

Is Freedom of Speech a Matter of Convenience?

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In *Lyca Production Pvt. Ltd vs The Government of Tamil Nadu* Writ Petition No.29325 of 2014, the Madras High Court allowed the petition seeking a writ of mandamus from the High Court of Madras to direct the Respondents to grant protection to enable them to have their name exhibited as the Producer of the film in the prints as well as the publicity material.

Facts

The producers (Petitioners) of Tamil film, *Kathi*, were compelled to remove their name from the print and advertisements due to threats from a few organisations and political parties that they would not permit the screening of the film, on the ground that the Petitioner which is a private limited company is managed and controlled by persons who are very close to the President of Sri Lanka and that therefore, the film deserved to be boycotted. The Petitioner filed the present petition seeking a writ of mandamus directing the Respondents to provide adequate police protection so that their name could be displayed.

Judgement

The Respondents argued on two grounds:

- a) The Petitioners had entered a compromise with the protesting organisations, and voluntarily agreed to remove their name from the publicity materials and in the film.
- b) The film was screened in more than 510 theatres in Tamil Nadu and hence it was not possible to provide protection in all theatres.

The Court rejected the aforesaid contentions and allowed the petition on the following grounds:

- a) Respondents cannot grant a seal of approval to such compromises, as the same may tantamount to the creation of the Super-Censor Board. Once a film is certified for screening by the Central Board of Film Certification, no group, organisation or association can demand further censoring, on the ground that something in the film hurts the religious, communal, racial or linguistic sentiments of someone or the other.

The Court relied on Supreme Court judgment, *Sony Pictures vs. State of Tamil Nadu (2006)*.

- b) Relying on *Prakash Jha Productions vs. Union of India (2011)*, the Court rejected the second contention and held that once a film is cleared by the Censor Board, the same cannot be prohibited by the State due to its inability to maintain public order.

The Court rightly observed that Article 19(1)(a) has become a tool in the hands of the oppressor and the oppressed, depending on which side of the table one is on. It has become a matter of convenience for people to use it in their favour when they need it and demand denial of the same to others, with whom they do not see eye-to eye.

Analysis

In the instant judgment, the Court has clearly brought out the operation of Article 19(1)(a) in our country, and rightly held that once a film is cleared by the Censor Board, non-State actors can't act as a Super Censor Board and disrupt its distribution and screening. Further, the Court rightly placed the duty of maintenance of law and order on the State.