

**Freedom of Expression in Malayalam Cinema and it's  
Censorship**

**Dissertation submitted to the University of Kerala in partial fulfilment of the  
requirements for the degree of Bachelor of Arts**

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**DEPARTMENT OF JOURNALISM AND MASS  
COMMUNICATION**

**SREE NARAYANA COLLEGE, KOLLAM**

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# **Freedom of Expression in Malayalam Cinema and it's Censorship**

**Career related first degree programme in Mass Communication and Journalism Under  
CBCS (2a)**

**Year: 2021-2022**

## DECLARATION

We hereby declare that the project entitled '**Freedom of expression in Malayalam cinema and it's censorship**' is submitted to the development of Journalism Mass Communication & Video Production. S.N college, Kollam in partial fulfilment of the requirements for the degree of BA Journalism and Mass Communication and video production. This is record of original report work done by us and that it has not formed the basis for award of any other degree/ diploma/fellowship or any other similar titles.

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## **CERTIFICATION**

This is to certify that the project entitled 'Freedom of expression in Malayalam cinema and its censorship' submitted for the award of degree of BA Journalism and Mass Communication and video Production, University of Kerala is bona fide research carried out by, Anjana S, Abhiraj P, Aleena R B, Jyothirmayi R, Meenakshi S, Rineesh Krishnan U R, Surya G Suresh under our supervision. No part of this dissertation has been submitted for the award of any other degree before.

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## **ABSTRACT**

Some films have been banned and pulled from theatres or festivals, Often forcing directors to make the necessary cuts and revisions. We discuss about some movies faced this censorship issues like Pappilo Budha directed by Jayan k Cheriyan, Pithavinum Putranum by T Deepesh, Chayam Pooshiya Veedu by Satish Babusenn, Kathakali by Oscar Saijo and also Churuli movie directed by Lijo joss Pellisseri. Director Jayan K Cherian said the ban is a deplorable act that curtails the freedom of expression. We deeply discussed that why these movies face this issues. Most of the parts of these movies are deals with realism. The directors tries to make those movies realistically. We could understand the issues of censorship and freedom of speech and how they apply to modern media, We must first explore the terms themselves. Censorship is defined as suppressing or removing anything deemed objectionable. This films are considered as a great medium of communication with the people. With the development and progress of the society and also with the progress in the field of science and technology and by adopting all the available technologies have been able to reach the masses and also significantly contributed to the social and cultural development of the country. Both the films and the Press enjoy the same status and right so far as constitutional freedom relating to expression of ideas and spreading of ideas and messages are concerned. As is known Article 19(1) (a) of the Constitution guarantees freedom of speech and expression which is extended to the Press also. Therefore, both these mediums are regulated under this provision of the Constitution. Simultaneously as these freedoms are not absolute and subject to constitutional restrictions.

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- **Methodology**
- **Findings and analysis**
- **Critical analysis**
- **Conclusion**
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**CHAPTER I**  
**INTRODUCTION**

# **INTRODUCTION**

## **1.1 The Film Fraternity**

Films are considered as a great medium of communication with the people. With the development and progress of the society and also with the progress in the field of science and technology, the films have undergone a sea change and by adopting all the available technologies, have been able to reach the masses and are also significantly contributing to the social and cultural development of the country. In this way the films are equated with the Press as Press is also considered as a great medium of communication.

## **1.2 The Constitution**

Article 19(1) of Indian constitution ensures the right to freedom of speech and expression for all. Hence, this right is also applicable to movie makers as well as the writers. Article 19(2) specifies the freedom of expression should not threaten sovereignty and integrity of Nation. Censor Board was established based on this principle.

## **1.3 What is censorship?**

Censorship, the changing or the suppression or prohibition of speech or writing that is deemed subversive of the common good. It occurs in all manifestations of authority to some degree, but in modern times it has been of special importance in its relation to government and the rule of law.

## **1.4 Central Board of Film Certification (CBFC)**

A motion film is certified by CBFC the regulatory authority in India, under Section 5A and B of the Cinematograph Act, 1952. CBFC certifies and differentiates movies as ‘U (Unrestricted Public Exhibition)’, ‘U/A (Parental Guidance for children below the age of 12 years)’, A (Restricted to adults), S (Restricted to any special class of persons).

## **1.5 The censorship debate**

The censorship debate is a big topic that can't be neatly placed into categories of 'Right' or 'Wrong'. Films can inspire people, change attitudes and ignite something inside deep within. This is something that was recognised a long time ago and it has been controlled to some degree ever since. The censor board members may not reflect the thoughts of entire society. How can a few persons decide what society treats as acceptable? All this boils down to a discussion about the pros and cons of censorship!

## **1.6 NECESSITY OF CENSORSHIP**

Influences the young

Nowadays, most movies have unrealistic scenes. Violent scenes that motivate young viewers to copy the tasks their heroes perform on screen may cost them their lives. Movies which claim that consumption of drugs is injurious to health are actually promoting the use of drugs as young minds grow curious to try them in real life. It is better such scenes are censored. Children are also watching 'A' certified movies, filled with full of violence. Accessibility of movies has increased considerably. So there is a need to remove scenes of too much violence and vulgarity.

Tackles the unacceptable

If a part of a movie contains scenes or language that cannot be accepted by people of all religions, then there will be calls to ban the movie and a riot may break out. So, to avoid them, the government has set up a board that will censor those unacceptable parts. If there is no censorship, there are dangers that movies that hurt sentiments of certain sections will be out in public. This can lead to violence and threatens public order.

Keeps children safe

Censoring certain parts of movies helps keep children away from hearing and seeing inappropriate things. Nowadays, children are addicted to watching TV. When a movies is shown on TV — and most movies are these days — children are exposed to it. Inappropriate

scenes or a string of wrong words can teach them all the wrong things and have a bad influence. As a society, we have a responsibility to protect children from being exposed to dangerous content.

Maintains harmony

Scenes that make a travesty of history or create friction amongst people should be completely removed. The case of the movie, Padmaavat, which released in January 2018, is the perfect example for the need of censoring movies to maintain communal harmony.

## **1.7 DISADVANTAGES OF CENSORSHIP**

### **An art**

The arts do not influence people's thoughts and feelings, let alone their actions, unless they connect with something already present in those people's personalities or experience. People choose what art they will look at, what movies they will watch, what games they will play or what sites they will visit, because of who they already are. Cinema, like other art forms, is a medium for expression. Filmmakers translate their vision onto the big screen through months or years of hard work. Thus, to snip off portions that are undesirable in a movie is unfair.

### **Obstructs creativity**

Censoring parts of a movies obstructs its creative flow and nullifies the effect of the narrative. It is always up to us if we want to watch a movie or not. Censoring parts of it means breaking the million thoughts and ideas that go into building that movies. Documentaries, which are meant to expose truths, are also undergoing many cuts. Filmmakers spend lot of money and time to make movies. If parts of the movie are cut in the name of censorship, they will be discouraged to make more movies.

### **Essence lost**

Be it a plot or sub-plot, every part of a movie is crucial. So, with a part missing, the entire essence of the movie is lost. It's time to leave movies in the hands of the movie's crew, and

not the certification board. People have the mental ability to decide what to watch and what not to watch. Government has no right to decide what people are allowed to watch.

## **Television and Internet**

There is no censorship to content on Television and Internet. Hence there is no point in censoring just movies. There are lots of short films and movies available in the internet too.

## **1.8 A BRIEF HISTORY OF FILM CENSORSHIP**

1896 Movies arrive in the US and soon attract large and enthusiastic audiences; critics assail them, including Thomas Edison's landmark 1896 film, *The Kiss*, as a threat to morality.

1907 Chicago enacts the first movie censorship law in America. Cities and states around the nation create local censorship boards in the following years, resulting in a variety of different rules and standards.

1909 The National Board of Censorship, representing mainstream Protestantism, is created after complaints about "indecent" films causes movie theatres in New York City to close. By the 1920s, most Protestant critics of movies are calling for federal regulation of the industry.

1914 The Women's Christian Temperance Union (WCTU), which in 1906 condemned the influence of movies on the health, well-being and morals of impressionable youth, begins to lobby aggressively for government regulation of films. The WCTU claims that films are "addictive," that they glorify war and violence, and that they cause crime, delinquency and immoral behaviour.

1914 Margaret Sanger is indicted under federal obscenity laws for her book *A Woman Rebel*. After additional indictments and arrests, she flees to Europe, to return later and open the first birth control clinic in New York.

1915 In *Mutual Film Corporation v. Industrial Commission of Ohio*, the Supreme Court holds that movies are not protected by the First Amendment. The ruling allows state and local boards to continue censoring films.

1915 The NAACP and others protest against *Birth of a Nation*, D.W. Griffith's film about the Civil War and Reconstruction, which incites riots in Ohio, Massachusetts, Pennsylvania, and Colorado. It will become the most banned film in U.S. history because of its controversial racial content.

1918 The Sedition Act and Espionage Act are passed, making it illegal for Americans to publicly criticize the United States government, the American flag, U.S. military, and the Constitution

1919 The Supreme Court affirms the conviction of Eugene V. Debs for publicly opposing America's involvement in World War I. Over 10,000 suspected communists and anarchists are arrested in a series of raids conducted by Attorney General A. Mitchell Palmer and J. Edgar Hoover.

1922 The Motion Picture Producers and Distributors of America (MPPDA), later to become the Motion Picture Association of America (MPAA) is formed, led by Former Postmaster General William H. Hays.

1925 The WCTU decides that movies are the most important cultural influence on youth and that the MPPDA is not doing enough to regulate their content. It forms a Motion Picture Department to press for government regulation.

1925 John T. Scopes goes to trial in a Dayton, Tennessee courtroom, charged with violating state law for teaching evolution in his high school biology class.

1927 Independent film exhibitors, frustrated by movie studio rules that give them little say over what films they show, create the Allied States Association, and join other critics in calling for government regulation.

1930 MPPDA creates A Code to Maintain Social and Community Values in the Production of Silent, Synchronized and Talking Motion Pictures, also called the Production Code or the Hays Code. It condemns movies that "lower the moral standards" of viewers and promises that "the sympathy of the audience shall never be thrown to the side of crime, wrongdoing, evil, or sin." Movie producers pay little attention to the Code, however. 1930 Mary Ware Dennett is convicted of obscenity for distributing "The Sex Side of Life," an educational pamphlet about sex and reproduction. The conviction is later reversed. 1934 The Catholic Legion of Decency is formed. An estimated 10 million Catholics sign a pledge "to refrain from viewing all objectionable movies or attending any theatre that showed such films." However, the Legion advocates self-regulation, not government regulation, because of concern for separation of church and state. The risk of Catholic boycotts, however, provides an economic incentive to placate Catholic critics. 1934 Joseph I. Breen becomes head of the new Production Code Authority, which enforces the Hays Code. Under Breen, who serves for 20 years, the PCA is closely allied with the Legion of Decency. During this period, movie production companies are essentially required to join the PCA, and any company that releases a film without its seal of approval is subject to a fine. 1934 Random House, the publisher of

Joyce's novel *Ulysses*, challenges the ban on the book and wins a ruling from the federal appeals court that the book is not obscene. 1945 Will Hays resigns as head of the MPPDA and is succeeded by former head of the US Chamber of Commerce, Eric Johnston, who renames the organisation the Motion Picture Association of America (MPAA). 1945 In *Thomas v. Collins*, the Supreme Court invalidates a Texas statute requiring union officials to obtain a licence before addressing union members, holding that the statute violates the First Amendment. 1946 In *Hannegan v. Esquire*, the Supreme Court rules that *Esquire Magazine* can be distributed through the mail, rejecting the U.S Postmaster General's claim that it is obscene. 1950 In the first of many accusations, Senator Joe McCarthy tells a women's club in Wheeling, West Virginia, that he has a list of 205 communist sympathisers who work in the State Department. The McCarthy hearings soon focus on Hollywood, and ultimately result in a "blacklist" against admitted or suspected communist sympathisers or "fellow traveler." 1952 In *Burstyn v. Wilson*, the Supreme Court strikes down a ban on Roberto Rossellini's film, *The Miracle*, which the New York Board of Regents had found "sacrilegious." For the first time, the Supreme Court holds that "motion pictures are a significant medium for the communication of ideas," entitled to some First Amendment protection. 1955 – 1956 The Legion of Decency and the MPAA begin to clash: The Legion approves *Man with a Golden Arm*, including a depiction of drug use, but the MPAA does not, while Elia Kazan's film *Baby Doll* is approved by MPAA but condemned by the Legion for its erotic content. 1956 MPAA initiates a review of the Production Code, which results in loosening its prohibitions on the portrayal of drug use, abortion, miscegenation, prostitution, and abortion. The revised code added a prohibition on blasphemy and ridiculing the clergy. 1957 In *Roth vs. United States*, the Supreme Court rules that sexually explicit content is protected by the First Amendment unless it lacks "redeeming social importance." attention to the Code, however.

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1959 In holding that the film version of *Lady Chatterly's Lover* is entitled to First Amendment protection, the Supreme Court finds that its sympathetic portrayal of adultery is not obscene.

1961 In *Times Film Corp. v. Chicago*, the Supreme Court says that Chicago's licensing scheme, which required film exhibitors to submit films for police review before screening, is not a prior restraint on speech, leaving courts to rule in individual cases whether the result is constitutional.

1963 Comedian Lenny Bruce is repeatedly arrested for performances labeled obscene and blasphemous.

1961 – 1965 Appellate courts at the state and federal level consistently reject efforts to censor films.

1966 Jack Valenti, former assistant to President Lyndon Johnson, becomes head of the MPAA and immediately begins to revise the Production Code. He creates the category "SMA – Suggested for Mature Audiences" for "blatant" material. *Who's Afraid of Virginia Woolf* is the first film designated SMA.

1966 Rather than cut nude scenes from *Blow-Up*, Michelangelo Antonioni chooses to release it without an MPAA seal.

1968 MPAA institutes a nationwide system of voluntary ratings based on the viewer's age, in response to continuing objections to the Production Code, and to court rulings indicating that different First Amendment standards apply to adults and minors. The original ratings are G for General Audiences, M for Mature Audiences, R for 16 and above, unless accompanied by a parent or guardian, and X, under 16 not admitted.

1969 In *Street v. New York*, the Supreme Court holds that the First Amendment protects the right to "cast contempt upon" the flag.

1969 *Midnight Cowboy* wins three Academy Awards. It is the first and only X-rated film to receive an Oscar for Best Picture.

1971 The Pentagon Papers, describing the US involvement in Vietnam, are published by The New York Times. The government charges the Times with violating the Espionage Act and seeks to enjoin further publication. The Supreme Court rejects the government's argument and holds that the injunction violates the First Amendment.

1972 In *Miller v. California*, the Supreme Court defines obscenity as based in part on community standards.

1978 In *Smith v. Collins*, the Supreme Court upholds the right of Nazis to march in Skokie, Illinois.

1978 In *FCC v. Pacifica Foundation*, the Supreme Court upholds the FCC's determination that George Carlin's "seven dirty words" monologue was indecent.

1970s – 1980s The X rating, which was not trademarked by the MPAA, comes to be equated with pornography. Newspapers and TV refuse advertisements for X-rated movies, and some theatres refuse to screen X-rated movies.

1981 Students rally to challenge book banning in their local school library in Island Trees, New York, and win reinstatement of many titles, including, *Slaughterhouse Five*, *Black Boy*, *Soul on Ice*, and *The Best Short Stories by Negro Writers*.

1982 In *NAACP v. Claiborne Hardware Co.*, the Supreme Court rules that the NAACP's non-violent civil rights boycotts are protected by the First Amendment.

1988 In *Hazelwood v. Kuhlmeier*, the US Supreme Court rules that student journalists may be censored by school officials.

1989 The National Endowment for the Arts (NEA) comes under attack. Senators Al D'Amato and Jesse Helms argue that taxpayers' money should not be used to support offensive art. In 1998, the Supreme Court upholds the NEA's right to take "standards of decency" into account in making grants to artists. The NEA phases out grants to individual artists shortly thereafter.

1990 The X rating is replaced by NC-17 to differentiate art film from pornography.

Nonetheless, religious activists pressure large video chains and retailers, such as Blockbuster and Wal-Mart, not to stock NC-17 titles.

1990 2 Live Crew face obscenity charges in Florida for "Nasty as I Want to Be."

1991 In *Rust v. Sullivan*, the Supreme Court upholds restrictions on providing information about abortion in federally-funded family planning clinics.

1992 Pressured by police associations, Time Warner removes Rapper Ice T's song "Cop Killer" from his album, *Body Count*.

1993 In *Lamb's Chapel v. Center Moriches Sch. Dist.*, the Supreme Court holds that public schools must give religious groups equal access to their facilities.

1996 In *Reno vs. ACLU*, the US Supreme Court declares that speech online is protected by the First Amendment to the same extent as printed material.

2006 No film rated NC-17 has been a major box office success.

While MPAA membership is voluntary, all seven major Hollywood studios submit their films to its rating board. Most cineplex chains, retail giants, and home-video chains only show films that have an MPAA rating. Films that are not rated are not shown in any MPAA-affiliated theatres. In many markets, adults have little or no access to NC-17 or non-rated films.

## **1.9 Film Censorship in India**

Certification is a statutory censorship and a classification body under the Ministry of Information and Broadcasting, Government of India. The board assigns certification to films, television shows, television ads, and publications for sale, hire or exhibition in India. A film could be publicly exhibited only after the board has certified to do so.

According to the Supreme Court of India,

“Film censorship becomes necessary because a film motivates thought and action and assures a high degree of attention and retention as compared to the printed word. The combination of act and speech, sight and sound in semi darkness of the theatre with elimination of all distracting ideas will have a strong impact on the minds of the viewers and can affect emotions. Therefore, it has as much potential for evil as it has for good and has an equal potential to instill or cultivate violent or bad behaviour. It cannot be equated with other modes of communication. Censorship by prior restraint is, therefore, not only desirable but also necessary.”

The history of Censor board goes way back to 1896, the year in which the first cinema came to India. With the production of the first cinema in India in 1913, Indian Cinematograph was passed which came into effect only in 1920. Censor Boards were then under police chiefs at various locations across the country.

After Independence, regional censors were put to an end and it was bought under the Bombay Board of Film Censors. With the accomplishment of Cinematograph Act, 1952, the board was unified and known as the Central Board of Film Censors and when the rules were revised in 1983, the board has come to be known as Central Board of Film Certification.

The Central Board of Film Certification has mainly four kinds of certifications:

U – Universal – Unrestricted Public Exhibition through out India and holds no restriction for age groups. They might contain educational, family, or social oriented themes. They may also include fantasy violence or minimal or mild bad languages.

UA – Parental guidance – This category explains that the film is suitable for all ages, however it is best if children below 12 are accompanied by parents, as the theme may be a bit inappropriate for the child. These rated films may include mature themes, mild sex scenes, sexual references, mild violence or infrequent use of crude language.

A – Adults Only – This is restricted to adults audience only, that means those above 18 years of age. Films in this category may contain adult or disturbing themes, brutal violence, strong sex scenes, or scenes of drug abuse, which is not suitable for the minors.

S – Restricted to any special class of persons – These rated films are for a special class like in the case of doctors.

The Censor Board consists of non official members and a Chairman, all of whom are appointed by the Central Government. The main headquarters of the board is at Mumbai and has nine Regional offices across the country being at locations like Kolkata, Chennai, Bangalore, Thiruvananthapuram, Hyderabad, New Delhi, Cuttack, and Guwahati.

The Advisory Panels assist the Regional Offices and the members of these panels are being selected by the Central government, selecting people from different walks of life for a period of two years. They have the two tier jury system, the Examining and Revising Committees. India has the largest film industry in the world, making over 1250 feature films and short films every year. Being a very competitive field, film makers might go that extra mile as per their imagination to get that extra coverage, which at times may be appealing or may not be appealing.

Sometime violations may happen and it is at this instinct that film certifications are most required. Since audio video visuals create a stronger impact in the minds of the people, the need for certification is considered necessary so that a control and different ratings makes it clear for the category of the film and the viewers.

The CBFC makes sure that any film that has to be screened has to comply to the following objectives:

The medium of the film remains responsible and sensitive to the values and standards of the society.

The freedom of being artistic and creative will not be cramped.

Certification is responsive to social changes.

The film provides clean and healthy entertainment.

The film is of aesthetic value and of good standards.

When all the set condition according to the Cinematograph Act, 1952 are complied, then only the board would be certifying the movie as per their grades.

### Why OTT Platforms are Creating Controversies?

There are constant concerns voiced about a show's storyline weakening a culture, or the use of profane words, or the depiction of a specific location. A suit was filed against a popular show named Mirzapur, claiming that it is diluting the image of the actual region.

This criticism was primarily intended to highlight the fact that while this governance may restrict filmmakers' creative freedom, it may also be advantageous in restricting the content that children should be protected from. The Ministry of Information and Broadcasting did not go into detail on how these OTT sites will be regulated. According to rumours, these standards could be like those found in the Central Board of Film Certification model.

The most recent issue in this context occurred when the Information and Broadcasting (I&B) Ministry took a move toward regulating these OTT platforms (Netflix, Hotstar, Amazon Prime, and others), but was chastised for it, particularly by the torchbearers of freedom of expression.

A content warning statement is included for explicit visual content that could trigger trauma content situations, which are typically seen in action flicks or films about mental health. A content warning disclaimer is not content censorship, but rather a piece of information for potential viewers about what to expect from the film. Film censorship is a problematic issue since there are no objective limitations but instead, it is based on the viewer's sense of morality, which is subjective to a great extent.

The debate also includes issues like screen addiction and excessive internet usage, both of which can lead to a variety of psychiatric issues. Another issue may arise for those under the age of 18, i.e., children and teenagers. We are all aware that some of the content broadcasted is not age-appropriate and may have negative consequences for their mental health.

Teenagers are naturally more interested in what they see adults doing, making it difficult for parents to warn or prevent them from seeing content that is inappropriate for their age group.

## **1.10 Controversial Content**

Netflix's first original Indian web series 'SACRED GAMES' was also criticized on the grounds of shaming the political history of India. This political history included Gandhi's involvement in purchasing Swedish ammunition for the Indian army causing a major political scandal and accusing Gandhi of appeasing Muslims in a legal case of divorce. The second season of the same was also pointed out where Saif Ali Khan was throwing away the religious 'Kada' of Sikhs. 'A SUITABLE BOY' from Netflix witnessed several FIRs regarding a kissing scene in a temple.

'PAATAL LOK' from Amazon Prime Videos also observed several FIRs and was heavily criticised by people. It was also seen that those scenes had hurt the sentiments of people. Another popular web series of 'Mirzapur' was also pointed out because of misrepresenting the city and hurting social, religious, and regional feelings. 'ASHRAM' from MX Player also had the spotlight on itself by promoting discrimination, untouchability and hurting the feelings of saints and SCs & STs.

Finally, 'TANDAV' is again a web series from Amazon Prime Videos that supposedly triggered political sentiments of the politicians and leaders demanding a total ban. A scene from the first episode is declared to be derogatory on Hindu Deities. And one more scene from the first episode itself shows insulting dialogues which can spread caste-based enmity. The whole web series marks the dignified post of prime minister in a derogatory manner as well.

## **1.11 CHURULI CONTROVERSY: ANALYSIS OF THE CENSORSHIP OF CONTENT ON OTT PLATFORMS**

In India, art and restrictions often cross paths resulting in a constant struggle between freedom of expression and reasonable restrictions. As we enter into the 73rd year of adoption of the Constitution, acts of artistic expressions as subject of censorship are on a rise, reinstating the famous debate of attaining the ideal proportionality between freedoms and restrictions.

The topic of censorship refers almost always to that of freedom of speech, not only within the utilitarian theory, but also in general.[i] However, the most difficult aspect to defend is not artistic freedom, as this particular liberty can be defended in several ways. The most difficult challenge is how to defend artistic censorship[ii] given that the real question, with the exception of fanatical opinions, is whether to censor some specific works of art.

Democratic societies across the world and especially in India are committed to a basic array of civil liberties. Censorship in arts and culture is based on applied ethics that arises only in specific cases that are difficult to manage. As per recent trends in our country, the opposite of censorship is freedom of expression, yet neither is unrestricted in practice. Somehow or other, there is nearly always some degree of censorship, as a result, the problem can be seen as how much censorship is admissible so that freedom of expression is still in force and, conversely, what restrictions should be imposed on censorship by freedom of expression.

The artistic freedom of a filmmaker is not absolute in our country and is subject to restrictions. The courts have interpreted application of Article 19(2) vis-à-vis Censorship to include restraints on such content which is against the sovereignty, integrity and security of India or is defamatory, in contempt of Court or leads to incitement of any offence.

Any expression in a movie, which hits any of the aforementioned grounds, used to be censored qua the Censor Board of Film Certification (CBFC). However, with the advent of Technology and low footfall in the theatres in the Pandemic world, filmmakers have adopted the Over the Top (OTT) Platforms as their favourite podia for release of motion pictures and web-series.

Release of any content (films, web series, etc.) on OTT Platforms has certain benefits also, as the production houses are not required to attain certification from the CBFC or any statutory body. As a result, it gives an added impetus and liberty to filmmakers to make realistic content without any distress of the same being subject to restriction imposed by the Censor Board.

However, unlike America, freedom of expression is not absolute in India and content creators must always envisage controversies and constitutional restrictions.

In lieu of the same, the government came up with the Digital Media Ethics Code (Intermediary Guidelines), 2021, last year, in order to regulate the Digital space including OTT Platforms. The guidelines, made it mandatory for the OTT Platforms to formulate a grievance redressal mechanism so that any user having any issue with any content on the Platform can directly address the issue with the said Platform and quick redressal of the same can be done.

Despite, the formulation of the said guidelines, lawyers including constitutional ‘experts’ and others have frequently approached the courts seeking directions to remove or ban movies or web series for excessive obscenity, filthy language, public morality, hurting religious sentiments etc.

Recently, one such controversy came to the fore when a movie called Churuli was subject of controversy due to a great deal of abusive language used in the movie released on the Sony Liv (OTT platform). The Petitioners filed a writ before the Kerala High Court seeking orders to remove the movie ‘Churuli’ from Sony Liv on account of gross obscenity due to excessive abusive content shown in the movie and apprehension of harming the decency and public morality.

## **1.12 The Controversy**

“Churuli” is a Malayalam movie directed by Lijo Jose Pellissery and co-produced by Chemban Vinod Jose. Both of them along with the actors were impleaded as Respondents. The prayer in the writ petition was to remove the film from the Over The Top (OTT) platform which is Sony Liv in the present case; another respondent.

The petitioner contended that the language used by the characters in this film are obscene and filthy and hence, opposed to public order, decency and morality. It was also contended that the releasing of these types of movies in OTT platform would attract criminal offences and would also violate statutory provisions of law in this field.

## **1.13 Judgement of the court**

The single judge bench of Justice P. V. Kunhikrishnan held that his Court, invoking the powers under Article 226 of the Constitution of India, cannot dictate the film maker to use any particular type of slang by the characters in the movie. He further held that this Court could only verify whether the exhibition of “Churuli” film violates any existing law enacted to ensure public order, decency or morality. He however observed that while deciding the same, the artistic freedom of a film maker should be borne in mind.

He also made key observation that cinema is a creation of a film maker and that Artistic freedom means freedom to imagine, create and distribute cultural expressions.

In relation to the film being exhibited on OTT platform, the court held that an OTT platform cannot be treated as captive audience who are forced to watch the movie and that there is no compelled viewing of the movie.

The court had earlier suo-moto impleaded the State Police Chief in this matter and ordered him to constitute a team to watch the movie “Churuli” and asked the team to verify if there was any statutory violation or any criminal offence was made out.

The State Police Chief formed a committee of experts who in their report held that there was nothing wrong with the characters using offensive language as alleged presence of obscene matter in the language used by the characters of the film is outweighed by the preponderance of artistic value and social purpose of the film. The language spoken by the characters in the movie is intrinsic to the roles played.

The court also opined that the prima facie no statutory provision was violated by the screening of the film and the petition was a 'publicity-oriented litigation'. The court noted that most of them who are making comments against the film have not watched the film.

The court also observed that the Petitioner did not use the alternative remedy available to him by way of the Grievance Redressal Mechanism set up under the Digital Media Ethics Code and held that the writ was not maintainable.

#### Trend of Intolerance Towards Content on Digital Media

Apart from raising the conflict of artistic freedom and restrictions on free speech, the two prominent issues at the core of this judgement are:

Petitioners approaching directly to courts and failing to consider the newly enacted Digital Media Ethics Code and the grave incomprehension of the 3-tier grievance mechanism.

Secondly, whether OTT Platforms are captive Platform and if it is mandatory to obtain certification from the Censor Board for release of any content on any OTT platform.

Incomprehension of the 3-tier Grievance Mechanism of the Digital Media Ethics Code Last year the Central government much to the displeasure of the Media and entertainment industry, came up with the Digital Media Ethics Code (the Intermediary Guidelines, 2021).

These guidelines made it mandatory for Digital Media players (including OTT Platforms) to certify content according to five level age-based criteria. It also made it mandatory for these platforms to comply with the 3-Tier Grievance Redressal Mechanism where they have to appoint a Grievance Officer based in India for receiving and redressing grievances in a time-bound manner. The details of the Grievance Redressal Mechanism have to be displayed by the publisher at an appropriate place on its website or interface. The purpose for the setup of this Grievance Redressal Mechanism was to resolve the complaints of the viewers with respect to any content without the intervention of the already overburdened courts. Further,

the rules propose Self-Classification with display of rating and content descriptor by the OTT platforms. This framework enables the audience to make informed decisions about the content they choose to watch. Access Control and age verification mechanisms for certain content would also help the parents to protect children from potentially harmful content. However, despite the information of the Grievance Officer being available on the OTT Platforms, people are still approaching the Courts for restraining the screening of movies or web series on the given platform. Even, the courts while hearing the subject petitions have not asked the petitioners to follow the procedure for redressal of their grievance as per the 2021 guidelines. It is only in this case the court has discussed the incomprehension of the Petitioner towards the alternative remedy available. However, earlier in this case, the court asked for formulation of a special committee of experts to view the movie and express their opinion. The court could have followed this approach earlier and could have asked the Petitioner to directly follow the 3-tier mechanism. It is to be noted that the 3-tier mechanism has the grievance officer at the very first level and then if the complainant is not satisfied with the order of the officer, he can approach the Level II being the Self Regulating Body. The self-regulating body is a body formed by the publishers themselves and is headed by a retired judge of the Supreme Court/High Court or an eminent person as the Chairperson. It is to be noted that at present, there are 5 self-regulating bodies constituted. The complainant can also appeal to the Oversight Mechanism, at the third level in cases which are unresolved at the first two levels. Despite, the 3-tier mechanism being in place, petitioners are directly approaching the Courts for removal of content from the digital sphere. The guidelines are gravely disregarded and it will not be wrong to say that the enforcement of these guidelines have been poor.

**OTT Platforms as Public Platform?** The OTT platform cannot be treated as captive audience who are forced to watch the movie. OTT Platforms are considered as private viewing and not public exhibition. In *Padmanabh Shankar vs Union of India & Ors (2019)*, the division bench of Karnataka High Court held that the act of exhibition of films, serials and other content perhaps amounts to transfer of files based on requests by users through the internet. Hence, in my opinion if there is age based certification provided as per the Intermediary Guidelines, 2021, then such exhibition within the four corners of wall should not be termed as public exhibition.

**Censorship on OTT Platforms?** As per the Central Government, the 2021 Intermediary Guidelines do not contain any censorship provisions. Content by OTT platforms would be self-classified by them. With that being said, it is not mandatory for any creator to obtain certification from the CBFC before releasing their content on any OTT Platform. Theatrical release of any movie requires certification from the

CBFC as per the Cinematographic Act, 1952. For films first released on OTT then subsequently to be broadcasted on Television will need to be in compliance with the Cable Television Network Regulation Act, 1995 (“CTNA”) and the Cable Television Network Rules, 1994 (“CTNR”). For more information on this, please refer to our earlier article on this subject here. Hence, there is no censorship on the OTT Platform apart from the self-regulation and that they have to comply with the age-based classification of content. It is however possible, that by way of abundant caution, producers may take a narrow interpretation and procure CBFC certificate of such OTT-released films like in the case of Churuli which obtained an A-rated certificate from CBFC. In any case, a censored film by CBFC helps in defending claims in view of plethora of judgements validating the expert body’s scrutiny of a film by applying the principles for guidance in certifying films. Even though there is no censorship, if any content on the said OTT platforms contravenes Article 19(2) of Constitution, the Government has the power to remove any content that is objectionable and/or interests under Section 69A of Information Technology Act and the IT (Blocking Rules), 2009 Power to issue directions for blocking for public access of any information through any computer resource.

**CHAPTER II**  
**REVIEW OF LITERATURE**

## **2.1 Freedom of Expression Verses Censorship in Cinema**

The film being a piece of art, is entitled protection under Article 19 (1)(a) of the Constitution especially when it has been duly certified by the Central Board of Film Certification. But there is a constant debate that the freedom of expression is being curtailed by the censor board. This paper tries to deal with the issue of freedom of expression in cinema and the need of censorship in it for communal harmony. The role of CBFC & Judiciary has also been discussed in this paper. The impact which the cinema influences in the mindset of people has a greater role in the development of the Nation. This paper aims to bring the balance and tries to analyze the solution for the existing problem in this aspect.

## **2.2 Movie Censorship and the Supreme Court**

Until 1952, it was settled law in America that movies were not entitled to any substantive constitutional protection from state censorship. A state or community could freely require that movies be submitted for official approval prior to any showing. The Supreme Court gave its blessing to this practice in *Mutual Film Corp. v. Industrial Commission*, 4 which was consistently followed by the state and lower Federal courts. 'The rationale for denying to movies the protection of free speech was that movies were a business "pure and simple," and conducted solely to entertain and amuse, not to educate or inform.'

Free from constitutional impediments, the censor was little affected by any kind of judicially-imposed restraints. First, the lengthy process of appealing to the courts was often of no aid when the picture was of current value, particularly for newsreels. Further, the state courts were not anxious

## **2.3 Freedom of the screen: legal challenges to state film censorship, 1915-1981**

At the turn of the twentieth century, the proliferation of movies attracted not only the attention of audiences across America but also the apprehensive eyes of government officials and special interest groups concerned about the messages disseminated by the silver screen. Between 1907 and 1926, seven states—New York, Pennsylvania, Ohio, Virginia, Kansas, Maryland, and Massachusetts—and more than one hundred cities authorized censors to suppress all images and messages considered inappropriate for American audiences. Movie studios, hoping to avoid problems with state censors, worrying that censorship might be

extended to the federal level, and facing increased pressure from religious groups, also jumped into the censoring business, restraining content through the adoption of the self-censoring Production Code, also known as the Hays code. But some industry outsiders, independent distributors who believed that movies deserved the free speech protections of the First Amendment, brought legal challenges to censorship at the state and local levels. *Freedom of the Screen* chronicles both the evolution of judicial attitudes toward film restriction and the plight of the individuals who fought for the right to deliver provocative and relevant movies to American audiences. The path to cinematic freedom was marked with both achievements and roadblocks, from the establishment of the Production Code Administration, which effectively eradicated political films after 1934, to the landmark cases over films such as *The Miracle* (1948), *La ronde* (1950), and *Lady Chatterley's Lover* (1955) that paved the way for increased freedom of expression. As the fight against censorship progressed case by case through state courts and the US Supreme Court, legal authorities and the public responded, growing increasingly sympathetic toward artistic freedom. Because a small, unorganized group of independent film distributors and exhibitors in mid-twentieth-century America fought back against what they believed was the unconstitutional prior restraint of motion pictures, film after 1965 was able to follow a new path, maturing into an artistic medium for the communication of ideas, however controversial. Government censors would no longer control the content of America's movie screens. Laura Wittern-Keller's use of previously unexplored archival material and interviews with key figures earned her the researcher of the year award from the New York State Board of Regents and the New York State Archives Partnership Trust. Her exhaustive work is the first to discuss more than five decades of film censorship battles that rose from state and local courtrooms to become issues of national debate and significance. A compendium of judicial action in the film industry, *Freedom of the Screen* is a tribute to those who fought for the constitutional right of free expression and paved the way for the variety of films that appear in cinemas today.

**CHAPTER III**  
**METHODOLOGY**

### **3.1 Research**

Research is creative and systematic work undertaken to increase knowledge of censorship and freedom of expression in cinema. And the use of knowledge about this used to collect and analyse information to increase our understanding of a topic or issues in freedom of expression in cinema. At a general level, research consists of three steps: 1. pose a question, 2. collect data to answer the question, 3. present an answer to the question. This should be a familiar process.

The online legal advice defines research in more detail as “legal inquiry or examination ; especially : investigation or experimentations aimed at the movie joji and churuli considered as a progress in the Field of freedom of expression in cinema. It was also observed that aspect of censorship and they exercised. They have right to express the freedom of expression in cinema....

### **3.2 General Objective**

To study Critically about the studies related to censorship v/s freedom of expression in cinema

### **3.3 Specific Objectives**

To analyse the perspectives, suppression of freedom of expression in cinema, public communication, or other information, narration and story telling, films....

### **3.4 Research Design**

The research design is doctrinal natural and is mainly theoretical, logical and descriptive. Censorship is a controlling force of an authority. It is structured and determined by an authority that is governed by socio political and religious forces of a nation. The paper studies the prevailing practices on film censorship in India. It highlights the causes behind the film censorship in India which has been a topic of current affairs in the 21st century. Censorship is never felt individually, it is always a subject where the forces of community or a group could be seen. We all watch movies, books we all read. If we analyse the history of film censorship in India, one can state that a film is banned or censored on the following reasons: i) Sexuality, ii) Politics, iii) Religion, iv) Communal conflict, v) incorrect portrayal of someone or something, vi) extreme violence

### **3.5 Method of study**

Analysis was chosen as the method of study. Methods are used for reference material i.e., papers, books, law magazines and interpretation of judicial decisions are mostly secondary. The analysis is qualitative as it attempts the concepts already set out and where possible to propose better alternatives.

That are considered obscene, politically undesirable, or a security hazard are suppressed or prohibited. “

### **3.6 Period of study**

The period is 4 months starting from January 2022 to April 2022. The span of time mainly focused for collecting information, watching related movies and related articles and reviews.

### **3.7 Test and analysis applied**

The analysis conducted was qualitative in nature. Research uses group discussion, observation, theory and analysis etc. It is used to trends to thoughts and opinions and discussions deeper into the field of movies. It uses arguments, comments and judgements based on different information about the censorship of the movies. This study mainly included the film analysis, review analysis and expert advice in the topic.

### **3.8 Hypothesis**

The weak and the strong cosmic censorship hypothesis are two mathematical conjectures about the structure of gravitational singularities arising in general relativity. Explanation that is provisionally accepted to provide guidance for further information. A research hypothesis is a specific, clear and predictive statement about the research study.

### **3.9 General Hypothesis**

Dramatic movies of Malayalam Industry, science fiction etc made a clear cut impact on its movies that was taken by the movies churuli.

### **3.10 Specific Hypothesis**

The impact of Dramatic and Science fiction themed Malayalam films from 19's. Censorship in India freedom of speech in movies provided by governments and laws and accordance with the concepts and alternatives in movies.

**CHAPTER IV**  
**FINDINGS AND ANALYSIS**

## **Papilio Budha**

Date of release: 15 March 2013

Director: Jayan K. Cherian

Papilio Buddha explores the life of a group of displaced Dalits in the Western Ghats of India and probes the new identity politics based on Ambedkarism, gaining momentum among the Dalits in the region, in the milieu of an ongoing land struggle. A band of displaced untouchables in Western Ghats of India embrace Buddhism in order to escape from caste oppression. The on-screen happenings are from the perspective of a youth Sankaran, a Jawaharlal Nehru University (JNU) dropout, whose insecurity and reticence are in stark contrast to the deep-rooted faith and conviction of his father Kandal Kariyan.

The film brings into focus, an example of the epic land struggles, which was fought in various regions of the state and across India, and the oppression of indigenous people by the powerful political and social establishments. It also maps environmental degradation and abuse of pristine mountain habitats by outside forces.

## **Kathakali**

Director: Saijo Kannanaikal

Kathakali is the traditional dance form of Kerala. In this film, Kathakali is compared with the society. There are many people who have been ejected from the society due to various reasons. Some of these people live on the shores of the Bharathapuzha River. There are people in search of wealth, old people, and physically challenged people and people orphaned by birth. Kathakali depicts the story of a young man who tries to join and create an address within the society. But he fails to do so and returns back to the river Bharatapuzha, whom he considers as his mother, so as to discard all the fabricated deceitful illustrations of the society. The film ends strongly emphasizing the old saying "Kathakali is not meant for the poor & the underprivileged". The background music for the entire movie is designed with instruments used only for Kathakali. This movie is written and directed by a young man who suffers from the perilous disease, Ankylosing spondylitis and he is 60% physically challenged. The film was also produced by differently abled men"all is well"

## **Chaayam Poosiya Veedu / The Painted House**

Date of release:2015

Director:Santosh and Satish Babusenana

Chaayam Poosiya Veedu seems to be that point where the directors indulged in a creative splurge. The film tries to talk to the audience about its intent and purpose, but turns out to be more of a conversation within its structure.

The film has three characters—Gautam aka Guttoo (K. Kaladharan), an established writer who lives by the beach, Vishaya (Neha Mahajan), the girl who visits him, and Rahul (Akram Mohammed), the stranger who abducts him. The nature of relationship between Vishaya, the mysterious girl, and the writer seems to be complex. Vishaya disagrees with the writer when he says he finds the process of writing calming. She goes on to disprove his idea of himself as a better writer. Rahul becomes the interrupter who thwarts the idea that the writer has about himself.

When the three characters come under one roof, the writer feels betrayed by the two, which prods the pulling down of the hypocritical mask that he wears.

It could be said that the writer is up against his own conscience by creating two characters in his mindscape; interim faces in the moments between life and death.

## **Pithavinum Puthranum**

Director:T Deepesh

A Convent in a scenic high range. A rugged mother superior of the convent. The inmates, Sister Elsitte and Sister Jaseentha, perceive Jesus Christ in two ideological extremes. The abrasion of fantasy and reality augments the contention between them. The clergy are the only male intervention in their life.

Winner of the best director award in 2007 for his short film Typewriter , Deepesh had won critical acclaim for his debut movie Nakharam starring Ganesh Kumar and Sreelatha.

Made under the banner of Track 'N' Trolley productions, Pithavinum Puthranum's cast includes Sunny Wayne, Dhvani, Rajshri Ponnappa, director V. K. Prakash, and art-director Sabu Cyril.

## **Churuli**

Release date: 11 February 2021

Director: Lijo Jose Pellisery

Shajivan (The Persuader) brings Antony (The Prey) to Churuli, saying a criminal named Joy (The Bait) is hiding there. Shajivan doesn't know that he is enchanted. They come under the guise of trench diggers who've come to work for a man named Thankan.

Since this is Shajivan's second trip to Churuli, he feels he has already been there before, and the people also find him to be familiar. But these residents like Shajivan are all enchanted, so their recollection is hazy. When Shajivan participates in the slapping game, he recollects the Enchantress' house, which he has already been in as part of the previous cycle. Shajivan's dreams and visions of alien activity can also be attributed to what he saw during the last loop.

This time, Antony (The Prey) hurts himself and is taken to the Enchantress.

Shajivan (The Persuader) commits various crimes – poaching, child abuse and murders the guy from the slapping game.

Shajivan and Antony disclose they are cops and head to meet Joy, lying paralyzed. The village people enter and taunt Shajivan and Antony and are unaffected when Shajivan shoots at them, disclosing that they are in a group trance. Joy agrees to leave Churuli with the duo.

Shajivan (The Persuader) and Antony (The Prey) try to leave Churuli with Joy (The Bait) and are intercepted by that mini-moon to start another cycle.

**CRITICAL ANALYSIS OF FREEDOM OF EXPRESSION IN  
MALAYALAM MOVIES**

## **Papilio Budha**

Directed by Jayan Cherian, Papilio Buddha tells the story of landless Dalits and the atrocities they are subjected to and how they are made pawns in the game of political one-upmanship.

As a society we tend to brush uncomfortable or unsettling truths under the carpet and boast about our cultural heritage and our illusory 'functional democracy'.

This film highlights these uncomfortable truths about the way marginalised landless tribals are treated when they try to win the rights accorded by our Constitution. The government, instead of heeding their demands, unleashes atrocities on them, abusing the power it has won through our 'functional democracy', and calls them terrorists supporting the Maoist movement.

This multi-layered narrative shows the violent upheavals and suppression of the movement for the last decade and also digs deep into the caste hierarchy practised even among the Dalits who have converted to Christianity.

The oppression of women, and sexual violence used as a tool to keep them in their place, is shown in the most brutal and unsettling manner without an iota of titillation. There are other forms of sexual subjugation and even emancipation depicted here in an aesthetic manner.

A controversial aspect of the film is its views on Gandhi. Would the man who embraced the Truth and never feared to express his innermost feelings and thoughts, have felt maligned by this movie or would he have embraced it as putting across another point of view?

Sarita Sunil got a special mention from the jury of the recently announced State Film Awards for her performance as Manjusri. But she deserved more than that as her performance takes the film to a new height. She embodied the torture and pain of her community but her spirit was unbroken.

Director Jayan Cherian got a similar mention from the jury. You may feel that he could have avoided one or two shockers here and there for the safe passage of his creation, but, it was his call and we respect that.

Papilio Buddha leaves us with a bold question: is the largest democracy a truly functioning democracy or just a means of providing privileges for some?

Kathakali

The makers of the film have reportedly moved the Kerala High Court, like the makers of Uda Punjab approached the Bombay High Court, in the hope of getting the film released without any cuts.

The Film Employees Federation of Kerala (FEFKA) staged a protest outside the censor board's regional office inside the Chitranjali Studio campus .

The censor board reportedly had an issue with one of the scenes in the climax, that features a Kathakali artist walking naked on screen. However, the director feels that the the censor board is unable to understand the aesthetic sensibilities behind the scene, calling the shot a “symbolic representation”.

The report says that the censors also had a problem with the usage of an abusive term, Kazhiveryyude Mone (Bastard) and wanted it deleted from the film, again something its director is opposed to.

Director Saijo Kannanikkal said that his film did not challenge the sovereignty of the nation or delve into matters that are religious

“All that it has is a mere shot of a nude man, for which I am denied certification,”he told The Times of India.

The filmmaker had alleged that the board's move was an infringement on his creative freedom. CBFC regional officer A Prathibha said an A certificate was given to the movie according to high court's directive.

“The high court directed us to give an appropriate certification for the film. So we issued an A certificate to it. As it is an A certificate, the controversial scenes have been retained,” she said.

The two hour-long film revolves around the life of a man, an orphan, who tries to create a space and identity of his own in the society around.

In the climax, the protagonist removes his Kathakali attire and crosses a river as a symbolic mark of protest against the society.

The denial of certification for Kathakali had evoked widespread protest among filmmakers and technicians.

## **Chaayam Poosiya Veedu /The Painted House**

The movie is about one hour and thirty-three minutes and can only be classified as an art-house film. Its dedication shows its antecedents. Those who remember the golden days or heyday of Malayalam film-making , as many call it, the time of Aravindan, Adoor, Shaji Karun, John Abraham, and others also know of Padmarajan, Bharathan, Bakker and Padmakumar. I V Sasi, and others, was also there, then.

The film has as its theme getting to know the self. The camera work and editing are classy as is the script. There are only three characters, an old man (who is called “Guttoo” by the girl), a young man (Rahul), and a young girl (Vishaya – meaning subject but it can also suggest poison) played by Neha Mahajan who is beautiful, and some superb dialogue, written by the directors themselves who are also skilled at editing and photography. It is set in two houses, one on Beach Avenue which belongs to the writer, and the other a house in an estate that belongs to the parentless Rahul. There are slight, very slight touches of a brooding mystery and a single one of magic realism about or in the story.

An old writer (Gautam, the protagonist) lives alone and is writing his novel, presumably his last one, that brings in the character of Nachiketus.

“(Nachiketa (Sanskrit) also known as Nachiketā (Sanskrit: Bengali Odia or Nachiketas (Sanskrit) was the son of the sage Vājashravas (Sanskrit, lit. famous for donations) also known as Vājashravā (Sanskrit) is the child protagonist in an ancient Hindu fable about the nature of the soul and Brahman. The story is told in the Katha Upanishad (c. 5th century BC, though the name has several earlier references. He was taught Self-knowledge, the separation

of the human soul (the supreme Self) from the body, by the god of Death, Yama. Nachiketa is noted for his rejection of material desires which are ephemeral, and for his single-minded pursuit of the path of realising Brahman / Moksha i.e. emancipation of the soul from rebirth. ” The irony is that the author is neither like Nachiketetus nor does he know or see the irony in naming his character that. He is no Buddha, either, unlike what his name may suggest.

However, the old writer’s novel is interrupted by the arrival of a girl he knows who asks for a day or three days of refuge from him. He agrees. He gives her a birthday party but she also insists he should read his novel out to her. He does so but she says it is no good. She erases it from his computer and burns his print or hard copy. They end up making love although she is young enough to be his granddaughter. A visitor comes named Rahul who says he is there by accident. But he turns out to be her lover and kidnaps the old man to torture him for being a hypocrite in standing for morals in his writing.

Painted House is a powerful movie dealing with the idea of masks that we wear, which here the writer wears, and self/selves and knowing and introspection and complexes and definitely heralds a return to classic film-making of the best kind in Malayalam cinema. However, as a debut venture it has one fault, in the storyline, to me, in that as the story unfolds or progresses from the point of view of the old man to that of the young man and the girl, including theirs too, the question of their accusations against him gradually wear thin for me as the main fault they find in him is that he yields to her tempting him despite his age and the young man is angry with it. Their anger is also at his pretense that he holds on to at the same time that it is wrong to do so while he does not actually feel any such thing. The girl, however, seems to move to an ambiguous position that love should be to all – and sex too? – which does not justify her literally and figuratively bringing the writer’s writing career and life to ruin, destruction, and eventually death. Thus, while she changes or evolves or ‘grows’, her threat to burn him and not just his novel comes true making her his femme fatale. The shifts in point of view confuse things unintentionally for the viewer, to put it in a nutshell, in an otherwise evenly excellent film.

There are obviously other more sensible, inclusive, and comprehensive ways of looking at the movie, as the directors explain, and have been covered in other better reviews perhaps, but while they make sense while listening to the directors and reading those reviews, it does not come across in the movie itself to the present viewer.

This debut movie is memorable for its cinematic beauty and for making us think and also for fighting the censor board and getting through with no cuts regarding nude scenes and the awards and special mentions it already got at international film festivals in India and abroad in Cairo. As a meditation on a writer's inner life, it is very appealing and there are several beautiful touches like pointing out that some writers are pretentious artists and intellectuals and write for readers' acclaim rather than actually knowing what they are up to that keep us engrossed throughout and make us put the movie on rewind and fast forward to figure out some of its tantalizing puzzles and complexities that are not one too many. The last scene or shot, prefigured in conversation earlier in the film, of a deserted chair on the beach seen from the back on which presumably the writer used to sit showing he is no more, is unearthly and breathtaking as a scene in its beauty. If I give it a four-star rating it is simply or only because I see the future films by this director duo of two brothers easily reaching a better and more powerful level (as it already has here, in a way!). Kudos to them for raising the level of Malayalam film back to where it once belonged, among the best in the world in effort, – 5 stars – if not yet in execution. The pace could be slightly faster and the frames filled with more light as befitting the 21st century instead of the Dutch painting effect of some of the shots but the voices, the sound, the camera work, and the editing, the acting, the script, and dialogue are a plus. So is definitely the direction.

### **Pithavinum Puthranum**

The film had Parishudhathmavinum as well to the title but had to be deleted at the insistence of the publicity clearance committee.

Deepesh has directed the film Nakharam earlier. Pithavinum Puthranum is said to be about two nuns in a convent and is reportedly inspired from Sister Jesme's controversial book titled Amen and also from the Abhaya murder case.

The film reportedly shows a community in bad light and that has been cited as the reason for denying the certificate. The film has Dhvani, director V K Prakash and art director Sabu Cyril in the cast.

Koothuparamba native T Deepesh completed the film Pithavinum Puthranum in 2012, with great expectations because that was a departure from the kind of films that the Malayali

audience were used to. But, unfortunately, it was rejected clearance by the Central Board of Film Certification (CBFC) even after the director approached the review committee.

“According to CBFC, the film could not be certified for public exhibition because the content of the film was likely to hurt the religious sentiments of the Christian community,” said Deepesh, who has already made a couple of feature films and a few award-winning short films, including Typewriter and Save. “But in my film there is nothing that could hurt Christianity as such, because it explores the lives of two nuns,” he pointed out. “Though some dark characters among the priests find place in the film, it is not about religion,” he vouches.

“It explores the inner yearnings of a nun who dreams of colorful dress and the brightness of life. If the authorities can permit the book by Sister Jesmi, why not a film that explores the depths of a nun’s thoughts?” he asked. But Deepesh is yet to get a clear answer, even as he is finalising the print with English subtitles to submit to the appellate tribunal as the last attempt to get the clearance. What is ironic is that the Censor Board members were all praise for the film but they said they could not give clearance because there were more than 20 complaints against the film. “But how come anybody raise the complaint without watching the film,” asked the director.

“Even the Pope has said there are some shady elements among the priests. Then why they are after my film, that too without seeing it?” Deepesh wondered. “Though the earlier name of the film was ‘Pithavinum Puthranum Parisudhathmavinum’ (Father, Son and Holy Spirit), it was later renamed ‘Pithavinum Puthranum’ to avoid any controversy,” he added.

“Unfortunately even the progressive movements that came to support PK, or the Left parties that vouch for freedom of expression, did not come to support us and the industry organisations feign ignorance,” Deepesh said. “We made the film under banner of Track & Trolley Productions spending Rs 1.75 crore and the uncertainty has affected the producers too.”

## Churuli

The spiral form which is visible at certain moments of the film is a representation of the whole narrative structure of the story. The film starts with a folk story voice-over and also it ends by denoting the same folk story. Which is why it felt as the nucleus of the whole film to me. The folk story is presented as a warning for us to be aware of the supernatural being called “maadan” who tricks a namboothiri by disguising into an ant-eater(eenampechi) to travel with him and get lost in a maze like forest. While in reality two cops are on a journey to catch a wanted criminal named joy who lives in churuli. The story of the film and the folk story is precisely intervened together in way that even audience us is tricked by the maadan. Lijo has placed a short sequence to denote that the maadan has joined you in the journey even before the journey started, which can be realised when we get to the climax. Just like the maadan in folks story. Namboothiri in the folk is parallel to the police in the reality(vinay &chemban) who is from the outside world and are hierarchically superior to the maadan and his parallels the criminals who are the insiders. As we could see how the superior outsiders loose their strength and path when they are in the kingdom of the insiders . The abusive dialect of the characters shows how bizzare and lawless churuli is.

To be clear the character of vinay fort is the pawn of maadan(ant-eater) who lures chemban (namboothiri) vinod into the nucleus. The flickering memories/visuals vinay gets once in a while in the movie is him getting the glimpse of maadan’s memmory who is litrally inside his head or who is controlling him from the beggning of the movie itself. Also the sudden familiarity about the forest, sudden nack of interaction with the locals, sudden abusive dialect of pure hearted shajivan(vinay), revenge by murdering a local guy are the clues for the fact that maadan has took over shajivan’s(vinay) mind. Also the crimes commited by the accused joy who is a representation of maadan is repeated through shajivan(vinay) which are child molestation, illegal hunting and murder. The climax of the movie has left a space for multiple interpretations with the sci-fi and supernatural events happening. Coming to the making side of the film the direction and cinematography stands with its excellence while the sound and art direction stands down in a good way that audience are not given then chance to notice it which help the film to create whole new world of swirl and suck the audience into it.

Churuli, derived from a story written by Vinoy Thomas – Kaligeminarile Kuttavalikal, was adapted into a screenplay by S Hareesh for Lijo. The film, which premiered in Kerala during the International Film Festival of Kerala in February this year, got released on SonyLIV on

November 19. Since then, viewers have been commenting about the amount of curse words used in Churuli, some taking offence at it while others defended the freedom of art. Even prime time channel discussions were held to debate about Churuli's choice of dialogue. Political parties too have come out against the film's use of curse words. Pro-BJP commentator Sreejith Panickar alleged that the makers had used such language deliberately to get attention. He spoke of lack of censorship on OTT platforms and how filmmakers should instead use their common sense to take a call on what to include and not. Meanwhile, Youth Congress has also criticised the film for using abusive language. Congress leader Adv Johnson Abraham has shot off a letter to the Chief Minister and the Director General of Police, alleging that the language used in the film is part of a 'goon culture', taking a dig at Joju George, the actor with whom the party has had a row recently.

Director Jeo Baby, writer PF Mathews and others have spoken to The Cue in defence of Churuli, essentially an art form drawing its inspiration from the world around one.

Lijo Jose, known for his experimental movies, is the maker of such films as Ee Ma Yaw where a son wanders in the darkness of a night to arrange a decent burial for his dad, Angamaly Diaries that became a debut of 86 new actors and Jallikattu, which in his own words, is all about the conflict of man and animal.

**CHAPTER V**  
**CONCLUSION**

Since a long time, Indian cinemas were being censored on foul language and nudity- considering the huge impact cinema has in our country. A filmmaker has always been forced to be careful about the scenes involving obscenity, religious sentiments and each word used in a film because he knows the scissors of the censor awaits his creation. The questions on the relevance of the so-called Censor Board have surfaced once again with the recent rows over the certification of Bollywood film *Udta Punjab*, Malayalam films *Kammatipaadam* and *Kathakali*.

*Kathakali* directed by Oscar Saijo Kannanaikkal has been denied certification due to a nude scene which features towards the climax of the film. He moved the High Court against the Censor Board recently and is awaiting a verdict on the petition.

The CBFC's regional office in Thiruvananthapuram denied permission to '*Chayam Poosiya Veedu*', saying that the movie had shots of the female lead's nudity. The movie could not be screened in many film festivals because of this. The directors went to the court, which rubbished the arguments of the board and directed it to give permission to the movie with an 'A' certificate. It was screened in 20th International Film festival of Kerala (IFFK).

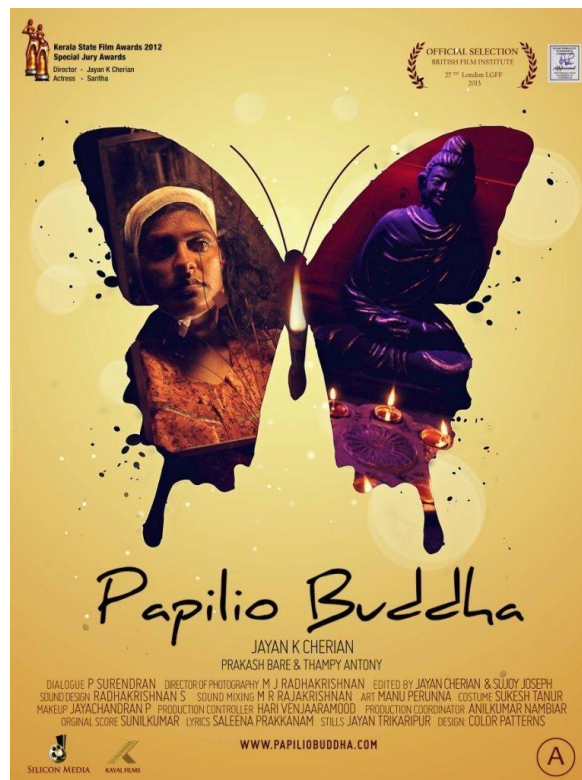
The film *Papilio Budha* was denied certification by CBFC stating that the film had visuals and dialogues denigrating iconic leaders including Mahatma Gandhi, E. M. S.

*Namboodiripad* and *Ayyankali* apart from visuals of extreme violence and extreme torture of women by police. The Censor Board had also taken exception to the language used in the film. The film was denied a screening at the 17th International Film Festival of Kerala (IFFK) which created much controversies. Though the movie was initially banned in India and subsequently certified for theatrical distribution, *Papilio Buddha* had a world Première at the 27th London Lesbian & Gay Film Festival organised by the British Film Institute.

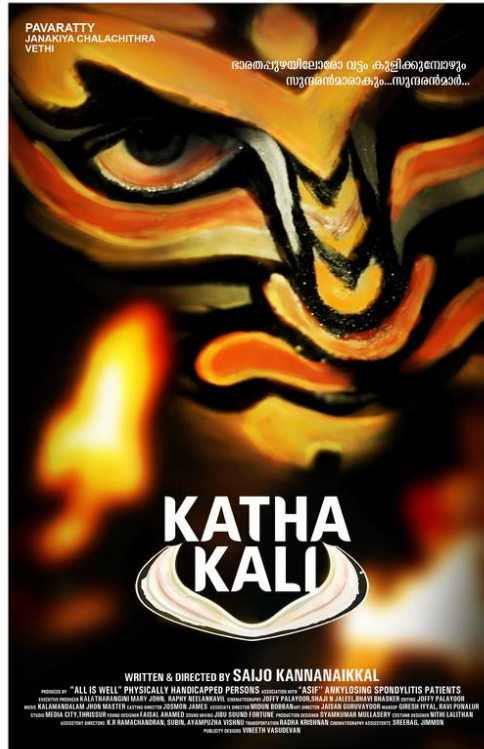
The film *Pithavinum Puthranum*, completed in 2012, was reportedly based on a book by Sister Jesme and the Sister Abhaya murder case. CBFC denied certification stating that the movie might hurt the religious sentiments of people.

**CHAPTER VI**  
**APPENDIX**

## 6.1 PAPILO BHUDDHA



## 6.2 KATHAKALI



## 6.3 CHAAYAM POOSIYA VEEDU/THE PAINTED HOUSE



## 6.4 PITHAVINUM PUTHRANUM

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Deepesh.T  
Sundar Iritty  
Balam Mattannur  
Rajesh J, Shijina Kodikkandy, Safeera Hassan

Costume : Velayudhan Keezhillam , Make Up : Roshan, Art : Nimesh Thanur  
Associate Directors : Suku Damodar, Sudhi Anna, Stills : Sreejith Chettippady, Lab: Gemi  
Finance Controller: Ramdas Iritty, Production Managers : Dileep Chamakkala, Suneesh Vail  
DOP : Pratheesh Varma, Editing : Ragesh Narayanan, Music : Madhu Govind  
Lyrics, Screenplay, Dialogues : Balam Mattannur  
Producer : Sundar Iritty, Direction : deepesh.T

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DOP: PRATHEESH VARMA, EDITING: RAGESH NARAYANAN, MUSIC: MADHU GOVIND  
LYRICS, SCREENPLAY, DIALOGUES: BALAM MATTANNUR  
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## 6.5 CHURULI



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