

Determining the Legality of the Approach to Censorship of Films on the Grounds of Obscenity in Bangladesh

Prashanta Kumar Shill^a and Arafat Ibnul Bashar^b

^a Department of Journalism and Media Studies, Port City International University, Bangladesh

^b Department of Law, Port City International University, Bangladesh

Abstract

Film censorship is controversial in many nations, including Bangladesh. This document explores Bangladesh's obscenity-based cinema censorship's legality. In the age of "Netflix and Chill," where films from around the world can be seen anywhere and Virtual Private networks (VPN)s can overcome country bans, censorship has become almost irrelevant. The Bangladesh Films Censor Board must clear films shown in theaters, large screens, etc. A film may be rejected by the Board for immorality or obscenity, making it inappropriate for public screening. Films and other literary and artistic works have always been controversial for obscenity. Courts around the world struggled to define obscenity or accept cultural standards. The Bangladesh Censorship of Films Act 1963, the Rules of 1977, and the Code of 1985 define the conditions that can make a film immoral or obscene in Bangladesh. While many code phrases are confusing and obscure, requiring the Board to decide its extent, the grounds are clear. The constitutional protection of freedom of thought, conscience, and communication does not limit film exhibition by decency or morality. All civilized nations' constitutions and other international law documents acknowledge freedom of expression as a human right to a free and democratic society. Thus, cinema censorship must be examined to ensure it respects the right to free expression. This study examines whether Bangladeshi obscene film banning violates the right to free expression. The study investigates whether obscenity may be suppressed without limiting free speech. The qualitative study used secondary data, which was examined through content analysis.

Keywords: obscenity, censorship, human rights, freedom of expression.

Introduction

Censorship may generate fear in the hearts of many, as it strips individuals of their rights – the freedom to express themselves. However, censorship is as important in society as a right. At times, censorship becomes important

to protect the public interest and preserve social harmony. But, the power of censorship has often been misused. Misuse and overstepping the boundaries of censorship can result in the encroachment of rights (Bari & Dey, 2020). The censorship of films is a debated issue. In modern times, films have become an important medium of entertainment and recreation for people. Irrespective of the presence of OTT (Over-the-Top) Media services, public exhibition of films remains relevant (McCormick, 1977). As such, the need to censor films is still very crucial. Obscenity is one of the essential grounds upon which films can be censored. Society must eradicate obscenity from literary and artistic works, as it may corrupt impressionistic minds. The period from 2000-2006 in the Bangladeshi film industry was marred by obscenity due to lax censorship (Bdnews24.com, 2022). However, such censorship should not be overarching and all-pervading. A free and democratic society requires censorship of obscene content but within the bounds permissible by the law ("Rules for the Censorship of Films," 2004). The constitution of the People's Republic of Bangladesh, the highest law of the land, contains the basic rules regarding the restriction of freedom of expression and these basic rules will determine whether the censorship under different laws in Bangladesh falls within the permissible bounds (Constitution of Bangladesh, 1972, article 39). In addition, the International Covenant on Civil and Political Rights (ICCPR, 1966), the flagship international instrument on civil and political rights, contains the standard for the restriction of freedom of expression. The approach to censorship of films in Bangladesh, on the grounds of obscenity, must pass the test of both constitutions as well as ICCPR to be legal and permissible ("Australia: Who Rules the Waves, 1977").

Freedom of Expression and Films

Every free and democratic society needs free speech (General comment no.34, 2011, para 2). Everyone is allowed to express their thoughts, opinions, etc., on any issue and share them with others. Individual development, transparency, and responsibility are achieved by this right (General comment no.34, 2011, para 3). Freedom of speech is linked to many other human rights, including freedom of opinion. Bangladesh's constitution calls for freedom of opinion, and freedom of thought and conscience. No restrictions or exceptions apply to this right under Article 19 of the ICCPR and Article 39 of our constitution. This right should not be limited because a person's thoughts can only be known through words or acts. Freedom of expression applies when thoughts are communicated in words or deeds (Mhango, 2013). However, free speech can be restricted. Article 19(2) of the ICCPR provides that freedom of expression has unique

duties and responsibilities and can be restricted (ICCPR, 1966). The restrictions provided in the provision include the following:

- restriction imposed for respect of the rights or reputations of others, and
- restriction for the protection of national security or public order (ordre public), or public health or morals (ICCPR, 1966).

It further states that any limits must be legal and necessary. Freedom of expression includes anything from simple conversations between friends to protest slogans, employer letters to employees, and social media videos. This right covers all kinds of expression and communication, including spoken, written, non-verbal, sign language, posters, books, pamphlets, and digital media.

Expression includes motion pictures, sometimes known as films, movies, etc. Movies replicate human experiences, mostly for commercial goals, by depicting them. Old narrative, whether oral or visual, gave rise to film (Mhango, 2013, p. 153). Motion films were invented in the late 1890s or early 1900s and have grown into a multi-billion-dollar business worldwide. A single film can generate millions of dollars, thousands of jobs, and fantastic entertainment (Joshi, 2022). In 1952, the Supreme Court of the USA in *Joseph Burstyn, Inc. v. Wilson* (1952) stated that motion pictures are an important medium for the “communication of ideas” and thus protected under the freedom of speech guaranteed in the First Amendment of the US Constitution. As such, film exhibitions are subject to freedom of expression restrictions as well (“Report of the Committee on Obscenity and Film Censorship,” 1980). Thus, films are censored before release. Evaluation of any speech or public communication to determine if it violates the prohibited degrees of expression is censorship. Since Socrates in 339 BC, utterances and thoughts have been censured (Burnyeat, 1997). Film censorship began in the early 20th century when cinema became a cultural staple. The Cinematograph Act of 1918 established censor boards in Bombay, Chennai, and Madras in the 1920s, marking the start of film censorship in the Subcontinent (Anshu, 2022).

Films are no different from other kinds of expression. Thus, cinema censorship is based on constraint. Due to its public nature, films may be scrutinized more than other forms. Due to their nature, many speech forms are not pre-censored (Caparas, 2005). If they fall inside the limited spectrum, they are vulnerable to retraction, formal apologies, bans, penalties, and even punishment. Most countries pre-censor films by having

their native censor board approve them before showing them (Johnson, 1964).

Materials and Methods

This research aims to determine whether the grounds for censorship of films in Bangladesh for obscenity comply with the requirements of the human right to freedom of expression. The research is a qualitative one, which has relied on secondary data. The data sources for this research include various laws of Bangladesh, international legal instruments, peer-reviewed academic journals, reports, and judgments from courts from different jurisdictions. A purposive sampling strategy was employed to select relevant secondary data sources. Criteria for inclusion encompassed legal documents that dealt with the subject matter of freedom of expression in Bangladesh and that portray the worldwide standard. Content analysis was employed as the primary analytical method to systematically examine and interpret the secondary data. To avoid any biases, we have critically reflected on the assumptions and positions throughout the research.

Results and Discussion

An analysis of the laws and instruments related to the censorship of films in Bangladesh on the grounds of obscenity demonstrates that they are legal and permissible as per the constitution of Bangladesh and the international standard as well. However, the approach could be made a bit more unrestrictive to accommodate wider artistic freedom. Again, the dichotomous approach towards kissing, hugging, and embracing in films of sub-continent origin and foreign films also raises the question of the legality of that particular rule.

Constitutional Right to Freedom of Expression

The constitution of Bangladesh ensures freedom of expression. As per Article 39, the right of every citizen to freedom of speech and expression is guaranteed (Constitution of Bangladesh, 1972, article 39). However, reasonable restrictions can be imposed by law in the interests of the following:

- the security of the State,
- friendly relations with foreign states,
- public order,
- decency or morality,
- contempt of court,
- defamation or

- incitement to an offense.

The grounds upon which restrictions can be placed on the freedom of expression are exhaustive and the provision also puts on the requirement that such restriction be imposed by law, i.e., the restriction must be placed based on any act, ordinance, or other instrument of law, which has been in force, and that such restriction is reasonable. No particular explanation for what may constitute a 'reasonable restriction' has been given in the provision. Thus, it is up to the court to decide on the reasonableness of a restriction.

Parameters of Freedom of Expression

As seen from the previous sections, freedom of expression is not an absolute right, both in international instruments and even under the constitution of Bangladesh. Due to the grave implications of expression in the national life of a state, the exercise of this right mustn't be made unrestricted. Absolute, unrestricted freedom to express may encroach upon the rights of others and can even be detrimental to the law-and-order situation and safety of others. For example, a person blames another person for stealing from his employer when, in fact, it is untrue, and the person making a claim has no reason to believe it and is made in bad faith. In this case, the accusation may damage the reputation of the accused and, thus, falls within the restricted form of expression – defamation.

Therefore, for the protection and welfare of people and to ensure other people's co-related rights, it is essential to restrict expression to some extent. The grounds for restrictions are mentioned in the ICCPR and the constitution of Bangladesh, and they are almost similar. Although grounds such as friendly relations with foreign states and contempt of court have not been mentioned in ICCPR, necessarily implication they are necessarily included within the purview of national security and public order, respectively. Other notable human rights instruments, more or less, contain the same ground. Aside from the mentioned grounds, the European Convention of Human Rights (1950) includes territorial integrity, which falls under the broad spectrum of public safety, prevention of the disclosure of information received in confidence, etc. Article 9 of the African Charter on Human and Peoples' Rights does not include any grounds, even though it has not made freedom of expression an absolute right (1982). American Convention on Human Rights contains the same grounds as the ICCPR (1969). Aside from the grounds, two additional and perhaps most vital requirements are common in all these documents: law and necessity. The

constitution of Bangladesh requires 'reasonableness' instead of necessity, and these two words are synonymous in this context.

Obscenity in Movies and the Need to Censure

Obscenity in creative works has been a problem for a long time. Although courts from different jurisdictions, over the years, have failed to settle into a universal definition of obscenity, in simple terms, obscenity is identified as depictions of sexual activity or anything that is considered morally repugnant by people in general. But sex and obscenity must not be considered synonymous but rather as appealing to an individual's prurient interest (Miller *et.al*, 1973). Obscene materials offend people, as these go against their (people's) moral standards, and thus, these are not tolerated in creative works.

Obscenity in literature has always been dealt with in strong hands. In 1727, Edmund Curll was convicted for disturbing the peace for publishing "Venus in the Cloister or the Nun in her Smock" (Berensmeyer, 2022, p. 91). This was probably the first conviction for obscenity in the United Kingdom. The common law ideas of obscenity were the basis of obscenity laws in most of the common law countries. Sections 292 and 293 in the Penal Code of 1860 were incorporated to punish circulation, distribution, and various other activities related to obscene objects (Penal Code, 1860). As films came to prominence in the 1900s, obscenity became an issue in the films, too. The need to censure films, especially on the grounds of obscenity, arises for the following issues:

- The primary justification for forbidding obscenity in films is to shield vulnerable and impressionable audiences, especially children, from explicit sexual content that can hurt young minds (Poole, 1982). Obscene content can hurt behavior. Young minds tend to imitate their surroundings. Exposure to obscene content can, in its extremity, lead to psychological distress or harm.
- Protection and promotion of society's moral and cultural standards require the restriction of obscenity in films. Such restriction will ensure that a level of respect for community values is maintained, and public welfare and morals are safeguarded. Different societies have varying cultural norms and sensitivities. Through restriction of obscene content, unnecessary disrespect towards religious, ethnic, or cultural groups can be avoided.

Freedom of expression does not protect obscenity since it "utterly lacks any redeeming social importance" and has no advantage or is outweighed by the

purpose of safeguarding children and others (Mitchell, 2014, p. 236). No censor boards or obscenity laws existed in the early days of film. This gave filmmakers more freedom. Hollywood introduced morality in the 1920s-1934 with the Hays Code (Sova, 2001). The British Board of Film Classification, previously the British Board of Film Censors, was founded in 1912. It initially followed Hays Code-like principles. In 1934, the Hays Code was strengthened and enforced due to popular concern about cinema's moral decline. The Production Code Administration (PCA) set tight rules to ban sex, nudity, vulgarity, etc. With time, cultural attitudes about censorship changed, with appeals for artistic freedom. Due to the internet and globalization, movie obscenity has blurred across borders and cultures. Online film availability complicates censorship. However, countries still regulate streaming platforms and seek cultural and moral compliance.

Countries had differing views on cinema censorship. France allowed artistic freedom with limited restriction, but Germany rigorously forbade violence and Nazi iconography (Strafgesetzbuch – StGB, 1998, section 86a). Again, Middle Eastern, Asian, and African countries have tougher film restrictions, especially for nudity, sexuality, and religious themes.

Bangladeshi Approach towards Obscenity

Censorship of Films is given due importance in Bangladesh. Few laws deal with the issue of censorship and subsequent public exhibition of films. The Cinematograph Act of 1918 came into being following the rise of Indian films in the formative years. The act was later replaced in India in 1952, although the scope of the new law was dissimilar to the previous one (Banerjee, 2010). However, the law remained unchanged in Bangladesh during the Pakistan era and even after the independence. Although few amendments were made, the law as a whole has remained intact.

Section 5(2) requires that a film be certified as suitable for public exhibition by the authority constituted under the Censorship of Films Act, 1963, before it can be permitted for such exhibition. The said authority of the Censorship of Films Act, 1963, is called Bangladesh Films Censor Board (Censorship of Films Act, 1963, section 3). The Board has been burdened to examine and certify films for public exhibition in Bangladesh (Censorship of Films Act, 1963, section 3). The Censorship of Films Act of 1963 contains the procedural aspects of censorship of films. But the Bangladesh Censorship of Films Rules, 1977 was made by the government in exercise of the powers conferred by section 10 of the act to provide more details to the procedure and manner of censorship.

Rule 13 of the Bangladesh Censorship of Films Rules, 1977 provides for the broad principles that the Censor Board should follow in examining and certifying films for public exhibition. The principles are as follows:

- that the film shall not impair or is not likely to impair the moral standards of the audience by extenuating vice or crime or by depreciating social values;
- that the story, incident, or dialogue in the film shall not offend or is not likely to offend the sentiments of any section of the public;
- that the effect of the story, incident, or dialogue of the film on children under twelve years of age shall not be or is not likely to be harmful;
- that the film shall not in any way impair the national ideology, namely, absolute trust and faith in the almighty Allah, nationalism, democracy, and socialism, meaning economic and social justice;
- that the Film is not a plagiarized one;
- observe the third-country rule to avoid impairing good relations between Bangladesh and other nations (Rule 13).

Among the 6 broad principles, the first 3 principles wholly or partially address the issue of obscene content in films. However, evaluating the obscenity of film content based on these principles could be quite burdensome, as they are quite ambiguous and unclear about their scope. Probably for the sake of clarity, the Code for Censorship of Films in Bangladesh, 1985, was made under rule 13 of the Rules of 1977. The Rules provide the necessary context to judge the alleged obscenity. The Code broadly provides for the criteria that will render a film unsuitable for public exhibition.

The broad grounds for censorship as mentioned in the Code are, namely, Security or Law and Order, International Relations, Religious Susceptibilities, Immorality or Obscenity, Bestiality, Crime, Plagiarism, and Miscellaneous (the Code for Censorship of Films in Bangladesh, 1985). The criteria for adjudging content as immoral or obscene as per the Code are as follows:

- Condone or extenuates acts of immorality,
- Over-emphasizes, glamorizes, or glorifies immoral life,
- Enlists sympathy or admiration for vicious or immoral characters,
- Justifies the achievement of a noble end through vile means,
- Tends to lower the sanctity of the institution of marriage,

- Depicts actual acts of sex, rape, or passionate love scenes of immoral nature,
- Contains dialogue, songs, or speeches of indecent interpretation,
- Exhibits the human form, actually or in shadowgraphs- (i) in a state of nudity; and (ii) indecorously or suggestively clothed;
- Indecorous or sensuous posture.
- Indecently portrays national institutions, traditions, customs, or culture (Code IV).

This last criterion covers kissing, hugging, and embracing, which should not be allowed in films of sub-continental origin. Kissing may be allowed in foreign films only, while hugging and embracing may be allowed in sub-continental films subject to the requirements of the story, only if they do not appear to be suggestive or of suggestive nature. The Code further states that:

- Deception of attempts or indication to rape may be permissible when it is intended to condemn it,
- Bikini or bathing costume scenes may be permissible in case of foreign films,
- Modern dress and suitable bathing costumes in local production may be allowed in export quality films, provided these are of modest presentation, and
- In case a picture creates such an impression on the audience as to encourage vice or immorality, the film should not be certified even if it shows that the vicious to the immoral has been punished for his/her wrong (Code IV).

The following criteria must be read in light of the broad principles of rule 13 of the Bangladesh Censorship of Films Rules, 1977. Together, these requirements create a comprehensive guide for the Censor Board to judge the obscenity of content.

A Verdict on the Bangladeshi Approach

Courts and scholars around the world, throughout time, have endeavored to find a universal definition of obscenity. However, the efforts could not settle into a single definition. From the Hicklin Test of tendency "to deprave and corrupt" whose minds were open to immoral influences (Hicklin, 1868) to the application of "community standards" and lack of "artistic value" in (California, 1973), there have been several tests of obscenity, utilized by

courts. While each of these tests has some merit, none of them are above criticism and fall short of universal application.

As such, to evaluate the legality of the Bangladeshi approach to obscenity in films, it is better to avoid the tests of various jurisdictions and instead rely on the parameters set in various legal documents. From the discussion made earlier on the freedom of expression in the Constitution of Bangladesh and other important legal documents, such as ICCPR, the requirements for restricting freedom of expression are as follows:

- the restriction must be by law, and
- the restriction must be necessary or reasonable.

The Bangladeshi method of obscenity film censorship must meet the aforementioned requirements to be legal. First, we must determine if obscenity censorship is “by the law.” The right must be limited by legislation in effect at the time (Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights, 1984). The word ‘law’ can refer to any instrument with legal power in the jurisdiction. ICCPR requires that it be open to the public and allow individuals to regulate their activities so a film can be made legally. The laws must guide decision-makers in restricting expression. The Bangladesh Censorship of Films Rules, 1977 and Code, 1985 meet this condition. The 1963 Censorship of Films Act established censorship, but the Rules and Code outline its justifications and requirements. The rule is explicit, thorough, and exhaustive because a film is unfit for public display owing to obscenity. Therefore, no filmmaker should have trouble determining if anything is obscene. Thus, the Bangladeshi method is “by the law.”

Second, obscenity control must be justified. This means the restriction on freedom of expression must be justified. The previous sections examined cinema censorship's aim. However, Rule 13's first three principles better explain obscene film restriction. Films may be prohibited for obscenity to:

- to safeguard the moral standards of the audience by extenuating vice or crime or by depreciating social values;
- to protect the audiences from stories, incidents, or dialogues in the film that may offend or is likely to offend the sentiments of any section of the public; and
- to protect children under twelve years of age from the effects of the stories, incidents, or dialogues of the film that are likely to be harmful (Rule 13).

The features mentioned in the Code of 1985 are to be read in light of these principles. Thus, one must interpret and understand the features of the Code as the means for the fulfillment of these principles of Rule 13. Initially, we need to evaluate the legality of these principles. The principles, in broad terms, aim at upholding law and order, shielding young and impressionable children from content that may hurt them, and maintaining harmony between people of different sections. It is a legitimate purpose of any society to ensure the promotion of community morals and respect for cultural norms and sensitivities, which these principles are trying to accomplish. Thus, the principles seem to serve a legitimate purpose. Now, the question is whether the features in the Code are adequate or exceed in serving this legitimate purpose.

An important aspect of the features of censorship stated in the Code of 1985 is that the Code mentions the head as “Immorality or Obscenity.” Although the terms are closely related, they are not the same. While obscenity is concerned with explicit or offensive material, often of a sexual nature, immorality covers a broader range of actions that are considered morally wrong and may not be sexually related. Compared to obscenity, immorality is highly subjective and often depends on moral judgment. However, censorship on the grounds of immorality is permissible under the constitution of Bangladesh as well as ICCPR, as morality is one of the grounds for restricting freedom of expression (ICCPR, 1966).

Now, the features mentioned in the Code cover both immorality and obscenity. If we are to separate the features that cover obscenity from the features that cover immorality, we see that the features that are related to obscenity only are as follows:

- depiction of the actual act of sex, rape, or passionate love scenes of immoral nature,
- dialogue, songs, or speeches of indecent interpretation,
- exhibition of the human form, actually or in shadowgraphs- (i) in a state of nudity; and (ii) indecorously or suggestively clothed;
- indecorous or sensuous posture,
- indecent portrayal of national institutions, traditions, customs, or culture, which covers kissing, hugging, and embracing, which should not be allowed in films of sub-continental origin, subject to further qualifications.

The Bangladeshi censorship code does not define obscenity, immorality, indecency, or indecorousness (Code, 1985). It may not be a deal-breaker since the judiciaries of many countries, such as the US, UK, India, and others,

have failed to define some of these terms. Filmmakers may not appreciate that the Censor Board decides the terms. However, the approach's legality is not determined by the filmmaker's approval. Conflicting and contradictory Board decisions may threaten free speech. The features seem to follow Rule 13, but the different approaches to kissing, hugging, and embracing in sub-continental and international films look weird. Kissing is only allowed in foreign films. However, subcontinental films may allow hugging and embracing if they fit the scenario and are not provocative. Rule 13 does not need a separate approach to obscenity based on the film's origin. Therefore, this dichotomous approach to kissing, hugging, and embracing does not comply. Obscene content does not violate the national ideology criterion.

A restriction must be commensurate to its legitimate purpose to be considered 'necessary' (Siracusa Principles, 1985). This dichotomous approach calls into doubt the proportionality of this kissing, hugging, and embracing ban. Other than this, the other aspects seem to address the compelling social necessity to protect audience morality and children under twelve from the film's damaging consequences. Bangladeshi obscene film censorship passes the legality test by a tiny margin.

Further Observations

It is clear that society needs to safeguard minors from indecent content, yet censorship limits artistic expression. Broadly, censorship protects children under 12 from the damaging impacts of films. A rating system like the US may solve this problem. Parents use the rating system to assess if a movie suits their kids. For instance, in the US MPA film rating system, "NC-17 – Adults Only" means only adults over 17 may view the picture, "R – Restricted" means under-17s must be accompanied by a parent or adult guardian, etc. However, Rule 16(7) requires the Chairman of the Board to provide an "A" certificate for films acceptable for adult audiences (1977). This means adult-only films can be released. A more comprehensive classification system, like that of the US, will allow filmmakers to experiment with varied cultural expressions without Censor Board interference. However, the rating system and the considerations for rating a movie under a particular rating should be different from that of the USA and dependent on the culture, tradition, and legal principles of Bangladesh.

The Censor Board is crucial to censorship regardless of method. The Board must decide if films meet legal requirements. Despite the Board's understanding of films, filmmaking, and culture, few members must be legal experts. The Secretary of the Law and Justice Division of Bangladesh's Ministry of Law, Justice, and Parliamentary Affairs usually serves on this board. Since the Secretary works for the government, another law-savvy

member should be present. As the board determines film eligibility for public display, coherence is essential. The Censor Board should emphasize the "literary, artistic, political, or scientific value of the work" instead of an "I know it when I see it" obscenity criterion, as the US Supreme Court did in (Ohio, 1964). Consider the Supreme Court of India's observation in (Aveek Sarkar v. State of West Bengal, 2014). The Court ruled that obscenity should be evaluated by the "reasonable, strong-minded, firm and courageous man" rather than a hypersensitive person.

Conclusion

The approach of censorship of obscene content in films in Bangladesh passes the test of legality, but not with flying colors. However, it is quite evident that the effectiveness of censorship depends mostly on the Censor Board. With the advent of new online platforms, censorship is facing an upheaval task. The constitution of the Censor Board, as well as its approach, needs to be prepared for the obstacles of the time. Legal experts need to be part of the Board to ensure that the censorship stays within the permitted bounds of law. Besides, introducing a proper rating system for the films may help in assuring more artistic freedom for the filmmakers. Finally, censorship must not be treated as a threat to the freedom of expression but as its necessary component. The need for censorship must complement the need to ensure freedom of expression.

References

- African [Banjul] Charter on Human and Peoples' Rights, Adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force Oct. 21, 1986. (2005, January 1). *Refugee Survey Quarterly*, 24(2), 150–150. <https://doi.org/10.1093/rsq/hdi035>
- American Association for the International Commission of Jurists. (1985). The Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights.
- American Convention on Human Rights, Adopted at the Inter-American Specialized Conference on Human Rights, San Jose, Costa Rica, 22 November 1969. (2005, January 1). *Refugee Survey Quarterly*, 24(2), 158–160. <https://doi.org/10.1093/rsq/hdi039>
- Aveek Sarkar v. State of West Bengal, (2014) 4 SCC 257.
- Banerjee, A. (2009). Political censorship and Indian cinematographic laws: a functionalist-liberal analysis. *Drexel L. Rev.*, 2, 557.
- Bdnews24.com. (2022). Obscenity in Bangla film more than satellite channels: Standing committee. <https://bdnews24.com/bangladesh/obscenity-in-bangla-film-more-than-satellite-channels>

Retrieved 12th Feb 2023.

- Berensmeyer, I. (2022). *A Short Media History of English Literature*. Walter de Gruyter GmbH & Co KG.
- Burnyeat, M. F. (1997). The impiety of Socrates. *Ancient Philosophy*, 17(1), 1-12.
- Bari, M. E., & Dey, P. (2020). The Anti-Defection Provision Contained in the Constitution of Bangladesh, 1972, and its Adverse Impact on Parliamentary Democracy: A Case for Reform. *SSRN Electronic Journal*.
<https://doi.org/10.2139/ssrn.3721469>
- Caparas, P. (2005). Optional Protocol to the International Covenant on Civil and Political Rights: Communication to the UN Human Rights Committee Concerning the Philippines' Violation of the Human Rights of Children Prisoners under the International Covenant on Civil and Political Rights (ICCPR). *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.2562538>
- Commission of Human Rights and the European Court of Human Rights. *International Affairs*, 40(4), 701–701. <https://doi.org/10.2307/2611743>
- Eisner v. United States. (1957). *International Law Reports*, 21, 476–477.
<https://doi.org/10.1017/cbo9781316151488.185>
- Films, videos and the reading public. (1994, March). *Index on Censorship*, 23(3), 118–119. <https://doi.org/10.1080/03064229408535706>
- Hatzfeld, J. (2005). *Machete Season: The Killers in Rwanda Speak*. New York: Farrar, Straus and Giroux.
- International Covenant on Civil and Political Rights (ICCPR), 16 December 1966, United Nations Treaty Series, vol. 999, p. 171.
- Islam, K. S. (2015). A Critical Analysis of Censorship Law and Bangladeshi Film. *JL Pol'y & Globalization*, 36, 78.
- Jacobellis v. Ohio, 378 U.S. 184 (1964).
- Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495, 501 (1952).
- Joshi, N. V. (2022, June 7). analysis of law relating to censorship of literary and cinematographic works. *International Journal of Health Sciences*, 13616–13625.
<https://doi.org/10.53730/ijhs.v6ns2.8587>
- Johnson, E. (1964, October). Human Rights in Europe: Being an account of the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950, of the Protocol thereto and of the machinery created thereby: the European
- Kimani, M. (2007). RTLM: The medium that Became a Tool for Mass Murder in *The Media and the Rwanda Genocide*. Thompson, Allan (ed.). Pluto Press, 110–124.
- Kretschmer, B. (2012, September 1). Criminal Involvement in Terrorist Associations — Classification and Fundamental Principles of the German Criminal Code Section 129a StGB. *German Law Journal*, 13(9), 1016–1036.
<https://doi.org/10.1017/s2071832200018022>
- McCormick, K. (1977, March). Censorship. *Index on Censorship*, 6(2), 31–37.
<https://doi.org/10.1080/03064227708532625>
- Miller v. California, 413 U.S. 15 (1973).

- Mittal, S., & Gurpur, S. (2021). Exploring Gender Stereotyping as a Dimension of Indecent Representation of Women in Indian Media. *Pt. 2 J. Legal Ethical & Regul. Issues*, 24, 1.
- Mhango, M. (2013, December 20). Constitutional Eighteenth Amendment Bill: An Unnecessary Amendment to the South African Constitution? *Statute Law Review*, 35(1), 19–34. <https://doi.org/10.1093/slr/hmt019>
- Official secrets act 1911. (1972, March). *Index on Censorship*, 1(1), 65–68. <https://doi.org/10.1080/03064227208532150>
- Poole, H. (1982, October). Obscenity and Censorship. *Ethics*, 93(1), 39–44. <https://doi.org/10.1086/292403>
- R v. Hicklin L.R. 3 Q.B. 360 (1868).
- Report of the Committee on Obscenity and Film Censorship. (1980, July). *Philosophical Books*, 21(3), 183–185. <https://doi.org/10.1111/j.1468-0149.1980.tb01849.x>
- Roth v. United States, 354 U.S. 476 (1957).
- Sova, D. (2001). *Forbidden films: censorship histories of 125 motion pictures*. New York: Facts on File. Rules for the Censorship of Films
- Strafgesetzbuch–StGB (1998).
- The Bangladesh Censorship of Films Rules, 1977.
- The Censorship of Films Act, 1963.
- The Code for Censorship of Films in Bangladesh, 1985.
- The Constitution of People’s Republic of Bangladesh (1972).
- UN Human Rights Committee. (1999). CCPR General Comment No. 27: Article 12 (Freedom of Movement), CCPR/C/21/Rev.1/Add.9.
- UN Human Rights Committee. (2011). General comment no. 34, Article 19, Freedoms of opinion and expression, CCPR/C/GC/34.