

ORDER

**In the matter of Complaints against television serial 'Jodha Akbar' being aired
on Zee TV Channel from 18 June 2013 at 8 PM**

A number of Complaints have been received against the show titled 'Jodha Akbar', which is being aired on Zee TV from 18 June 2013. Even before the show had come on air, a large number of complaints were received against the said show. However, this Council has no jurisdiction to deal with the complaints received before the show went on air since the Council has no powers of pre-censorship. Therefore, the Council shall now deal only with the complaints received after the telecast of the show, although the nature of the complaints received, before and after the show went on air, is identical.

The substance of the allegations made in the complaints is as below:

- Akbar did not marry any Rajput princess named 'Jodha' and there is no historical evidence of the same. Jodha was a *Farsi* (Persian) Lady, having no relation with the Rajput community.
- No character such as Jodha existed.
- Showing such distorted versions of history amounts to disregarding the sentiments of the Rajput community.
- The show has the tendency to disturb the communal harmony in our secular society.
- What is the need for making such serials, which are historically unauthentic and demeaning?

The Channel, i.e. Zee TV, filed their replies to the Complaints. In support of their contentions, the Channel placed reliance upon the references given by several prominent historians. There are enough documented proofs about the existence of Jodha and that she married Akbar. Thus, it would be unreasonable to raise any objections about such facts. The Channel also stated that they respect the sentiments of the Rajput community and they shall ensure that no fact is distorted.

BROADCASTING CONTENT COMPLAINTS COUNCIL

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In fact, by way of caution, the Channel also gives a disclaimer before every episode of the show that it is a work of fiction. Further, it is pointed out that a film on the same subject, which was titled 'Jodha Akbar', was duly certified by the Central Board of Film Certification (CBFC) and shown in theaters as well as on television. In the old classic film 'Mughal-E-Azam', the character of Jodha was prominently portrayed.

In view of the rival contentions raised on both sides, it is important to consider the position of law on this issue. It was stated in *K.A. Abbas v. Union of India and Ors.*, AIR 1971 SC 48 that although it must be remembered that Cinematograph is a powerful medium, but the mere portrayal of a social vice in a movie cannot attract the censor's scissors, but how the theme is handled by the producer.

The case of *S. Rangarajan v. P. Jagjivan Ram and Ors.* (1989) 2 SCC 574 concerned a film 'Oru Oru Gramathile', which was critical of the policy of reservation of the Government. Allowing the screening of the movie, the Supreme Court held that in a democracy, it is not necessary that everyone should sing the same song. Freedom of expression is the rule and it is generally taken for granted. Everyone has a fundamental right to form his own opinion on any issue of general concern. He can form and inform by any legitimate means. Movie is the legitimate and the most important medium in which issues of general concern can be treated.

The Court also held that on the issue of balancing the two interests, the commitment of freedom of expression demands that it cannot be suppressed unless the situations created by allowing the freedom are pressing and the community interest is endangered. *The anticipated danger should not be remote, conjectural or far-fetched. It should have a proximate and direct nexus with the expression.* The expression of thought should be intrinsically dangerous to the public interest.

In *Ramesh v. Union of India*, [1988] 1 SCC 868, the Supreme Court, while judging the effect of the words or expression used in the movie, held:

"The effect of the words must be judged from the standards of reasonable, strong minded, firm and courageous men, and not those of weak and vacillating."

Therefore, it emerges from the above position that the filmmaker may project his own message, which the others may not approve of. But he has a right to 'think out' and put the counter appeals to reason. It is only in a democratic form of government that citizens have a right to express themselves fully and fearlessly as to what is their point of view towards the various events which are taking place around them as well as events that took place in the past.

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Different views are allowed to be expressed by proponents and opponents not because they are correct or valid, but because there is freedom in this country for expressing even differing views on any issue. The ultimate good in a society is better reached by free trade in ideas -- the best test of truth is the power of the thought to get itself accepted in the competition of the market.

The Council does not find anything objectionable in the episodes so far aired on television. Therefore, in view of the above, all Complaints made against the serial 'Jodha Akbar' fail to make out a case against the show and are hereby dismissed.

For & on behalf of
Broadcasting Content Complaints Council


Justice (Retd.) A.P. Shah
Chairperson

1st August 2013
New Delhi