

(1987) 12 KL CK 0023
In the High Court Of Kerala
Case No : M.F.A. No. 289 of 1987

T. Parameswaran

APPELLANT

Vs

The District Collector, Ernakulam and Others

RESPONDENT

Date of Decision : 17-12-1987

Acts Referred:

Constitution of India, 1950 — Article 19(1)
Kerala Dramatic Performances Act, 1961 — Section 2(1), 3, 4
Penal Code, 1860 (IPC) — Section 295, 295A

Citation : AIR 1988 Ker 175

Hon'ble Judges : K.G. Balakrishnan, J; K. John Mathew, J

Bench : Division Bench

Advocate : A.X. Varghese, K.S. Madhusoodanan and T.P. Manilal, for the Appellant; Govt. Pleader, George Varghese Kannanthanam and P.M. Antony and K. Vijayan and Joseph J. Therattil, for the Respondent

Final Decision : Dismissed

Judgement

John Mathew, J.—This is an appeal filed u/s 10 of the Kerala Dramatic Performances Act, 1961, hereinafter referred to as the Act. The District Collector, Ernakulam who is the first respondent herein, passed an order dt. 17-3-1987 u/s 4(1) of the Act, copy of which is produced as Annexure III to the Memorandum of Appeal, prohibiting the staging of the drama "Kristuvinte Aaram Thirumurivu" for a period of three months in any part of the Ernakulam District. This appeal is filed by the Convenor of Aasayaviskara Samrakshana Samithy, Ernakulam District which is stated to be a society for protecting the freedom of expression and speech of the public and for creating consciousness among the public to protect the said rights. Originally, the District Collector, Ernakulam and Assistant Commissioner of Police, Ernakulam alone were the respondents in the appeal. Subsequently, some organisations and individuals filed petitions for impleading them as additional respondents. On those applications additional respondents 3 and 4 were impleaded in the appeal and other petitioners were allowed to argue the appeal as intervenes. Additional 3rd respondent is Kerala Catholic Youth

Movement and additional 4th respondent is P. M. Antony who is the author of the drama.

2. The appellant filed C.M.P. 11197/1987 to stay the operation of the order under challenge. On this application our learned brothers Sivaraman Nair and Pareed Pillay, JJ. passed the following order on 10-4-1987. "Heard counsel for the petitioner and the Govt. Pleader. In the nature of the controversy which involves freedom of expression of some of the citizens and problems of law and order if the drama is exhibited, as apprehended by the District Collector in the order under appeal, we feel that the best course to be adopted for the present is to set up a panel consisting of persons from different shades of opinion to read the script and see the performance of the drama and submit a report to this Court on the need desirability and justification in imposing and continuing the prohibition against the performance of the drama. Parties will submit names of persons to be included in the panel by 24th April, 1987, from which panel will be selected. Counter-affidavit, if any, will also be filed by that date. The petition will be posted for further hearing on 27-4-1987".

3. Probably our learned brothers adopted a somewhat similar procedure followed by the Supreme Court in K.A. Abbas Vs. The Union of India (UOI) and Another, where the film in respect of which the petition before the Supreme Court arose was specially screened for the learned Judges. Incidentally, we may also state that in that judgment the Supreme Court also extracted the principles on which the obscenity of a book was to be considered, which were enunciated in Ranjit D. Udeshi Vs. State of Maharashtra, which were adopted by the Khosla Committee which recommended them for the guidance of film censors.

4. Thereafter, by order dt. 8th May, 1987 the learned Judges constituted a panel under the Chairmanship of Shri Justice T. Chandrasekhara Menon, Retired Judge of this Court "to view the performance of the drama and to express their reasoned opinion as to whether the performance is profane, sacrilegious or blasphemous and depicts Jesus Christ as a charlatan easily succumbing to worldly temptations or He is depicted as a noble soul who outlives all such temptations". By order dt. 8th June, 1987 our learned brothers gave further directions regarding the admission of persons other than the panel members during the performance of the drama.

5. Accordingly, the drama was performed on 8-6-1987 and the Chairman as well as the members of the panel submitted their reports. The appellant as well as the respondents have filed objections and affidavits explaining their stand, namely, either approving the reports or objecting to the reports as the case may be.

6. By the order evidenced by Annexure III, the period of the prohibition expired three months after the date of that order, namely, on 17-6-1987. As stated above, the panel members saw the performance on 8-6-1987. Irrespective of the fact that the period of prohibition will expire on 17-6-1987, the appellant as well

as the respondents had prayed before the Bench which appointed the panel for a decision by this Court on the question whether the drama is objectionable or not under the Act.

7. Subsequently, when the appeal came up before us for final arguments, we pointed out to learned counsel appearing for the parties on either side that the period of prohibition under Annexure III order has already expired and enquired whether we may dispose of the appeal on that sole ground. They submitted that before our learned brothers Sivaraman Nair and Pareed Pillay, JJ., counsel had represented that unless this (Court decides as to whether the drama was objectionable or not under the Act, the dispute will not be finally settled and that it was under those circumstances that our learned brothers proceeded to direct the panel to view the drama and to file their reports.

8. In this connection, we may also refer to the following passage from the judgment of the Hon''ble Supreme Court reported in Gulam Abbas and Others Vs. State of Uttar Pradesh and Others, :

"As already stated the challenge to this order was incorporated in the writ petition by way of an amendment which had been allowed by the Court. Since however, that impugned order has by now exhausted itself by efflux of time it would not be proper for us to go into either the grounds of challenge urged by the petitioners or the materfals justifying the same put forward by the respondents for determining its legality or validity. Since however, occasions or situations arise even during a year as well as year after year making it necessary for the executive magistracy of Varanasi to take action u/s 144 and since it has been the contention of the petitioners, -- though stoutly disputed by all the respondents --that the exercise of the power under the said provision has invariably been perverse and in utter disregard of the lawful exercise of their legal rights to perform their religious ceremonies and functions on the plots and structures in question it will be desirable to make general observations by way of providing to the local authorities requisite guidelines with a view to ensure a correct and proper exercise thereof with a brief reference to few decided cases on the point".

Under the circumstance of this case, we respectfully adopt the reasoning of the Hon''ble Supreme Court and, therefore, are of the view that even though the appeal has become infructuous, it is necessary to consider the issue on merits, after formulating the guidelines for taking a decision. Such a conclusion seems to be justified also in view of the fact that on a previous occasion almost similar questions that are raised in this appeal were raised before this Court, in M.F.A. No. 758 of 1986, wherein the order dt. 8-11-1986 produced as Annexure VI was challenged. This Court by judgment in P, M. Antony v. District Collector (1987) 1 Ker LT 132 upheld the said order of the District Collector, Ernakulam prohibiting the staging of this drama u/s 4(2) of the Act. This Court was not satisfied that the District Collector acted on irrelevant material or that he did not take into account relevant matters in passing the order of prohibition. The District

Collector passed that order as he was satisfied, on the basis of the reports of the Deputy Superintendent of Police, Alwaye, the Sub Collector, Muvattupuzha and information gathered by him from other sources, that the staging of the drama was liable to inflame communal passions and lead to a serious breach of the peace. As stated by learned counsel appearing on either side, if this appeal is disposed of on the ground that the order has worked itself out, that will not conclude the questions in issue and will occasion only further law and order problems and litigations in connection with the performance of this drama. Section 10 of the Act empowers this Court to pass such consequential or incidental orders as may be necessary while disposing of the appeal.

9. Pursuant to the judgment of the Hon'ble Supreme Court in a SLP against that judgment, the author of the drama filed petition dt. 31-12-1986 to review Annexure VI order. Subsequently, there was a request to withdraw that petition since the validity of that order had already expired. However, the District Collector received further reports from the Deputy Superintendent of Police, Alwaye and other police officers to the effect that protest rallies, meetings and processions were carried out in different parts of Ernakulam District against the staging of the drama. It was also reported that if the drama was allowed to be staged, people will prevent it by force and they may even attack the artists who were staging the drama and consequently there will be breach of the peace. The District Collector examined the reports from the police officers and issued notice to the organisers of the drama to appear before him, on 17-3-1987 to show cause why performance of the drama should not be banned. After considering the entire matter the District Collector was convinced that the staging of the drama will lead to very grave law and order problem. Accordingly he passed Annexure III order dt. 17-3-1987 prohibiting the staging of the drama for a period of three months. It may also be mentioned that the author of the drama had filed O.P. No. 5820 of 1986 under Article 226 of the Constitution challenging certain alleged illegal acts committed by the Circle Inspector of Police, Alleppey and seeking for a writ of prohibition restraining the police machinery of the State of Kerala from interfering with the performance of the drama. Although interim orders evidenced by Annexures IV and V dt. 8th Aug. 1986 and 4th Sept. 1986 directing the police authorities not to interfere with the staging of the drama were passed, this Court by order dt. 6-11-1986 made it clear that the earlier orders will not debar the District Collector, Trichur from taking appropriate action u/s 4 of the Act.

10. The provision of law under which the performance of the drama was prohibited, is Section 4(1) of the Act, which is as follows :

4. Power to prohibit performances temporarily : --

(1) Whenever the District Collector is satisfied that a play, pantomime or other drama performed or about to be performed is an objectionable performance or that its performance is likely to lead to a breach of the peace, he may, by order stating the grounds on which he considers the performance objectionable or

likely to lead to a breach of the peace, prohibit its performance.

(2) Before making an order under Sub-section (1), the District Collector shall give a reasonable opportunity to the organiser or other principal person responsible for the conduct of the performance or to the owner or occupier of the public place in which such performance is intended to take place, to show cause why the performance should not be prohibited :

Provided that in case where the circumstances require immediate action to be taken and do not admit of a reasonable opportunity being given, the District Collector may by order, prohibit the performance without giving such opportunity in which case he may review the order on the application of any person affected by it.

(3) No order made under this section shall remain in force for more than two months from the making thereof unless the Government, by notification in the Gazette otherwise direct."

11. The words "objectionable performance" is defined in Section 2(1) of the Act. which is as follows :

(1) "objectionable performance" means any play, pantomime or other drama which --

(i) is grossly indecent, scurrilous or obscene, or

(ii) is likely to endanger the security of India or public order in the State; or

(iii) incites any person to commit an offence involving violence; or

(iv) is likely to seduce any member of any of the armed forces of the Union of India or of any police force from his allegiance or his duty, or prejudice the recruiting of persons to serve in any such force; or

(v) is deliberately intended to outrage the religious feelings of any class of the citizens of India by insulting or blaspheming or profaning the religion or the religious beliefs of that class.

Explanation I.-- A performance shall not be deemed to be objectionable merely because in the course thereof words are uttered, or signs or visible representations are made, expressing disapprobation or criticism of any law or of any policy or administrative action of the Government with a view to obtain its alteration or redress by lawful means.

Explanation II.-- In judging whether any performance is an objectionable performance, the play, pantomime or other drama shall be considered as a whole :

12. From the above sections it is clear that a drama will be an objectionable performance, if it comes within any of the 5 Sub-clauses of Section 2(1). In order that the District Collector may exercise his powers u/s 4 and prohibit the

performance of the drama, he must be satisfied (1) that the drama is an objectionable performance or (2) its performance is likely to lead to a breach of the peace. As far as the second condition is concerned, namely whether the performance of the drama is likely to lead to a breach of the peace, we are in respectful agreement with the guidelines given in the judgment in *P. M. Antony v. District Collector* (1987) 1 Ker LT 132. Paras 5 and 6 of the said judgment are as follows :

"5. The order shows that the first respondent acted on material which he received in the form of representation and the reports of the concerned officers. The question is whether he was "satisfied" before he made the impugned order. His satisfaction must be reasonable in the sense that it is based on material which a reasonable man, placed in the same position as the repository of power, would have considered to be sufficient basis for making the order. Has the District Collector taken into account matters which, are relevant or has he acted on irrelevant material? Is there reasonable nexus between the material available to him and the order which he made? Has the order a rational nexus with the object sought to be achieved by the statute? The question is not whether this Court would have come to the same conclusion on the material relied on by the District Collector, but whether he acted rationally in the sense that his order is reasonably based on relevant material.

6. No man in the position of the District Collector, aware of the happenings and sentiments of large sections of people within his jurisdiction, as disclosed to him by the reports of the Deputy Superintendent of Police, Atwaye, the Sub Collector, Muvattupuzha and other sources, would be justified in ignoring the probable and natural consequences of actions, which in the minds of many persons partake of the character of sacrilege of blasphemy. Such are the actions constituting the objectionable performance leading to law and order problems. The question is not whether the drama is based on a true translation of the original work; the question is not even whether the work represents art which should be encouraged; but the sole question in making the order u/s 4 or u/s 3, as the case may be, is one of consideration of public order, tranquillity and harmony in society."

13. Therefore irrespective of the question whether the performance of the drama will come within the definition "Objectionable performance", the District Collector has the power u/s 4 of the Act to prohibit its performance, if its performance is likely to lead to a breach of the peace. Section 3 of the Act empowers the Government to prohibit objectionable performances after following the procedure prescribed in that section as well as in R. 3 of the Kerala Dramatic Performance Rules 1964.

14. Learned counsel on either side addressed elaborate arguments on the interpretation of the words "Objectionable performance" and also as to whether the drama in question will come within the said definition. Clauses (i), (ii), (iii), and (iv) of Section 2(1) may not be of much application in the present case,

although according to teamed counsel for the respondents and interveners who are supporting the order of the District Collector, Clauses (i) and (iii) are also applicable in this case. According to them the drama is grossly indecent, scurrilous or obscene and also incites persons to commit an offence involving violence. Certainly in examining whether a drama is an objectionable performance, the provisions in Clauses (i) to (iv) will also have to be applied and the authority will have to ascertain whether the drama will come under any of those clauses. The main ground of attack as far as the drama in question is concerned is that it comes within Clause (v) of Section 2(1) of the Act. Therefore, the main question to be considered is whether it is deliberately intended to outrage the religious feelings of any class of the citizens of India by insulting or blaspheming or profaning the religion or the religious beliefs of that class.

15. Learned Advocate-General, Shri K. Sudhakaran pointed out the difference between Section 2(1) of the Travancore-Dramatic Performance Act (Act 11 of 1115) which was the corresponding statute applicable to the Travancore area of Kerala State and Section 2(1) of the Kerala Dramatic Performances Act, 1961 and contended that the words "deliberately intended" are a conscious addition made by the legislature to the existing provision. Before the Kerala Act of 1961 was enacted three different enactments were in existence in Kerala, namely, the Travancore Dramatic Performance Act, 1115 (Act 11 of 1115). The Cochin Dramatic Performance Act, 1121 (Act LXXI of 1121) and The Madras Dramatic Performance Act, 1954 (Act 33 of 1954). In the Travancore and Cochin Acts the words "objectionable performance" were not specifically defined. However, in the Madras Act there was almost a similar definition as enacted in the Kerala Act. It would appear that the definition in the Madras Act was adopted in the Kerala Act. In any view of the case in interpreting the provision we have to give due weight to the words used therein.

16. Two decisions which arose from the Travancore Dramatic Performances Act were referred to at the Bar. In both those judgments the orders were struck down on technical grounds and not after examining the question whether the drama was an objectionable performance, in *Ramakrishna Kurup Janardhana Kurup v. State* 1953 Ker LT 336 : (AIR 1953 Trav Co. 238) the Kerala High Court quashed an order of the District Magistrate, Trivandrum prohibiting the staging of the Malayalam drama *Matter in Vernacular omitted*Ed. on the ground that there was no proper notification empowering the District Magistrate to act on behalf of the Government u/s 2(2) of the Dramatic Performances Act (Act II of 1115) (Travancore). So also in *Celastine v. The Addl. Dist. Magistrate, Quilon* 1957 Ker LT 267 : (AIR 1957 Ker 73) this Court set aside the prohibition against the staging of the drama entitled *Matter in Vernacular omitted*Ed. on the ground that the petitioner before this Court was not given an opportunity to state his case and also for the reason that there was no notification empowering the Additional District Magistrate, Quilon to act on behalf of the Government.

17. The word "deliberate" has the following meanings : Carefully weighed or considered; intentional (New Websters Dictionary of the English Language, pelux Encyclopaedic Edition Page 264). To weigh, ponder, discuss (Blacks Law Dictionary). The word "intend" means to decide. (resolve, purpose (Blacks Law Dictionary). "Intended" means intentional or designed; as to produce the intended effect (New Websters" Dictionary).

18. While interpreting the words "deliberate and malicious intention" occurring in Section 295A of the Penal Code, the Allahabad High Court in Kali Charan Sharma Vs. Emperor, held that :

"This matter must be judged primarily by the language of the book itself though it is permissible to receive and consider external evidence either to prove or to rebut the meaning ascribed to it in the order of forfeiture.

If the language is of a nature calculated to produce or to promote feelings of enmity or hatred the writer must be presumed to intend that which his act was likely to produce.....

I have sought, therefore, to judge the intention of the writer from his own declarations in the book, from the nature of the language he has used and from the circumstances in which the book was published and I cannot entertain any doubt, in spite of the author's protestation to the contrary, that the book was conceived and written with the deliberate intention not only of exciting odium against the founder of the Mahomedan religion, but of promoting in Hindus feelings of hatred or enmity against their Muslim fellow-subjects. I pay no attention to the plea that the statements contained in the book are supported by authority; in cases like these the truth of the language can neither be pleaded nor proved; it is immaterial.....".

19. It may be observed that the word "malicious" does not occur in the definition of the words "objectionable performance" in the Act.

20. While upholding the constitutional validity of Section 295A of the Penal Code, Section R. Das, C.J. in Ramji Lal Modi Vs. The State of U.P., observed as follows :

"Insults to religion offered unwittingly or carelessly or without any deliberate or malicious intention to outrage the religious feelings of that class do not come within the section. It only punishes the aggravated form of insult to religion when it is perpetrated with the deliberate and malicious intention of outraging the religious feelings of that class. The calculated tendency of this aggravated form of insult is clearly to disrupt the public order and the section, which penalises such activities, is well within the protection of Clause (2) of Article 19 as being a law imposing reasonable restrictions on the exercise of the right to freedom of speech and expression guaranteed by Article 19(1)(a)".

21. While examining the validity of the order passed by the Uttar Pradesh Government forfeiting a book which was a compilation of speeches made by the late Dr. Ambedkar, exhorting the scheduled castes to throw off the shackles of

caste tyranny by repudiating the Hindu religion and adopting Buddhism instead, a Full Bench of the Allahabad High Court in Lalai Singh Yadav Vs. State of Uttar Pradesh, observed as follows :

"Rational criticism of religious tenets, couched in restrained language, cannot amount to an offence either u/s 153A or u/s 195A of the Penal Code. And criticism of the Hindu religion for its inculcation of the doctrine of untouchability and for the sanction which it has given to reprehensible treatment meted out to the lower castes has of recent years been considered perfectly legitimate, having been sponsored by no less a person than Mahatma Gandhi himself".

The Supreme Court while confirming the said judgment in The State of Uttar Pradesh Vs. Lalai Singh Yadav, quoted with approval the following observation of Holmes, 3; in Schenck v. U.S. (1918) 249 US 47 : 63 Law Ed 170:

"We admit that in many places and in ordinary times the defendants, in saying all that was said in the circular, would have been within their constitutional rights. But the character of every act depends upon the circumstances in which it is done..... The law's stringent protection of free speech, would not protect a man in falsely shouting "fire" in a theatre, and causing panic. It does not even protect a man from an injunction against uttering words that may have all the effect of force..... The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent. It is a question of proximity and degree."

The Supreme Court finally held as follows :

"Government has the power and responsibility to preserve societal peace and to forfeit publications which endanger it. But what is thereby prevented is freedom of expression, that promoter of the permanent interests of human progress. Therefore, the law (Section 99A) fixes the mind of the Administration to the obligation to reflect on the need to restrict and to state the grounds which ignite its action. To fail here is to fault the order. That about all."

22. Therefore, the test to be applied is whether the author of the drama deliberately intended to outrage the religious feelings of any class of citizens. Such deliberate intention must be judged primarily by the language of the book itself, although it is permissible to receive and consider external evidence. The writer must be presumed to intend that which his act was likely to produce.

23. The word "outrage" is somewhat stronger than the word "wounding" occurring in Section 298 of the Penal Code. Even a true statement may outrage the religious feelings of a class. See Baba Khalil Ahmad Vs. State, at page 718. So the truth of the statement can neither be pleaded nor proved by the author if a statement outrages the religious feelings of any class. See Kali Charan Sharma Vs. Emperor, at p. 653. In other words the words used should be such as are bound to be regarded by any reasonable man as grossly offensive and

provocative and deliberately intended to outrage the religious feelings of any class of citizens of India. For properly understanding the scope of these words, the following observations of B. P. Sinha, J. in *S. Veerabadran Chettiar Vs. E.V. Ramaswami Naicker and Others*, afford much guidance :

"7.Any object however trivial or destitute of real value in itself if regarded as sacred by any class of persons would come within the meaning of the penal section. Nor is it absolutely necessary that the object, in order to be held sacred, should have been actually worshipped. An object may be held sacred by a class of persons without being worshipped by them. It is clear, therefore, that the courts below were rather cynical in so lightly brushing aside the religious susceptibilities of that class of persons to which the complainant claims to belong. The section has been intended to respect the religious susceptibilities of persons of different religious persuasions or creeds. Courts have got to be very circumspect in such matters, and to pay due regard to the feelings and religious emotions of different classes of persons with different beliefs, irrespective of the consideration whether or not they share those beliefs, or whether they are rational or otherwise, in the opinion of the court."

24. In *State of Mysore v. Henry Rodrigues* 1962 (2) Cri LJ 564 a Division Bench of the Mysore High Court considered the scope of Section 295A of the Penal Code. The 1st accused was the editor and publisher of a monthly magazine and the 2nd accused was the printer of the said magazine. The complaint was to the effect that in certain issues of the magazine there were articles which were insulting to the religion and religious beliefs of the Roman Catholics and that the accused acted with a malicious intention in publishing and printing the same and therefore they committed offence punishable u/s 295A of the I.P.C. The 1st accused claimed to have made a deep study of the Holy Bible and became convinced that the Bible does not sanction the worship of Virgin Mary. So also it was stated that the Institution of Papacy was not one sanctioned by the Bible. The Court held as follows :

"Having regard to the purpose for which Section 295A of the I.P.C. has been enacted, we find ourselves unable to accept the view that a statement which would otherwise fall within the mischief of Section 295A. can be taken out of it, merely because it happens to be a true statement. As contended by the learned Advocate-General, if the language used transgresses the limit of decency and is designed to vex, annoy and outrage the religious feelings of others, then, the malicious intention of the writer can be inferred from the language employed by him".

25. So the scope of the examination is limited and the test is whether religious feelings or beliefs of a class were deliberately intended to be insulted or blasphemed or profaned. Section 2(1)(v) of the Act is framed in order to respect the religious feelings, which means emotions or sentiments, of different classes of people with different beliefs, irrespective of the consideration whether they are rational or otherwise. Therefore there is no scope for examining whether the

religious feelings of any class of citizens is rational or not. In Section 295 of the I.P.C. the words used are "insulting the religion of any class of persons". In Section 295A of I.P.C. the words used are "intention of outraging the religious feelings of any class of citizens". The word "outrage" means "an atrocious act of violence", "a wanton transgression of law or decency", "as gross violation of morality", "an enormous insult" (New Webster's Dictionary). "Injuries, violence or in general any species of serious wrong offered to the person, feelings or rights of another" (Blacks Law Dictionary). The word "feeling" has a meaning wider than the word "belief". It means sensitiveness or collective susceptibilities, according to New Webster's Dictionary.

26. Therefore the general guidelines may be stated as follows: (1) The State Government may u/s 3 of the Act prohibit a drama or play if it is an objectionable performance after following the procedure prescribed. (2) The District Collector may prohibit its performance temporarily if (i) the drama is an objectionable performance or (ii) if its performance will lead to a breach of the peace. (3) For taking a decision as to whether the performance is likely to lead to a breach of the peace, the District Collector will have to act on the basis of relevant material. His satisfaction must be reasonable in the sense that it is based on material which a reasonable man placed in the same position would have considered to be sufficient basis for making the order. He should not take into account any irrelevant material and there must be a reasonable nexus between the material available to him and the order he makes. (4) In order to consider whether a drama or play is an objectionable performance or not, it will have to be considered as a whole and examined whether Clauses (i) to (v) of Sub-section (1) of Section 2 of the Act will be attracted. Regarding Clause (v), the deliberate intention of the author is to be mainly gathered from the nature of the language used although it is permissible to consider external evidence either to prove or rebut the meaning ascribed to the language used. If the language is of nature calculated to outrage the religious beliefs or feelings of any class of citizens an inference of such a deliberate intention has to be inferred. The writer must be presumed to intend which the performance of the drama was likely to produce. (5) The truth or otherwise or the rationality of the statements in the drama is not a relevant consideration in examining whether the statements therein will or will not outrage the religious feelings of a class of citizens in India. In other words whether the religious feelings of a class of citizens is well-founded or rational is not a question to be examined in this context. If the religious beliefs of any class of citizens are "outraged" namely "subjected to a gross insult" or "wantonly abused" or not, is the test to be applied. (6) It will have to be examined whether the scenes of the drama or the words used by the actors are such as are bound to be regarded by any reasonable man as offensive and provocative. A performance shall not be deemed to be objectionable merely because it criticises any law or policy or administrative action of the Government with a view to obtain its alteration or redress by lawful means.

27. Now that we have indicated the guidelines we may examine whether the

drama in question is an objectionable performance or not. The entire script of the drama was read out to us during the course of arguments. Learned counsel appearing for the appellant as well as the author of the drama, P. M. Antony, addressed arguments before us. The drama was viewed by a panel appointed by this Court and the members of the panel have filed their reports. We may state that the opinions furnished by the Chairman and members of the panel were of considerable assistance to us. We express our thanks to the Chairman and members of the panel for assisting the court. Our learned brothers, Sivaraman Nair and Pareed Pillay, JJ. required the panel to give their views on the following questions : (1) Literary merit of the drama (2) Whether the drama is sacrilegious or blasphemous or profane (3) Whether the play depicts Jesus Christ as a charlatan easily succumbing to worldly temptations (4) Whether the play depicts Jesus Christ as a noble soul who outlives all such temptations.

28. The following summary of the reports of the Chairman and members of the panel will bring out the reactions of these distinguished and learned persons.

(1) Justice T. Chandrasekhara Menon (Retd.). Chairman : Christ is depicted in the beginning of the play, as a person in distress riddled with doubts, who feels that he is being pressurised to fill the role of the long awaited Messiah of Israel. But he gradually rises, in the course of the drama to great heights, This picture of Christ may go against Christian theology..... There is no justifiable ground to attack the drama as profane, blasphemous or sacrilegious.

(2) Sri N. V. Krishna Warriar, Chief Editor, Kumkuman Weekly, Quilon : Christ is depicted not as a person who is a traitor, but as a person who fights against temptations and as a person who failed in that. The impression that one gets about Jesus is not as a model character but only as a weak character. The member has not stated whether drama is profane or blasphemous or sacrilegious, on the ground that it is only a religious problem and not a literary problem.

(3) Dr. N. M. Thomas. Director Emeritus, Christian Institute for the Study of Religion and Society, Manjadi P. O. Tiruvalla-5 : There is nothing irreverential in the drama. There is nothing in the drama which need arouse communal passion or cause communal disharmony. The genuine cause of social justice and human liberation and of ethical truth in general will be served best by a promotion of free dialogue without suppression of any party in the debate.

(4) Smt. Sarah Joseph, Professor, Govt. Sanskrit College, Pattambi : No justifiable ground to attack the drama as profane, blasphemous or sacrilegious.

(5) Sri K. T, Mohamed, "Surabhila", Puthivangadi, Calicut : No justifiable ground to attack the drama as profane, blasphemous or sacrilegious.

(6) Dr. M. Sreedhara Menon, Professor of Sanskrit. (Retd.), Rajavilla, P. O. Tiruvannur Nada. Calicut : There is no literary value in the drama and it is a failure. However, it need not be prohibited unless there is law and order problem.

(7) The Rt., Rev. K. C. Seth, Bishop & Attorney, C. Section T. T. A. Diocese of North Kerala, Shorapur : The drama hints that Mary Magdalene's influence over Jesus is greater than that of his mother. There are several places where the drama depicts Jesus as a sinner and as a person trying to escape from places of worship. The drama is blasphemous and profane in character.

(8) Sri Jos T. Manjooran. Principal. Law College. Ernakulam : Jesus is depicted as frail, indecisive and totally lacking will power. He is portrayed as a helpless captive of conflicts and hallucinations. The drama is a complete distortion of accepted historical notions devoid of any artistic elegance. A Christian can regard the work only as blasphemous.

(9) Sri M.S. Mani, Editor in Chief, "Keralakaumudi", Trivandrum" The author should withdraw the drama respecting the sentiments of others.

(10) Most Rev., Dr. Benedict Mer Gregorios. Archbishop of Trivandrum : The drama is profane, blasphemous and sacrilegious. A mean caricature of Jesus Christ is projected in drama. Jesus of thisd ratna is a weakling buffeted by evil and sinful desires and driven to a corner by domineering persons like Judas and Barabas. The drama is bound to wound deeply the Christian sensibility. It will also hurt the refined sentiments of all people who uphold spiritual and moral values.

(11) Dr. Babu Paul, I. A. S., Chairman, Cochin Port Trust : The drama has no literary merit. It preaches violence, is sacrilegious, blasphemous and profane and portrays Jesus as an undesirable character.

(12) Dr. K. M. Tharakan, Editor. "Malayalamanorama" weekly, Kottayam : The text is offensive to Christian sensibility. If the author is amenable to censoring, the play can be staged. Let him not"present Jesus as a neurotic and as one who is tempted by Mary Megdalene.

(13) Bishon Poutose Mar Poulose, Bishop. Church of the East, Trichur : The play gives us an opportunity to enter into a healthy debate in the field of political ethics, and particularly on the question of the relationship between love and justice. The play-wright has not succeeded to bring out the spiritual, philosopohical and lofty ideals attributed to Christ by the novelist, Nikos Kazantzakis in his work "The Last Temptation of Christ". There is no comparison between the play and the novel. The play is not profane, blasphemous, sacrilegious or offensive.

(14) Sri C. Janardhana Kurup, Advocate, Ernakulam : The attempt of the author of the drama is to depict Jesus as an imbecile and insipid preacher who is despised, ridiculed and rejected by the people. One is tempted, to feel that if the Romans would not have cooperated to crucify Jesus, he would have committed suicide as a dismal defeatist. The author puts Judas on a far higher pedestal than the defeated, frustrated and disappointed Jesus. The hero of this drama is not Jesus but Judas. Even a reasonable and tolerant Christian will get upset if he

sees this drama. The staging of the drama will offend the religious sentiments of every average Christian.

(15) Dr. N.A. Karim. Retired Pro-Vice-Chancellor, University of Kerala, Trivandrum : If the people who go to see the drama are largely illiterate ones, a few of the scenes might unsettle their age-old beliefs and hurt their religious susceptibilities. On the other hand an educated, intelligent audience might in all probability understand the true humanistic spirit of the play. If one goes by the literal dictionary meaning of the words "profane, sacrilegious and blasphemous", a few of the traditional religious concepts of the believers of Christianity have been profanely treated, the sacredness of some of the persons, has been violated and irreverently spoken of.

29. From the above, it is seen that 6 of the members (Nos. 7, 8, 10, 11, 12 and 14) are strongly against the drama. Chairman and 5 members (Nos. 1, 3, 4, 5, 6 and 13) are of the view that the drama need not be prohibited. The remaining 3 members have only generally criticised/appreciated the drama. One of these members (No. 91 is of the view that the author himself should withdraw the drama. Those who were of opinion that the drama need not be prohibited also are of the view that it is against Christian theology and Bible.

30. Parties have filed affidavits/objections about these reports. According to the objection filed by the appellant and the author, the author of the drama has not gone to the extent the author Kazantzakis has gone in his novel. They have quoted extensively from the script of the "Last Temptation of Christ" to show that the script in the drama is only milder than the statements in the said novel. It was also pointed out that the report of one of the learned members of the panel, namely Sri G. Janardhana Kurup, is against the statement signed by him; among others, produced as Annexure IX, calling upon the Government of Kerala to control the communal elements from interfering with the performance of this drama. The learned member thereafter filed an additional report as directed by this Court explaining his stand. In that he explained that at the time of putting his signature to the Annexure IX statement, he expressed his reservation to the learned counsel for the appellant who brought it to him for signature that he had not the benefit of reading the script of the drama nor had he the opportunity to see it on the stage. Learned counsel for the appellant had assured him that the drama as unobjectionable and will not offend anybody's religious sentiments and he believed that assurance and signed the statement.

31. The gist of the story of the drama is as follows : Jesus was the son of Joseph, a carpenter of Nazareth, and Mariam. One Simon, described as a priest, was Mariam's brother. Mary Magdalene was Simon's daughter. While Jesus wanted to live an ordinary man's life with wife and children, his parents and uncle Simon wanted him to be a man of God. He was thus torn by a conflict. In his effort to make God hate him, he even made a cross for Romans to crucify one of the Jewish zealots. After his crucifixion Jesus was tormented by an over-bearing sense of guilt and his mother sought the advice of her brother, Simon, to advise

Jesus to go to a monastery in the desert. It so happened that the head of the monastery was on his death bed. As soon as Jesus entered his room, the head of the monastery passed away. He had told his followers that the last stranger to reach the monastery before his death will be the saviour of Israel. His followers therefore ordained Jesus as "Saviour". Jesus was confused, but had no choice but to consent. His confusion seems to have persisted even during the Public Ministry. Judas and Barabas were leaders of a Brotherhood which wanted to fight Romans. Mary Magdalene loved Jesus, but when she found that Jesus was not responding, she resorted to prostitution to drown his memory. Jesus finally asked Judas to give him the last kiss. After crucifixion the last words of Jesus were "I am thirsty".

32. The Chairman as well as almost all the members of the panel, who read the script and seen the performance, have expressed the opinion that there is no much literary merit in this drama. Whether the drama has any literary merit or not, is not relevant in this enquiry. One of the members of the panel, Dr. D. Babu Paul, has pointed out that the author has failed as a play-writer and several of the scenes lack credibility, and the author discloses his absolute ignorance about the geography of the region, in that according to the author Zebedee's fishing was in Dead Sea. The learned member points out that apart from the Dead Sea being dead, it is about 500 to 600 Kilometers to the south of Galilee.

33. According to Christian belief. Jesus Christ is not simply a prophet or a teacher of the truth. He is the son of God. He is the source and means of human salvation. He is God in human flesh. Followers of Jesus Christ have tried to live by his example, rather than by keeping before them a set of rules. Essentially Christianity is a sharing in the life and following the example of Christ and is not a set of abstract principles. There are eminent non-Christians like Swamy Runganadhanandaji, who accept Christ as God. Several persons who do not accept Jesus Christ as God look upon him as a world teacher without parallel. One of the matters to be examined is whether there is any mean caricature of Jesus Christ in the drama distorting his character and personality. In the affidavit in support of the impleading petition, C. M. P. 1270) of 1987, as well as in his counter-affidavit dated 14th July, 1987, the President of the Kerala Catholic Youth Movement had pointed out various passages from the script of the drama, in support of his contention that the author was deliberately portraying Jesus as a frustrated, easily agitated, and physically and mentally unstable, pitiable and contemptible individual. It is also submitted that the method of presentation is to twist or sacrifice historically accepted facts about the life and teachings of Jesus Christ and thus the drama deliberately tried to insult and hurt the feelings and faith of the Christians and others. The affidavits filed by those who support this view also enumerate various reasons for holding that the drama is an objectionable performance. On the other hand the affidavits filed by the appellant as well as the author of the drama and the respondent who is supporting them, are to the effect that Jesus is portrayed in the drama as a person who has overcome all temptations. According to the author of the drama

he has only attempted to portray Jesus as an ordinary man and not as God. Even though in the earlier parts of the drama Jesus was characterised as a weak person, in the latter part of the drama he overcomes all the weaknesses and emerges as a strong person.

34. One of the main contentions on behalf of the appellant and the author of the drama is that the drama is an adaptation of the novel. The Last Temptation of Christ". According to them, the drama has not gone to the extent the author of that novel has gone. However, we do not think that such a contention is relevant in this appeal. Whether the drama is an "objectionable performance" or not has to be examined irrespective of the fact whether it is an adaptation of the said novel or not. In the affidavit of the author dt. 13th July, 1987 the learned author has frankly admitted that he had not pictured Jesus as depicted in the Bible. The cardinal basis of Christian faith is that God became man in the form of Jesus Christ to redeem humanity. Christians believe that he died to redeem the human race from their sins. However, Christ that is introduced in the drama is not only not God, but a very weak man. He is not only no model to be followed, but a traitor and one who is trying to run away from God. In the drama Jesus becomes redeemer simply because he happened to go to the monastery when the head of the monastery died. Christ is depicted as a sinner who asks pardon even to Mary Magdalene, although in the Bible Jesus by his compassion converted Mary Magdalene and brought her back to God. The arrangement of the scenes as well as the script of the drama outrages the religious feelings of Christians. It attempts to alienate the minds of its viewers/readers from love and reverence of God. The drama treats Jesus Christ with contempt and irreverence. A textual analysis of the script of the drama as well as the dialogue of various characters will wound the religious beliefs, feelings and sentiments of an ordinary Christian. The author may be having his personal views about Christianity, about different theological movements among the Christians as well as about the different views of scholars of theology. As discussed above, whether the feelings of a class of citizens are true or rational or requires corrections, are not relevant considerations in examining whether a drama is an objectionable performance or not. Jesus is depicted as a weekling who does not want to be what he is forced to do, who is not able to do what he wanted to do. Such a characterisation of Jesus will wound the religious feelings of Christians. Whether the characterisation was deliberately intended to outrage the religious beliefs or feelings can be decided primarily by going through the script of the drama or by viewing it. The portrayal of Jesus in the drama does not have the support of any of the Gospels. Life of Jesus is portrayed in the four Gospels of the Bible. If any one creates a story of Jesus repudiating what is given in the Gospels, that itself will outrage the religious beliefs and feelings of Christians. According to the drama, Jesus receives the power to preach love from the monastery where he was declared as the "Saviour" by its members and that was just because the head of the monastery had said that he who would come to the monastery immediately before he dies, shall be the deliverer of the people. A silly way to become the

saviour of mankind. According to Christian belief Jesus was a man in every respect except that he was totally free from sin. It is true that Satan tried to subject him to temptation. This temptation did not originate in his person but it came from outside but never for a moment had he succumbed to it. This is the faith of the Christians however incredible it may sound to others. Any portrayal of Jesus contrary to this, is objectionable and will outrage the religious beliefs of believing Christians.

35. It is not necessary to examine the script in detail under the above circumstances. Applying the guidelines indicated above, we are of the view that the drama is deliberately intended to outrage the religious feelings of the Christians by insulting or blaspheming or profaning Christian religion and religious beliefs and is, therefore, an "objectionable performance" as defined in the Kerala Dramatic Performances Act. 1961.

36. One of us is supplementing this judgment with particular reference to the novel "The Last Temptation of Christ" etc. and to save repetition we are not referring to those aspects here. There is no merit in this appeal and it is accordingly dismissed. However, there will be no order as to costs.

Balakrishnan, J.

37. I had the advantage of reading the judgment of my learned Brother John Mathew J., Speaking for the Bench and I agree that the appeal has to be dismissed.

38. I would like to add few lines. "Kristuvinte Aram Thirumurivu" -- (Editor: The vernacular matter printed hereunder has been omitted).

(the Sixth Sacred Wound of Christ) a stage play by Suryakanti Theatres, Alleppey on the life of Jesus Christ has evoked fierce controversy. The protagonists of this play contend that the order passed by the District Collector, imposing a ban on its performance is violative of the fundamental rights relating to freedom of speech and expression enshrined in our Constitution, whereas the antagonists of this play would urge that the play is deliberately intended to outrage the religious feelings of a large section of Christian community by insulting, blaspheming or profaning the religion or the religious sentiments and beliefs of that class. 39. The meaning of the word "blasphemy" has been given in the New Webster's Dictionary of English language as follows :

".....to speak impiously or irreverently of, God or sacred things; in general, to speak evil of....."

40. In the Shorter Oxford Dictionary "blasphemy" is defined as "profane speaking of God or sacred things". Only very few cases came before the Court for determining the ambit and scope of blasphemous libel. On such case is R. v. Gay News Ltd., (1979) 1 QB 10, wherein the question of blasphemy was considered. Lord Scarman quoted with approval the passage in Stephen's Digest of the Criminal Law (1950) 9th Edn. Article 214 as follows :

"Every publication is said to be blasphemous which contains any contemptuous, reviling, scurrilous or ludicrous matter relating to God, Jesus Christ, or the Bible, or the formularies of the Church of England as by law established. It is not blasphemous to speak or publish opinions hostile to the Christian religion, or to deny the existence of God, if the publication is couched in decent and temperate language. The test to be applied is as to the manner in which the doctrines are advocated and not as to the substance of the doctrines themselves".

In the above case the House of Lords applied a much less strict test. The House of Lords was of the view that :

"A publication is blasphemous if it is couched in indecent or offensive terms likely to shock and, outrage the feelings of the general body of Christian believers in the community. There appears to be no need to prove any tendency to endanger the peace, still less "to strike the fabric of society".

Under Section 3 of the Kerala Dramatic Performances Act, 1961 whenever the Government are satisfied that any play, pantomime or other drama performed or about to be performed in a public place is an objectionable performance, they may, by order stating the grounds on which they consider the performance objectionable, prohibit the performance. In Section 2 of the Act the objectionable performance has been defined. Clause (5) of Section 2 is sought to be attracted to the case in hand. It reads :

"2. (1) "objectionable performance" means any play, pantomime or other drama which --

(i) to (iv) xx xx x

(v) is deliberately intended to outrage the religious feelings of any class of the citizens of India by insulting or blaspheming or profaning the religion or the religious beliefs of that class."

Based on this definition it was contended that the Drama attracts Clause (5) of the definition.

41. The author attempted to depict Jesus Christ in the beginning of the play as a person of distress and weak minded being pressurized to fill the roll of a Messiah. According to the author Chris: gradually rises to great height developing into a good and noble soul. The author claims to have prepared the script on the basis of the novel "the Last Temptation of Christ" by Nikos Kazantzakis. On a reading of the novel and the script of the drama one would see a yawning gap between the two affording an occasion to remember the pithy expression of Bernard Chartres - "a dwarf standing on the shoulders of a giant".

42. Nikos Kazantzak is in his prologue to this famous novel has explained that he tried to impress upon the struggle between the flesh and the spirit, rebellion and resistance, reconciliation and submission, and finally the supreme purpose of the struggle-union with God. This was the ascent taken by Christ, the ascent

which he invites us to take as well, following in his bloody tracks. (See page 2 of the Novel). The novel further states that every moment of Christ's life is a conflict and victory. He conquered the invincible enchantment of simple human pleasures. He conquered temptations, continually transubstantiated flesh into spirit, and ascended. Reaching the summit of Golgotha, he mounted the Cross. The intention of the author also has been given in the prologue at page 4 :

"This book was written because I wanted to offer a supreme model to the man who struggles; I wanted to show him that he must not fear pain, temptation or death -- because all three can be conquered, all three have already been conquered. Christ suffered pain, and since then pain has been sanctified. Temptation fought until the very last moment to lead him astray, and Temptation was defeated. Christ died on the Cross, and at that instant death was vanquished forever".

Nikos Kazantzakis is a Greek novelist and the translator of this book from Greek to English has described him as a novelist having great ascetic power. Nikos Kazantzakis had taken his degree at the University of Athens and gone to Paris to study philosophy with Henri Bergson. He decided to travel to Mt. Athos in Macedonia, famous for its ancient monasteries and its exclusion of all females. Kazantzakis remained on the Holy Mountain for six months, alone in a tiny cell, trying through spiritual and bodily exercises to achieve direct contact with the Saviour. Unsuccessful, he decided to renew his allegiance to a saviour he had already found during his studies in Athens and Paris, Nietzsche. Then he renounced Nietzsche for Buddha, then Buddha for Lenin, then Lenin for Odysseus. Then he finally returned to Christ, as he did, it was to a Christ enriched by everything that had come between.

43. The learned author of the drama "Kristuvinte Aram Thirumurivu" submitted before Court that he wanted to depict Christ in a totally different manner from which the Holy Bible tried to portray Christ and according to him the Christ described in the Bible is only a statue and he attempted to give sinews and flesh to the statue. The author would also claim that Jesus Christ resisted all temptations and ultimately became the saviour of mankind. Whatever be the intention of the author of the drama, on a reading of the script it can only be said that the intention and motive of the author had a dismal failure and that is why most of the members of the panel who had witnessed the drama opined that it lacked literary merit.

44. One major drawback is that the dramatist had chosen to imitate the novel and had extracted certain scenes from the novel, the Last Temptations of Christ", but he could not imbibe the spirit of the novel, The novel has been written on a wider canvas and the novel itself runs to 500 pages, whereas the dramatist had to compress the whole idea within a narrow script and this has caused the failure of the drama and its literary merit:

45. A few scenes described in the drama would clearly indicate that the dramatist

could not convey his ideas effectively and the spectator who had seen the drama would leave the theatre with a lingering memory of the abuses and disrespectful words profusely used against Christ.

46. The spectator of a dramatic piece is to a certain extent taken by surprise by the impression it conveys. He has no time to refer to his memory or to consult those more able to judge than himself. Neither preparation nor study is required to enjoy dramas, they lay hold on you in the midst of your prejudices and ignorance. After all the principal object of dramatic piece is to be performed and its chief merit is to affect the audience. Most of those who frequent the amusements of the stage do not go there to seek pleasure of the mind but with keen emotions in heart. The spectators ask no more of fiction, but return to real life. Therefore the drama becomes more striking, more common and more true, whereas in fiction the author can give vent to his imagination. P. A. Bien, the translator of "the Last Temptation of Christ" stated thus :

"The fact that Kazantzakis not only slipped into this heresy but deliberately made it the keystone of his structure should give us some clue to his deepest aims. He was not primarily interested in reinterpreting Christ or in disagreeing with, or reforming, the Church. He wanted, rather, to lift Christ out of the Church altogether."

47. In the drama the playwright has attempted to depict Jesus Christ at the initial stage as a weak minded person suffering from hallucination. Jesus Christ also has been described as a Jew who constructed cross to help Romans in crucifying Zelot and others who opposed Roman regime. In scene 3 of the drama Mariam, the mother of Jesus Christ states that her son had been showing symptoms of hallucination and almost behaves like a mental patient. On several other occasions Jesus Christ was described as a person haunted by evil spirits. The playwright has even depicted an occasion where "the mob hurl abuses at Jesus Christ. It is also mentioned that a mob made an out-cry and remarked about Jesus Christ that he was worst than a prostitute. At scene 4 the playwright describes an occasion where Barbas slapped on the face of Jesus Christ. In scene No. 6 the servant maid of Mary Magdaiine abuses Jesus in the most contemptuous way. In scene 8 Jesus makes a confession that he wanted to lead the life of an ordinary human being and to enjoy the pleasures of life and the God shattered his ideas and spoiled all his plans. In scene 10 also while Jesus Christ was preaching to his disciples, one person abused him and even tried to assault him. There are several such instances in the drama. Of course somewhat similar scenes are found in the novel written by Kazantzakis.

48. The one marked difference between the two is that when the novel reached about 14th Chapter Jesus Christ has been described as a Messiah and saviour of mankind. Then only towards the last chapters Jesus Christ is mentioned as a person who wanted to have worldly pleasures and some details have also been mentioned regarding his friendship with Mary Magdaiine and Mary and Martha the sisters of Lazerus. But all these have been mentioned in the novel as a

dream of Jesus Christ and are stated as illusions sent by the Devil.

49. In the drama the playwright has not attempted to portray Jesus like that, and even towards the end of the drama at scene 15 it has been depicted that at the time of the crucifixion Jesus Christ made a violent outcry "I am thirsty". Whereas in the novel Jesus Christ uttered a triumphant cry "it is accomplished" and the novelist further says that it was as though he had said "everything has begun". This marked difference shown by the dramatist has also created confusion and the spectators who had seen the drama would feel that even by crucifixion of Jesus Christ nothing is accomplished and Jesus Christ died as a desperate man.

50. Of course there is difference of opinion as to the last words uttered by Jesus Christ at the time of crucifixion (See page 154 of Encyclopaedia Britannica -- Vol. 10, 15th Edn.). Reference to the Bible also would make this clear. Whatever be that the playwright has attempted to convey the impression that Jesus Christ died as a desperate man and was unable to accomplish anything. The very circumstances and the scenes found in the drama are clearly blasphemous and intended to outrage the religious feelings of a large section of Christian community. Whether the playwright intended to outrage the religious feelings or not, is to be gathered -from the overall circumstances of the case. From the way in which Jesus Christ has been depicted in the drama and the various instances mentioned therein would indicate that the playwright intended to outrage the religious feelings of the Christians and others who respect Jesus. Therefore, clause 5 of the definition of objectionable performances in the Dramatic Performances Act, would squarely be applicable to the drama in question.

51. The main thrust of argument of the learned counsel for the appellant was that the ban order has impinged upon the freedom of speech and expression guaranteed under Article 19(1)(a) of the Constitution. Freedom of speech guaranteed by the Constitution is subject to reasonable restriction in the interest of decency or morality. The powers conferred on the Government under the provisions of the Kerala Dramatic Performances Act, 1961 are in the general interest of the public and it do not impose any unreasonable restrictions.

The M.F.A. is dismissed. No costs.