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Professor, Dept. of Communication and Journalism
Osmania University, Hyderabad

Dr. V. Durga Bhavani

Professor, Dept. of Communication and Journalism
Sri Padmavati Mahila Visvavidyalayam
Tirupati, Andhra Pradesh

Contradictory Perspectives on Freedom and Restriction of Expression in the context of Padmaavat: A Case Study

*Ms. Ankita Uniyal

**Dr. Rajesh Kumar

ABSTRACT

In the ever evolving human society, contradictory perspectives have time and again led to conflict. There are several fields where such contradictory perspectives lead to differences of opinion. One such area of conflict is the field of expression; the boundaries of which are often debated. Constitutionally too freedom and restriction on expression is guaranteed that too in the same Article. The paper is based on the study of movie Padmaavat that remained in tight spot for more than a year. The objective of the study is to understand the contradictory perspectives that arise in a multicultural society. While understanding how it arises it is also important to understand how this perspective becomes functional here. An analysis of the media reports and articles published on the movie was done. The writings that were selected dealt with: a) the events that unfolded in the controversy, b) the views that were expressed by the stakeholders involved in the conflict. The basic reference to the study include cinematographic laws, laws related to freedom of speech and expression, literature of conflict in multicultural society, and reports and articles published on the subject. The study reveals that several contradictory ideas arose in the Indian society while each stakeholder was trying to preserve his/ her point of view as the Padmaavat controversy went along. The study also found multiple reasons responsible for this conflict situation in the Indian society.

Keywords: Freedom of speech and expression, Restriction, Padmaavat, contradictory perspectives, Indian society, stakeholders.

1. Introduction

The movie *Padmaavat* remained an issue of debate since the direction of the movie started in Rajasthan under *Sanjay Leela Bhansali*. Some people view it as an issue of freedom of speech and expression, others as an issue of distorting history, while others see it as a part of the fabric of the society. Society in itself is a complex phenomenon which cannot be seen in black and white and where several ideas exist and conflict with each other. The movie *Padmaavat* is a perfect example of how different perspectives conflict yet remain together in the ever evolving society.

It all started in January 2017 when *Sanjay Leela Bhansali* was slapped by a member of Karni Sena from among those protesting about the making of the movie at Jaigarh fort in Jaipur. The idea that had spread around was that he was shooting a romantic sequence between *Padmavati* the revered queen and Alauddin Khilji. Later in March 2017 when he shifted his base to Kohlapur in Maharashtra his set was vandalized and burnt there.

According to the reports published in several newspapers on the trail of events in the *Padmavati* controversy, after this incident, the director wanted to make peace with the protesting organisations. In a letter that he posted on

Twitter, the filmmaker clarified that there is no "romantic dream sequence or anything objectionable" between Rani Padmavati and Alauddin Khilji in the movie ("*Padmavati* and the long trail of controversies," 2018). The controversy did take a back seat for some time before the poster of *Padmavati* was released in September 2017. Karni Sena started the protest again and their stance, despite the clarification by Viacom 18 was still the same that romantic scene was being shown between the revered queen *Padmavati* and Alauddin Khilji.

Political leaders, Courts, CBFC, Bollywood Personalities and many other organisations and personalities became a part of the contradictory perspectives that thus arose. After a lot of drama and violence that unfolded with schools and colleges remaining closed, news channels debating for hours on the issue, multiplexes refusing to showcase the movie, it was finally declared by the Rajputs and the beholders of their pride that the movie did not hamper their pride, rather it showed them in a good light.

2. Literature Review

It is a widely accepted fact of history that the story of *Padmavati* was for the first time immortalized by Malik Mohammad Jayas of Oudh. Malik Mohammad flourished under Sher Shah in 1540 AD. He was probably the first

*Research Scholar, School of Communication, Doon University, Dehradun, UK, India.

**Associate Professor & HoD, School of Communication, Doon University, Dehradun, UK, India.

person to have put the tale in written form. After which many versions of it were reconstructed. Grierson and Dvivedi (1896) in their book *Padmavati of Malik Mohammad Jaisi* writes that story of the poem Padmavati has been a favourite amongst many eastern scholars. It has been recreated several times. Some of those who recreated it include, Husain Ghaznawi wrote a Persian poem on the subject, entitled *Qisiae Padmavati*. Rai Gobind Munshi in 1652 A.D. wrote a version in Persian prose, called (after the chronogram of its date) *Tukfatu-l-Kulilb*. Asain Mir Ziyau-d-din 'Ibrat, and Ghulatn 'Ali 'Lshrat wrote a joint version in Urdu verse in 1796 A.D. Malik Muhammad's poem was written in 1540 A.D.

The poem remains a part of popular culture in Rajasthan and among the Rajputs of Northern India. So much so that Ramchandra Baryanji Dwivedi (1954) has used the plot in one of his popular song 'Aao bachon Tumhen dikhayen'. The lyrics are such

Eh Hai Apna Rajaputana Najlse Talavaro Pe
Isane Sara Jivan Kata Barachhee Tir Kataro Pe
Yeh Pratap Kaa Vatan Pala Hai Aajadee Ke Naaro Pe
Kud Padee Thee Yaha Hajaro Padminiya Angaaro Pe
Bol Rahee Hai Kan Kan Se Kurbanee Rajasthan Kee
Iss Mittee Se Tilak Karo Yeh Dharatee Hai Balidan Kee
Vande Mataram Vande Mataram Vande Mataram Vande
Mataram

British scholar Col. James Todd (1829-32) says, the *Annals and Antiquities of Rajasthan* has also mentioned the story of Rani Padmavati. The book follows the narrative of Malik Muhammad Jayasi's poem 'Padmavati'. Elaborating the mirror incident, it states: "According to Muhammadan historians, Ratan Sen was the ruler of Chittor during the reign of Alauddin, and the husband of Padmini... At length, he restricted his desire to a mere sight of this extraordinary beauty."

The article titled, ("Rani Padmavati history: Know the complete story of Rani Padmavati," 2017) writes that the story has been told by the likes of Yagneshwar Bandyopadhyay in *Mewar* (1884), Jyotindranath Tagore in *Sarojini Ba Chittor Akraman* (1875), Kshirode Prasad Vigyavinode's *Padmini* (1906) and many others like them. In fact many plays and opera performances have been constructed on the storyline.

The story is very much a part of the popular culture in North India. References to the story are also made by the first Prime Minister of India Jawaharlal Nehru in his book "The Discovery of India." The book in itself is a reflection of India, being a historical and cultural narrative in India.

Shyam Benegal who recreated the book into a tele-series also portrayed the character of Padmavati in his serial *Bharat Ek Khoj*.

The controversy of Padmavati has once again given rise to the International debate of 'Freedom of Expression' and 'Restrictions'. In the paper 'Restricting Freedom of Expression: Standards and Principles,' Mendel (2010) writes:

"The European Court of Human Rights has noted: [F]reedom of expression constitutes one of the essential foundations of [a democratic] society, one of the basic conditions for its progress and for the development of every man. At the same time, freedom of expression is not absolute and every system of law provides for some limitations on it."

3. Research Questions

- ☒ To Find the Stakeholders involved in the Padmaavat Controversy
- ☒ To Find the Contradictory perspectives of freedom and restriction of expression that arose as the Padmaavat Controversy went along.
- ☒ To find out how these contradictory perspectives evolve and become functional in the society.

4. Methodology

To understand the phenomena of freedom and restriction in our society, case study method has been used. A case study method involves in depth study of the case from several sources. It is used to understand the issue that has arisen now and is used as a precedent in similar cases that might occur in the future. The case of Padmavati has been picked up to understand the several contradictions that arise in a multicultural society due to freedom and restriction of expression. The case also helps us to understand how these perspectives become functional in a society. To analyse the case twenty reports and articles published in various national and international dailies in India were selected. A thematic analysis of the text was conducted to find out the contradictory perspectives, its stakeholders and how it became functional in the society.

5. Findings

The Padmaavat controversy involved a number of personalities on both ends of the spectrum.

First up, it included *Sanjay Leela Bhansali* who has been at the centre of controversy from day one, and then it included the female lead in the movie, *Deepika Padukone* who took a stand against those threatenings to curb their

artistic freedom. As she voiced her opinion on the issue, she was threatened by the Karni Sena and its members, which is yet another important stakeholder. One of the party members, Mahipal Singh Markana threatened to do to her what Lakshman did to Surpanakha in Ramayana. (Markana, 2017). The two male leads Shahid Kapoor and Ranbir Singh stayed almost out of the controversy.

In direct contention with the makers of the movie came Karni Sena under the leadership of Lokendra Singh Kalvi and Sukhdev Singh Gogamedi. They claimed that history is being distorted by Bhansali and other involved in the movie. In the protests that were backed by the party, malls were looted, effigies were burned, schools and colleges were brought to a standstill. In fact, a school bus with children was also stoned in Gurgaon. ("Padmaavat' stir: Gurgaon school bus with children stoned," 2018)

Many other famous Rajputs also protested against the movie, these include Heena Singh Judeo, daughter –in-law of Dilip Singh Judeo of Chhattisgarh's former royal family, she said, "History has witnessed that none of the Rajput maharanis has ever danced in front of anyone, and they cannot play with history." according to NDTV. Divya Kumari, whose grandfather was the last ruler of Jaipur, said "The women of Rajasthan are very upset with this film made on a queen who is the epitome of sacrifice." "Rather than highlighting Padmini's sacrifice, the film-maker has sought to highlight the romantic angle in this film," she said. ('Padmavati' to 'Padmavat' to Padmaavat: The controversial journey," 2018)

Marching under the banners of Jauhar Kshatrani Manch, Shri Rajput Karni Sena and Jauhar Smriti Sansthan, the women gave government officials memorandums addressed to the President, Prime Minister, Rajasthan Governor, and Chief Minister. "They gave us the memoranda seeking a countrywide ban on the film," said Suresh Kumar Khatik, sub-divisional officer of Chittorgarh. ('Padmavati' to 'Padmavat' to Padmaavat: The controversial journey," 2018)

Besides the leaders of the Karni Sena many other political leaders – some holding constitutional positions also gave rise to the controversy. These included the Rajasthan Chief Minister Vasundhara Raje, Uttar Pradesh Chief Minister Yogi Adityanath, Chhattisgarh, Gujarat Chief Minister Vijay Rupani, Madhya Pradesh Chief Minister Shivraj Singh Chauhan, Bihar Chief Minister Nitish Kumar and Punjab Chief Minister Amarinder Singh. Even the Supreme Court reprimanded them. They objected to the movie because of reasons such as hurting sentiments or citing law and order problem, or distortion of history.

The Constitutional bodies that played a role of an important stakeholder in the controversy were the Central Board of Film Certification, the Courts and the Parliament of India. The Central Board in this case received petitions from several quarters to ban the movie as it distorted history, and showed the revered queen in poor light. The courts also received petitions to ban the movie and the Parliament of India got involved as two Parliamentarians expressed their concerns about hurting sentiments of the Rajasthanis in front of the Parliament. The Parliament thus summoned Prasoon Joshi, the Chairman of the CBFC for clarification on the matter along with Sanjay Leela Bhansali, the Director.

A number of contradictory perspectives arose during the time the controversy went along. The first and foremost: is Padmavati a historical or fictional character.

Those on the side of Sanjay Leela Bhansali and the Bollywood industry claim that she is a part of a fictional character weaved by poets such as Malik Mohammad. He and the Viacom Media group had issued a letter claiming that the character was fictional, but the protests went on. Exhibit 1. This is when many Bollywood personalities had to come in support of Sanjay Leela Bhansali and artistic freedom Exhibit 2.

However, those belonging to Rajput side claiming a ban on the movie very much believe her to be their ancestor, thus she becomes a part of history for them and not a figment of imagination. Her stories are part of the popular lore, culture and ancestry of Rajasthan. Her portrayal by Bhansali is being objected by several segments of the Rajput Community on several grounds Exhibit 3. The character has been recreated many times by the poets, storytellers and dramatists in not only different regions of India but also in different parts of the world. The idea of the Rajput side also finds support in the theory of Michel Foucault who explains that as discourses are developed in a society they give rise to systems that gain currency of truth, become the accepted norms of the society and thus create power.

The second controversy that arose was that who has the right to ultimately decide whether the film can be put for public display or not, whether it is the Central Board of Film Certification, Courts, Government, Politicians, or Leaders from different sections. The Central Board of Film Certification was not directly involved in the controversy but can said to have been dragged into it by the sections of the society that wanted it to ban the movie or cut any controversial scenes from the movie. The courts took a stand for artistic freedom and right of CBFC to decide

whether the film could see the light of the day or not. The Chief Justice of India answering the writ that was filed by Mr. Manohar Lal mentioned, "In the course of hearing, we have been apprised that the film in question, i.e., 'Padmavati' has not yet received the Certificate from the Central Board of Film Certification. In view of the aforesaid, our interference in the writ petition will tantamount to pre-judging the matter which we are not inclined to do. The writ petition is accordingly disposed of." (Manohar Lal vs Sanjay Leela Bhansali, 2017). The several state governments specially the chief ministers wanted to ban the movie in their state citing law and order issues or the issue of distortion of history or the issue of preserving our rich cultural heritage. Thus, they supported the groups that wanted to decide to ban the movie.

The third controversy that arose was, do we understand artistic freedom or do we understand community sentiments that are hurt. This is a highly debatable issue as some groups demand artistic freedom which has also been supported and demanded by artists and scholars around the world. The Indian courts have time and again defended artistic freedom. It has done so in the case of Padmavati too when the Supreme Court upheld the freedom and ignored all demands for bans on Padmavati despite the ruckus that was being created and state governments banning them. The Supreme Court in its orders declared, "We Direct that there shall be a stay of operation on the notification and orders issued and we also restrain other states from issuing such notifications or orders in this matter... Once Parliamentary legislation confers the responsibility and power on a statutory board and board grants certificate, non-exhibition of it by states will be contrary to statutory provisions." ("Freedom of expression supreme, give security for Padmaavat release: SC to states", 2018)

The fourth controversy – does hurt of one's sentiment mean that you can disrupt others right to expression, take to violence and outrage and disrupt normal life. It has clearly been seen in this case of Padmavati movie that Karni Sena took law and order in their hands and burned buses, vandalized malls and disrupted normal life. In a democratic society that has to follow a rule of law should and can such things be allowed remains the big question after this whole controversy.

6. Conclusion and Discussion

In a multicultural democratic society like India, we have seen time and again controversies like Padmavati have arisen, with artists creating what they want to and those demanding restriction either resorting to protests or

violence in such cases.

The research suggests that such a controversy arises in the society due to several factors. It arises due to Article 19 (1) (a) that explicitly mentions freedom of speech and expression and Article 19 (2) that restricts the freedom in case it hampers sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence.

In the case of India, the controversy regarding film censorship has remained as citizens have multiple authorities to apply to in case they find the content offensive. These include censor board, courts and off course the politicians.

The governments and the politicians in India are also responsible for such controversy, as the governments seem to be incapable of stopping any kind of violence by protesters who are demanding restriction. The ultimate sufferer in the case is either those expressing themselves or the general public or both public and private property. The situation of governments and politicians worsen when the executive that should be responsible for providing law and order becomes part and parcel of any such controversy by taking sides which should be completely a mandate of judicial authorities or bodies identified for the same.

There seems to be no way that such controversies can be stopped from arising in a society like India. However, the way they shape up can surely be controlled if the law regarding them follow a strict definition and implementation. .

Exhibit 1

Viacom 18 and Bhansali Pvt. Ltd Clarify

Bhansali Production Pvt. Ltd As discussed with you, this is to specifically clarify that there is no romantic dream sequence or any other objectionable/romantic scene between Rani Padmavati and Alauddin.

Exhibit 2

The Bollywood Industry in Support of Artistic Freedom

anuragbasu@basuanurag It's bizarre!! the whole #Padmavati row is based on

just presumptions. Protestors have not seen a single frame of the film yet, but they know that history has been se tampered! How!

1:06 PM - Nov 19, 2017

Hansal Mehta
✓@mehtahansal

So SLB should show the film to those who threaten to have him beheaded? And get their approval?

4:27 PM - Nov 19, 2017 ·

Nikhil Advani
✓@nikhiladvani

First they came for... And I did not speak out... For I was not a... Finally they came for me and there was no one left to speak out for me...

#shameful#PadmavatiFight

4:02 PM - Nov 19, 2017

Deepika Padukone
✓@deepikapadukone

Absolutely heartbreaking to see the recent attack on artist Karan and his artwork!

Disgusting and appalling to say the least!

3:35 AM 18 Oct, 2017

Shyam Benegal in an Interview to Indian Express

These threats have been issued publicly on TV and other mass media. Such threats are unheard of in a democracy. Are threats of mutilation and death allowed to be made without rebuke? Will the government remain a mute spectator? This is a shocking state of affairs. The government has an obligation.

Exhibit 3

The Claims of Rajputs Regarding, The Queen Padmavati

Heena Singh Judeo, daughter-in-law of Dilip Singh Judeo of Chhattisgarh's former royal.

History has witnessed that none of the Rajput maharanis has ever danced in front of anyone, and they cannot play with history.

Divya Kumari, whose grandfather was the

The women of Rajasthan are very upset with this film made

last ruler of Jaipur,

on a queen who is the epitome of sacrifice. Rather than highlighting Padmini's sacrifice, the film-maker has sought to highlight the romantic angle in this film

MK Vishwaraj Singh, a scion of Padmavati's family

With this film they have attempted to appropriate the name and history of my family and use the same for their commercial gain

Devayush Singh Shahpura, prince of the erstwhile royal family of Shahpura result,

Films become a form of history and the coming generations rely more on visuals than books. As a

they'll accept what's depicted in the film as the reality.

Lokendra Singh Kalvi, Rajput Karni Sena

We will gather in lakhs, our ancestors wrote history with blood we will not let anyone blacken it; will call for Bharat bandh on 1 December

Exhibit 4

Violence by Protestors to Demand Ban



Sanjay Leela Bhansali being slapped



Set of Padmavati burned in Kohlapur



The painting of Padmavati being Vandalised in Gujarat



School Bus with Children being attacked in Gurgaon

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