

(2014) 09 MAD CK 0300

In the Madras High Court

Case No : Writ Petition No. 23801 of 2014 and MP. Nos. 1 and 2 of 2014

S. Durairaj

APPELLANT

Vs

The Central Board of Film Certification

RESPONDENT

Date of Decision : 08-09-2014

Acts Referred:

Citation : (2014) 09 MAD CK 0300

Hon'ble Judges : V. Ramasubramanian, J

Bench : Single Bench

Judgement

V. Ramasubramanian, J.—The petitioners, who are devotees/disciples of the Sri Ramakrishna Order, have come up with the above writ petition, seeking a Mandamus to direct the respondents 1 and 2 to issue appropriate directions to the respondents 3 to 5, to delete a dialogue in the Tamil feature film "Velai Illa Pattadhari", on the ground that it shows the educational institutions run by Sri Ramakrishna Mission in poor light.

2. Heard Mr. R. Krishnamurthy, learned Senior Counsel appearing for the petitioners.

3. From the averments contained in the affidavit and the set of documents filed by the petitioners, it appears that in a Tamil feature film titled "Velai Illa Pattadhari" directed by the fourth respondent, produced and acted by the third respondent and distributed by the fifth respondent, the lead actor is shown to reply to his father in one sequence that since he studied in a school run by Sri Ramakrishna Mission, he was not able to speak fluently in English and that consequently, he was not successful in interviews and that he could not be blamed for the same.

4. Offended by such a dialogue, on the ground that it portrays the quality of education provided by Sri Ramakrishna Mission in poor light, the petitioners issued a legal notice dated 5.8.2014 to the Central Board of Film Certification as well as to the respondents 3 to 5 herein, calling upon them to delete the dialogue

and also to pay compensation. The respondents 3 to 5 sent a reply dated 11.8.2014 claiming that they have great respects and admiration for Sri Ramakrishna and Swamy Vivekananda. However, the lawyer, who issued the reply notice on behalf of the respondents 3 to 5, went overboard and attacked the petitioners for the claim made by them in the legal notice. The lawyer's reply sent on behalf of the respondents 3 to 5 was much more offensive than the dialogue.

5. However, the Central Board of Film Certification informed the advocate for the petitioners, by their reply dated 12.8.2014 that they have already directed the producer of the film to delete the dialogue in question. Yet, the dialogue was not deleted, forcing the petitioners to come up with the above writ petition.

6. Many times, the course of history takes interesting turns. The way in which this case has reached my court, is itself an example. This writ petition was posted for admission before another learned Judge, on 3.9.2014. After finding that during his days as a practitioner of law, he had represented one of the parties to this litigation, the learned Judge recused himself and hence the matter landed up on the lap of one of the proud products of an educational institution run by Sri Ramakrishna Mission. There can be no better reply, either to the contentious dialogue appearing in the film or to the contentions raised in the writ petition, than the very fact that a student of an educational institution run by Sri Ramakrishna Mission is called upon to decide the fate of this litigation.

7. The question as to whether a person who studied in Tamil Medium in a school run by Sri Ramakrishna Mission can be successful or not, need not be tested on the basis of the dialogue in question, but can be tested with reference, both to what I am and to what I do in this case. The proof of the pudding is in the eating. Persons associated with the film, the petitioners in this writ petition and the society at large are not unaware of this and I do not think the dialogue in question can really make a difference.

8. In his address to the Parliament of Religions on the 11th September, 1893, Swamy Vivekananda proudly proclaimed that he belonged to a country, which taught the world both tolerance and universal acceptance. If what Swamy Vivekananda said is true and if I, as well as the petitioners herein actually follow his footsteps, we should simply ignore the dialogue in question. It would be useful in these cases at least to follow the path shown by the great Masters, if not the law which is already well settled.

9. The way Swami Vivekananda himself dealt even with ridicules, is illustrated by an interesting episode that is mentioned in a few books. While Swamiji was traveling in a train, two Europeans ridiculed him and spoke ill of him thinking that Swamiji would not understand English. But, when Swamiji spoke in chaste English to the Traveling Ticket Examiner, a co-passenger asked him why he kept quiet without retaliating. Swamiji told him that it was not the first time that he was meeting with ignorant people.

10. It is true that the Central Board of Film Certification appears to have directed the producer of the film to remove the contentious dialogue. But, if the film, instead of running in theatres, had already run away from the theatres, it would not have been possible for the producer to delete the dialogue. By taking exception to certain dialogues, scenes, screenplay and storyline of feature films and approaching the Court for corrective action, many films get a publicity which they do not deserve or cannot afford. By admitting the writ petition and issuing notice, I do not wish to facilitate a re-run of the film. Past experience shows that due to unwarranted sensitivities exhibited by ignorant and intolerant groups of people, many films succeed in the box office. Instead of getting packed off from Theatres, such films run to packed houses by the hype created by intolerance. The law is now well settled by a series of decisions from S. Rangarajan Vs. P. Jagjevan Ram and Others, that the Court is not to act as a super Censor Board. Ignoring certain things would make them fade away from public memory much faster than objecting to them. Therefore, I do not wish to entertain the writ petition.

11. Accordingly, the writ petition is dismissed. Consequently, the above MPs are also dismissed.