



2024/KER/8367

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

WEDNESDAY, THE 31ST DAY OF JANUARY 2024 / 11TH MAGHA, 1945

WP(C) NO. 42896 OF 2023

PETITIONER:

MR. JOJI VARGHESE, AGED 37 YEARS



BY ADVS.
GIGIMON ISSAC
TOM THOMAS (T-369)
TOBIAS TOGI MATHEW

RESPONDENTS:

- 1 STATE OF KERALA, DEPARTMENT OF CULTURAL AFFAIRS,
BHAJANAPURA PALACE ROAD, EAST FORT, PAZHAVANGADI,
THIRUVANANTHAPURAM, PIN - 695023
- 2 THE REGIONAL OFFICER, CENTRAL BOARD OF FILM
CERTIFICATION, KERALA, 1ST FLOOR, CHITRANJALI STUDIO
COMPLEX, TIRUVALLUM, THIRUVANANTHAPURAM, PIN - 695027
- 3 MR. ENISTIN ZAC PAUL, THE PRODUCER OF ENISTIN MEDIA,
CORRAZONE PANADANS, CUSAT, KALAMASSERY, ERNAKULAM,
PIN - 682022

BY ADVS.
GIRISH KUMAR V
RAJEESH V.R.
R.SUDHEER(K/199/1998)
K.N.RAJANI(K/001295/1999)
R.PRATHEESH (ARANMULA)(K/97/2013)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
31.01.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**CR****JUDGMENT**

The petitioner states that he *‘is a citizen of India and believing the faith of Christianity’* (sic). He projects a grievance that a cinematographic movie in Malayalam, by name ‘Antony’, contains a scene where a Bible is used to conceal a firearm; and asserts that this amounts to denigration of the faith itself. He thus prays that respondents 2 and 3 be enjoined from releasing the movie, without removing the objected portion; with an adscititious plea to the 2nd respondent – Regional Officer of the Central Board of Film Certification (‘Board’ for brevity), to take necessary action based on Ext.P3 representation preferred by him.

2. Sri.Gigimon Issac – learned counsel for the petitioner, submitted that the depiction of Bible as a tool of concealment of a firearm causes the faith of Christianity itself to be called in question; and therefore, that such a scene ought not to have been allowed by the ‘Board’. He thus reiteratingly prayed that the reliefs sought for in this Writ Petition be granted.



3. Pertinently, when this matter was called today, the learned Central Government Counsel – Sri.Girish Kumar, submitted that, pending this lis, on the application of the Producer of the movie – namely the 3rd respondent, the scene in question has been ordered to be blurred; and that the said direction has already been implemented. He submitted that, as matters now stand, no one can identify the book which is used to conceal the firearm, to be a Bible; and hence prayed that this Writ Petition be dismissed.

4. Smt.Rajani K.N. - learned counsel for the 3rd respondent, in response to the submissions of the petitioner, argued that it is unfair for an individual to take umbrage against a fleeting scene in a movie, that too, when there is no direct reference to it being a religious scripture. She added that, however, in order to avoid any further controversy and by way of abundant caution, her client had moved the ‘Board’ for permission to blur the scene in question and affirmed that it has been done.

5. In view of the afore developments, certainly, this Court is not required to consider any of the contentions of the petitioner on its merits. However, it must be borne in mind that the production



and creation of a cinematographic movie is, in part, guided by imagination, and for the other, perhaps, real life experiences. The liberty of a team, while creating a cinematographic movie, certainly has to be respected, provided they do not trample upon or infringe the rights of individuals or the society.

6. In the case at hand, the complaint of the petitioner – that the depiction of concealment of a gun in a book that may resemble the Holy Bible, is an affront to the religious faith of Christians – is, in my view, rather uncharitable, because even in the original statement filed on behalf of the ‘Board’, it has been averred that the competent Committee did not feel the scene to be contemptuous of racial, religious or other groups; and that during the review screening, the members of the Committee did not even notice the Bible, because the scene was a fleeting one, without any reference to any particular scripture.

7. I propose not to say anything further, but deem it necessary to add that intolerance to cultural and artistic expressions is not something that behooves well for a civilized country like ours; but if any particular scene is established to be violating the



unexpendable respect required to racial, religious or other groups, certainly, it is for the 'Board' to intervene and take necessary action.

Since this has already been done, albeit at the request of the Producer of the movie itself – which appears to have been made by way of abundant caution and to avert any further controversy – I close this Writ Petition, without any further directions/orders.

RR

Sd/ -

DEVAN RAMACHANDRAN
JUDGE



APPENDIX OF WP(C) 42896/2023

PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF THE PARTICULAR SCENE EXHIBIT THE HOLLY BIBLE IS SEEN CUT AND REMOVED TO SUIT KEEPING AMMUNITION INSIDE
- Exhibit P2 TRUE COPY OF THE PURPOSE OF COMPARISON THE CONTENT OF EXHIBIT-P1, THE ORIGINAL PAGE OF THE HOLY BIBLE
- Exhibit P3 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 04.12.2023
- Exhibit P4 TRUE COPY OF THE REPLY SUBMITTED BY THE 3RD RESPONDENT BEFORE THE 2ND RESPONDENT WHICH A COPY WAS MAILED TO THIS PETITIONER DATED 08.12.2023
- Exhibit P5 TRUE COPY OF THE REPLY SUBMITTED BY THE PETITIONER TO EXHIBIT-P4 VERSION DATED 11.12 2023