

S. Dorairaj Vs The Central Board of Film Certification

Court: Madras High Court

Date of Decision: Nov. 7, 2014

Acts Referred: Constitution of India, 1950 Article 226

Hon'ble Judges: Sanjay Kishan Kaul, C.J; M. Sathyanarayanan, J

Bench: Division Bench

Judgement

Sanjay Kishan Kaul, C.J.

The appellants approached the learned Single Judge by filing a writ petition under Article 226 of the Constitution

of India alleging that there were certain contentious dialogues in the Tamil film 'Velai Illa Pattadhari' in respect of the educational institutions run by

Sri Ramakrishna Mission. The learned Single Judge vide impugned order dated 8.9.2014, has dismissed the petition noticing that the Central

Board of Film Certification had directed the producer of the film to remove the contentious dialogues; but, in the meantime, the film had already run

it's time in the theatre. Not only that, the learned Single Judge has referred to the teaching of Swamy Vivekananda to conclude that he was able to

deal with ridicule of people, who thought ill of him. In this behalf, we may only quote para 8 and 9 of the impugned order, which read as under:-

8. In this 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 travelling 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 Travelling 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.

2. We are in agreement with the conclusion of the learned Single Judge that the endeavour of the appellants would only give publicity to the film

and facilitate a re-run of the film. We hope, that cannot be the objective of the appellants. We are, thus, in complete agreement with the

observations of the learned Single Judge as contained in para 10, which reads as under:-

“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 a

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.”

3. We find no ground to interfere with the impugned order. The writ appeal stands dismissed. No costs. Consequently, connected MP is also

dismissed.