntary classifications rather than preconditions for legal exhibition, since an unrated or NC-17 film may still be screened, subject only to individual theatre chains' own distribution policies. State-level content bans on films are largely foreclosed by First Amendment doctrine: *Joseph Burstyn, Inc v Wilson* struck down a state's power to ban a film as "sacrilegious" and extended First Amendment protection to motion pictures, ending prior state censorship boards.²² The narrow remaining category of unprotected obscene material is defined by the three-part test in *Miller v California*, applied by juries against community standards rather than by an administrative board with cut-by-cut editorial authority before release.²³

United Kingdom

The British Board of Film Classification (BBFC) is, like CARA, technically a non-statutory, industry-funded body, though its age classifications are given legal force locally by licensing authorities, making it more binding in practice than the US model while remaining structurally independent of central government. Two features distinguish it from the CBFC. First, the BBFC publishes detailed classification guidelines, revised through public consultation, so filmmakers know in advance what triggers a given rating rather than discovering it through unwritten committee feedback. Second, a filmmaker who disputes a decision may appeal to the independent Video Appeals Committee, a functioning analogue to the Tribunal India abolished in 2021 without replacement.

²²*Joseph Burstyn, Inc v Wilson*, 343 US 495 (1952) (Supreme Court of the United States).

²³*Miller v California*, 413 US 15 (1973) (Supreme Court of the United States).

What the comparison shows

The relevant contrast is not that India censors while the West does not: both the United States and United Kingdom restrict content, particularly around obscenity and child safety. The relevant contrast is structural. Both comparator systems separate classification from direct executive control, publish their standard in advance, and provide an accessible appeal route. The CBFC is a government body that applies undisclosed and evolving standards case by case and has, since 2021, offered no appeal short of High Court litigation. That combination of features, not the mere existence of content standards, is what produces outcomes such as a three-year hold on Punjab '95 or an outright refusal for Santosh.

VII. Impact assessment

Artistic cost

Filmmakers increasingly report self-censoring at the script stage to avoid a certification dispute, extending the IT Rules 2021's grievance-driven incentive toward pre-emptive caution into theatrical production as well. Subjects such as custodial violence, caste, and state-linked historical killings, precisely the subject's serious cinema exists to examine, become commercially difficult to attempt.

Economic cost

Delay destroys release windows, marketing spends, and festival relevance, as Punjab '95's three-year ordeal and Santosh's blocked domestic release both demonstrate; both films had already recouped critical and awards-circuit value abroad that domestic delay could not capture at home.

The systemic impact extends beyond individual titles. According to the 2025 FICCI-EY Media and Entertainment Industry Report, India's film sector generated revenues of approximately INR 1.2 lakh crore in 2024, and the broader media and entertainment sector reached INR 2.5 trillion, contributing 0.73 per cent to India's GDP. Certification delay and politically driven refusals that deter investment in commercially and critically ambitious content work against this growth trajectory by creating regulatory uncertainty at exactly the point when the sector requires stable conditions to attract sustained domestic and international capital. The gap between the government's aspiration of India as a global content hub and the certification system's treatment of internationally recognised Indian

films is not merely rhetorical: it has a measurable cost in forgone investment and forgone soft-power value.²⁴

Reputational cost

India has promoted itself internationally as an aspiring global content hub; official messaging around the Cinematograph (Amendment) Act 2023 explicitly cited RRR's Academy Award as evidence of rising soft power.²⁵ Refusing '*Santosh*' a domestic release and imposing eleven changes on '*Homebound*', India's own 2026 Oscar submission, before its domestic release directly contradicts that stated ambition; a system that filters out a country's most internationally recognised work is difficult to defend on the government's own stated terms.

VIII. Recommendations

- Restore an independent appellate tribunal, or a quasi-judicial equivalent to the BBFC's Video Appeals Committee, with statutory decision timelines, so that aggrieved filmmakers are not forced into multi-year High Court litigation as their only recourse.
- Publish binding, detailed classification guidelines in advance, modelled on the BBFC's public guidelines, so that cut demands are tested against a known standard rather than negotiated ad hoc, committee by committee.
- Restrict CBFC intervention to genuine age-classification as the default, reserving outright refusal for a narrow, legally defined obscenity or child-safety category rather than open-ended decency or historical-accuracy judgments.
- Impose statutory decision deadlines with a deemed-certification consequence for Board delay beyond a fixed period, removing delay itself as a de facto veto.
- Enforce the reconstitution and meeting requirements the Cinematograph Act already imposes on the Board's Advisory Panel, since the diversity safeguard identified in Part V has no value if it is not operating as designed.
- Extend the principle in *Indibily Creative Pvt Ltd v State of West Bengal* proactively rather than only after litigation: a standing direction requiring state police to protect the screening of

²⁴ FICCI and EY, 'Shape the Future: Indian Media and Entertainment is Scripting a New Story' (27 March 2025) <https://ficci.in/press_release_details/5043> accessed 2 September 2026.

²⁵ Parliament Passes Cinematograph Amendment Bill 2023 Prohibiting Unauthorized Recording and Exhibition of Films' (News on Air, Government of India) <<https://www.newsonair.gov.in/parliament-passes-cinematograph-amendment-bill-2023-prohibiting-unauthorized-recording-and-exhibition-of-films>>

a CBFC-certified film absent a specific, evidenced threat, rather than requiring a producer to litigate that protection film by film.

- Mandate published, reasoned orders for every cut or refusal, enabling meaningful judicial review and public accountability rather than the current pattern of undocumented or shifting objections.

IX. Conclusion

The Satluj/Punjab '95 case is not an outlier; it is what the current system predictably produces when a film's subject matter is politically uncomfortable, and it sits alongside thirteen comparable cases since 2021 spanning theatrical cinema, streaming platforms, state governments, and the courts. This paper has argued three things specifically.

First, the constitutional case against the current pattern is stronger when it is precisely sourced, Indibily Creative for Article 21 and Article 19(1)(a) together, and manifest arbitrariness rather than simple Article 14 for the Board's undisclosed standards, than when it rests on general invocation.

Second, the record does not support treating the CBFC as the sole culprit: seven of the fifteen documented cases involve a state government, a court, or a criminal complaint acting independently of the Board, and any reform confined to Board procedure would leave that half of the pattern unaddressed.

Third, the comparison with the United States and United Kingdom shows that the deficiency is not that India has a certifying body with content-based grounds; both comparators do as well, but that it lacks the two structural features, published standards and an accessible independent appeal, that make those grounds operate predictably elsewhere. The 2023 Amendment Act shows the legislative will to reform exists when convenient, since it stripped the Centre of its own revisional power over the Board; the same Parliament has not yet extended that logic to restoring an appellate check for the filmmakers actually subject to the Board's decisions. That is a specific, bounded institutional gap, not an unresolvable dispute about the proper limits of free expression.

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