

**IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR.JUSTICE N.NAGARESH
&
THE HONOURABLE MRS. JUSTICE SOPHY THOMAS**

Friday, the 5th day of May 2023 / 15th Vaisakha, 1945
WP(C) NO. 15119 OF 2023(S)

PETITIONER:

THAMANNA SULTHANA, AGED 26 YEARS, D/O.JALEEL A.S,
AREEPURATH HOUSE, VELAYANAD, VELLANGALLOOR,
THRISSUR DISTRICT, PIN - 680 662.

RESPONDENTS:

1. THE UNION OF INDIA, REPRESENTED BY ITS SECRETARY, MINISTRY OF INFORMATION AND BROADCASTING, NEW DELHI, PIN - 110 001.
2. THE CENTRAL BOARD OF FILM CERTIFICATION, REPRESENTED BY ITS CHAIRPERSON, FILM DIVISION COMPLEX, PHASE - I BUILDING, 9TH FLOOR, DR. G. DESHMUGH MARG, MUMBAI, PIN - 400 026.
3. THE STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, DEPARTMENT OF HOME AFFAIRS, GOVERNMENT SECRETARIAT, TRIVANDRUM, PIN - 695 001.
4. THE SUN SHINE PICTURES, BHARATH ARCH, OPP: VEERA DESAI ROAD, MADA COLONY, AZAD NAGAR, ANDHERI WEST, MUMBAI, PIN - 400 053, REPRESENTED BY ITS AUTHORIZED PERSON.

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to stay the release of movie called 'The Kerala Stories', pending disposal of the above Writ Petition(Civil).

This petition coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of M/S K.RAKESH & AMEEN HASSAN K, Advocates for the petitioner, SRI.R.V.SREEJITH, SENIOR CENTRAL GOVERNMENT COUNSEL for R1 & R2, GOVERNMENT PLEADER FOR R3, M/S VIJAY V. PAUL & THOMAS J.ANAKKALLUNKAL, VAIBHAV R.VENKATESH Advocates for R4 and of DEPUTY SOLICITOR GENERAL OF INDIA, the court passed the following:

P.T.O.

N. NAGARESH & SOPHY THOMAS, JJ.

.....
**W.P.(C) Nos. 15119, 15126, 15143, 15228,
15303, 15312, 15036 of 2023**
.....

Dated this the 5th day of May, 2023

ORDER

N. Nagaresh, J.

In all these writ petitions, the petitioners seek to suspend the circulation of teaser and trailer of the movie 'The Kerala Story' and to prohibit exhibition of the said movie. The allegation of the petitioners is that the movie is based on incorrect and unverified facts and contained derogatory remarks against a community. The release of the movie will disrupt and destroy the secular fabric of the society. A community has been shown in negative line. A perusal of the teaser and trailer will substantiate the fact that the movie has popularity and potentiality, which can disturb public order, decency and morality, particularly women and Muslim community. Arguments were advanced for an interim order restraining the respondents from exhibiting the movie as well as the teaser and trailers.

2. We have heard the learned counsel on either side. We have also watched the teaser and trailers in the Court Hall, in the presence of all the counsel. Grievance of the petitioners is that the teaser contains erroneous statement of facts which will tarnish the image of one community.

3. The learned counsel appearing for Sunshine Pictures Private Limited submitted that the Company would withdraw the said teaser forthwith from their social media handles.

4. Going through the trailers of the movie, we find that trailers do not contain anything offensive to any particular community as a whole. The fact remains that the petitioners have not watched the movie. We find that a competent statutory body, Central Board of Film Certification, has examined the movie and found that the film is suitable for public exhibition. As provided by the guidelines for certification of films for public examination, the Censor Board has examined the movie in the context of whether the medium of film remains responsible and sensitive to the values and standards of society; whether visuals

or words contemptuous of racial, religious or other groups are presented; whether visuals or words which promote communal, obscurantist, anti-scientific and anti-national attitudes are presented; and whether public order is endangered.

5. It is after examining the movie in the context of the guidelines prescribed, the Censor Board has certified the film. Furthermore, from the statement filed by the Deputy Solicitor General of India, we find that the producers have published a disclaimer along with the movie, which specifically states that the film has been fictionalised and is a dramatised version of events. The film does not claim accuracy or factuality of historic events. In view of the disclaimer also, we are not inclined to pass an interim order restraining the respondents from exhibiting the film.

6. In view of the above and taking into consideration the statement made by the Producer/Company that the Producer does not intend to retain the teaser in their social media handles and that the teaser will be removed from their social media handles, no further orders are necessary in these writ petitions at this stage.

7. Admit.

The learned counsel for the petitioner in W.P.(C)No.15312 of 2023 submitted that the petitioner therein has filed a complaint invoking Rule 32 of the Cinematograph (Certification) Rules before the Board. It is made clear that the petitioner will be at liberty to prosecute the said complaint. In W.P.(C)No.15036 of 2023, the petitioner will be at liberty to prosecute Exhibit-P4 complaint filed before the 1st respondent.



Sd/-
N. NAGARESH, JUDGE

Sd/-
SOPHY THOMAS, JUDGE

DSV/05.05.2023