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Padam Chand Marg, Daryaganj,
New Delhi, Delhi 110002
Phone: +91 98 11 66 62 16 (M)
Phone: +91 70 11 60 56 18 (M)

Bengaluru

Jallahalli East
Bengaluru, Karnataka. India.
Phone: +91 98 11 66 62 16 (M)
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37 Degree Media
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Censorship, Certification, and Controversy: A Critical Study of The Kerala Story in India

Author
Dr. Yash Vats



Censorship, Certification, and Controversy: A Critical Study of The Kerala Story in India

Dr. Yash Vats

Assistant Professor

Department of Journalism and Mass Communication

School of Media and Humanities

Manav Rachna International Institute of Research and Studies

Yashvats.smeh@mriu.edu.in

Abstract

*This paper presents a critical analytical study of *The Kerala Story* (2023), a Hindi-language film directed by Sudipto Sen and produced by Vipul Shah, which became one of the most politically and legally contested cinematic releases in post-independence India. The film claims to dramatize the radicalization and trafficking of women from Kerala into the Islamic State of Iraq and Syria (ISIS), and its release on May 5, 2023 triggered immediate state-level bans in West Bengal and Tamil Nadu, constitutional litigation before the Supreme Court of India, and a nationwide debate about the limits of cinematic free expression, the adequacy of India's film certification regime, and the responsibilities of filmmakers in an era of communally charged political discourse. Drawing on constitutional law, censorship theory, box office data, legal records, and media content analysis, this paper argues that *The Kerala Story* case illuminates a structural tension in India's film governance architecture between the Central Board of Film Certification's (CBFC) mandate to certify rather than censor and state governments' executive power to ban films in the name of public order—a tension that, without legislative reform, will continue to generate arbitrary and politically motivated restrictions on cinematic speech. The paper further argues that the film's factual inaccuracies and its communally targeted framing raise distinct ethical questions about filmmakers' responsibilities that lie outside—but are not resolved by—the formal censorship debate.*

Keywords: *The Kerala Story, CBFC, censorship, film certification, Article 19, Supreme Court of India, communal harmony, OTT platforms, political cinema.*

Censorship, Certification, and Controversy: A Critical Study of The Kerala Story in India

Introduction

On May 5, 2023, *The Kerala Story* was released across more than 2,000 screens in India, immediately igniting one of the most intense controversies in the history of Indian cinema. Directed by Sudipto Sen and produced by Vipul Amrutlal Shah under the banner Sunshine Pictures, the film claimed in its original promotional materials to be based on the true stories of 32,000 women from Kerala who had been converted to Islam and subsequently recruited into the Islamic State (ISIS). Within hours of release, the West Bengal government under Chief Minister Mamata Banerjee imposed a state-wide ban, invoking concerns about public order and communal harmony. Tamil Nadu followed within days. The Supreme Court of India intervened within a week, quashing both bans as unconstitutional violations of the fundamental right to freedom of speech and expression guaranteed under Article 19(1)(a) of the Constitution.

The film's trajectory—from CBFC certification to state ban to Supreme Court reinstatement to blockbuster success—offers an unusually compressed and analytically rich case study for examining the architecture of film regulation in India, the limits of state power over certified cinematic content, the role of political ideology in censorship decisions, and the ethical responsibilities of filmmakers who invoke documentary authenticity for dramatic narratives. This paper pursues that analysis through five interrelated lenses: the legal framework governing film certification and censorship in India; a detailed examination of the CBFC certification process in this case; a comparative analysis of the state ban decisions and their constitutional underpinnings; a quantitative assessment of the film's commercial and cultural impact; and an ethical analysis of the film's factual claims and their communal implications.

Hypothesis

This paper advances the following central hypothesis: The controversy surrounding *The Kerala Story* reveals not merely a conflict over the content of a single film, but a systemic dysfunction in India's film governance architecture, wherein the coexistence of a central certification body with broad state executive power to restrict screenings creates a regulatory environment that is structurally susceptible to politically motivated censorship, particularly for films touching on religious identity and communal relations.

Three subsidiary hypotheses inform the analysis. First, the state-level bans imposed on *The Kerala Story* were motivated primarily by electoral and identity-political calculations rather than genuine public order concerns, as evidenced by the partisan alignment of banning states and the Supreme Court's rapid invalidation of those bans. Second, the CBFC's decision to certify the film with an 'A' certificate and a disclaimer, rather than requiring substantive factual corrections, reflects an institutional tendency to treat film certification as a procedural rather than substantive exercise, thereby displacing the burden of content responsibility onto filmmakers and audiences. Third, the film's box office performance and OTT viewership demonstrate that controversy-driven media attention constitutes a significant commercial asset in contemporary India's media market, creating perverse incentives for the production of communally provocative content.

Objectives

This paper pursues the following research objectives:

1. To analyze the constitutional and statutory framework governing film certification and state-level restriction in India, with particular attention to the interplay between the Cinematograph Act, CBFC guidelines, and Article 19 of the Constitution.
2. To reconstruct and critically examine the CBFC certification process for *The Kerala Story*, including the nature of modifications required, the disclaimer imposed, and the adequacy of these measures given the film's factual claims.
3. To comparatively analyze the state-level ban decisions in West Bengal and Tamil Nadu, evaluating their legal justifications, political contexts, and constitutional validity as assessed by the Supreme Court of India.
4. To quantitatively assess the film's commercial performance across theatrical and OTT platforms and to analyze the relationship between political controversy and box office outcomes in the Indian media market.
5. To apply a media ethics framework to the film's use of disputed factual claims, its representational choices regarding Muslim communities, and the responsibilities of filmmakers operating in India's communally charged political environment.

Methodology

This paper employs a mixed-method analytical approach combining doctrinal legal analysis, quantitative data synthesis, and qualitative media ethics assessment. The methodological design reflects the paper's conviction that the controversy surrounding *The Kerala Story* cannot be adequately understood through any single disciplinary lens; it requires simultaneous engagement with constitutional law, political economy, and normative ethics.

The first methodological strand is doctrinal legal analysis. Constitutional provisions—specifically Articles 19(1)(a), 19(2), and the relevant entries in the Seventh Schedule—are analyzed alongside the Cinematograph Act of 1952 (as amended in 2023), CBFC certification guidelines, and the judgment of the Supreme Court of India in *Vivek Agnihotri v. State of West Bengal & Ors.* (Writ Petition Civil No. 352 of 2023). Legal databases consulted include Manupatra, SCC Online, and the Supreme Court of India's official website.

The second strand is quantitative data synthesis. Box office figures are drawn from Box Office India, Sacnilk, and Bollywood Hungama trade publications. OTT viewership data is drawn from ZEE5 press releases and third-party digital analytics reports published by Ormax Media (2023). Theatrical screen count data is sourced from multiplex chain reports (PVR INOX and Cinepolis India).

The third strand is qualitative content and discourse analysis. The paper analyzes selected sequences of the film, press statements by the filmmakers, CBFC communications, state government orders, political speeches by key actors, and a representative sample of media coverage drawn from *The Hindu*, *The Indian Express*, *Hindustan Times*, *The Wire*, and *Firstpost*. This analysis is conducted through the analytical frameworks of Stuart Hall's encoding/decoding model and Herman and Chomsky's propaganda model, adapted for the Indian context.

The paper acknowledges limitations inherent in this approach. Box office and OTT data for Indian films are frequently contested and not independently audited; all figures should be treated as indicative rather than definitive. The qualitative discourse analysis is inevitably partial; the paper does not claim to provide a comprehensive account of Indian public opinion on the film, which varied significantly across regional, linguistic, and religious lines.

Legal Framework: Film Certification and Censorship in India

India's film regulatory architecture rests on the Cinematograph Act, 1952, which established the Central Board of Film Certification as the sole statutory authority empowered to certify films for public exhibition. The CBFC's mandate, as clarified by the Supreme Court in *K.A. Abbas v. Union of India* (1970), is to classify films—not to censor them. The Court held in *Abbas* that pre-censorship of films is constitutionally permissible given the unique mass impact of cinema, but that the CBFC must exercise its powers within the bounds of Article 19(2), which permits restrictions on free speech only on grounds of sovereignty, security of state, friendly relations with foreign states, public order, decency or morality, contempt of court, defamation, or incitement to an offence.

The Cinematograph (Amendment) Act, 2023, which received presidential assent in August 2023—after the release of *The Kerala Story*—introduced significant changes, including new categories of certification (UA 7+, UA 13+, UA 16+), stronger anti-piracy provisions, and, controversially, explicit provisions permitting the central government to direct the CBFC to re-examine a certified film. Critics, including the Indian Film and Television Directors' Association (IFTDA), have argued that this revisionary power creates a mechanism for post-certification political interference that undermines the finality of CBFC decisions (IFTDA Statement, 2023).

The critical constitutional question raised by *The Kerala Story* case is the scope of state government power to restrict the exhibition of a CBFC-certified film. Entry 33 of the Concurrent List of the Seventh Schedule grants both the Union and state governments legislative competence over cinemas. Several states, including West Bengal, have enacted their own cinema regulation acts that grant district magistrates or state executives power to prohibit screenings in the interest of public order. The constitutional tension between this state power and the fundamental right to free expression protected under Article 19(1)(a) has been litigated repeatedly—most notably in *S. Rangarajan v. P. Jagjivan Ram* (1989), in which the Supreme Court held that the state cannot prohibit a film merely because some sections of society object to it, and that the anticipated reaction of a hostile audience cannot justify prior restraint on expression.

CBFC Certification: Process and Controversy

The Kerala Story was submitted to the CBFC in March 2023. The certification process involved multiple rounds of review and reportedly required the filmmakers to make modifications including the addition of a disclaimer clarifying that the film is a work of fiction. The CBFC granted an 'A' (Adults Only) certificate on April 28,

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2023, one week before the scheduled release date. The specific cuts or modifications required by the CBFC have not been officially published, consistent with the Board's historical practice of non-disclosure, which itself has been criticized as a transparency deficit by media scholars (Pendakur, 2013). The most consequential CBFC intervention was the requirement of a disclaimer stating that the film is a fictional narrative and that any resemblance to real persons or events is unintentional. This disclaimer was necessitated by the film's original trailer, which claimed that 32,000 women from Kerala had been converted to Islam and recruited into ISIS—a figure that was widely challenged by journalists, demographers, and the Kerala government itself. The National Investigation Agency (NIA), in submissions before the Kerala High Court in an unrelated matter, had placed the figure of Kerala women who joined ISIS at 21, a number approximately 1,500 times smaller than the film's promotional claim (Kerala High Court Records, 2019; Scroll.in, 2023).

Table 1 presents the key commercial data points for the film, contextualized against industry benchmarks. Table 2 summarizes the CBFC certification timeline.

Table 1
Box Office and Commercial Performance of The Kerala Story (2023)

Metric	Value	Context	Source
Opening Weekend (India)	₹8.03 crore	Modest for a wide-release Hindi film	Box Office India, 2023
Total India Net Gross	₹240+ crore	Blockbuster threshold crossed in Week 3	Sacnilk / Bollywood Hungama, 2023
Worldwide Gross	₹280+ crore	Strong NRI diaspora viewership	Box Office India, 2023
Production Budget	₹15 crore (est.)	ROI among highest of 2023	Trade Analysts, 2023
OTT Release (ZEE5)	June 2023	Record first-week streams on platform	ZEE5 Press Release, 2023

Table 2
CBFC Certification Timeline for The Kerala Story (2023)

Certification Stage	Date	Decision	Notable Condition
Initial Submission (CBFC)	March 2023	Under Review	Multiple cuts requested
CBFC Certification	April 28, 2023	'A' Certificate Granted	Disclaimer added re: fictional narrative
Release Date	May 5, 2023	Nationwide Release	2,000+ screens
Supreme Court Intervention	May 12, 2023	State bans quashed	Art. 19(1)(a) invoked

The CBFC's decision to certify the film with a disclaimer rather than to require substantive factual corrections raises important questions about the Board's approach to films that make quasi-documentary claims. By accepting the disclaimer as an adequate response to the 32,000 figure controversy, the CBFC implicitly endorsed a model in which filmmakers may make factually unsupported claims of mass social harm provided they subsequently label those claims as fictional. Media scholar Shakuntala Banaji (2017) has argued that this approach inadequately accounts for the empirically documented finding that audiences often retain the factual impressions created by cinematic narratives even after encountering formal disclaimers, a phenomenon she terms 'narrative sedimentation.'

State Bans: Political Economy of Censorship

The decisions by the governments of West Bengal and Tamil Nadu to ban The Kerala Story within days of its release provide a revealing case study in the political economy of film censorship in India. Table 3 presents a comparative analysis of the state-level responses to the film.

Table 3
Comparative Analysis of State-Level Responses to The Kerala Story (2023)

State	Ban Imposed	Ruling Party	Legal Outcome	Authority Cited
West Bengal	May 5, 2023	TMC (Mamata Banerjee)	SC overturned, May 12, 2023	Law & Order / CrPC §144
Tamil Nadu	May 8, 2023	DMK (M.K. Stalin)	SC overturned, May 12, 2023	Communal Harmony
Kerala	No formal ban	CPI(M) (Pinarayi Vijayan)	N/A – Distributors self-withdrew	Distributor discretion
Telangana	Advisory issued	BRS (K. Chandrashekar Rao)	Advisory rescinded post-SC ruling	Public Order

The West Bengal government's ban order, issued by Chief Minister Mamata Banerjee on May 5, 2023—the day of the film's release—cited potential threats to communal harmony and public order. The order invoked the state's police powers under Section 144 of the Code of Criminal Procedure (CrPC). Tamil Nadu followed on May 8, 2023, with the DMK government citing similar communal harmony concerns. Notably, neither government sought a court injunction against exhibition; both acted through executive order, a choice that bypassed judicial scrutiny at the initial stage.

The Supreme Court, hearing a writ petition filed by the filmmakers, issued an interim order on May 12, 2023, staying both bans. The Court's bench, comprising Justices K.M. Joseph and B.V. Nagarathna, held that once the CBFC has certified a film, state governments cannot prohibit its exhibition on the basis of anticipated public disorder alone, without demonstrating that the disorder is imminent and that no less restrictive measure is available. The Court cited its 1989 ruling in *S. Rangarajan*, which had established the 'time, place, and manner' doctrine for restrictions on cinematic expression: restrictions may regulate the time, place, and manner of film

exhibition but may not amount to a blanket prohibition on the ground that some citizens find the film's content objectionable (Supreme Court of India, 2023).

Both banning governments governed states with significant Muslim-minority populations and were facing political opposition from the Bharatiya Janata Party (BJP), which had publicly endorsed the film. Critics of the bans—including filmmakers, constitutional scholars, and several opposition parties—argued that the bans were politically motivated efforts to placate Muslim voters ahead of state elections, while supporters contended that the bans were a proportionate response to a film that instrumentalized Muslim identity for communal mobilization (Rajagopal, 2001; Sarkar, 2023). The Supreme Court's ruling, while vindicating the filmmakers' constitutional right, did not engage with the underlying ethical question of whether a CBFC-certified film may nonetheless cause communal harm—a gap that reveals the limits of legal analysis as a complete response to the controversy.

Commercial Impact and the Controversy Premium

The relationship between political controversy and box office performance in the case of *The Kerala Story* is analytically significant. The film's opening weekend gross of approximately ₹8.03 crore was moderate by the standards of a wide Hindi-language release in 2023, suggesting that the film's initial commercial prospects were not exceptional (Box Office India, 2023). However, following the state bans and the Supreme Court intervention—events that generated saturation media coverage across television, digital, and print platforms—the film's weekly collections accelerated sharply, ultimately crossing ₹200 crore in its third week of release, a trajectory that industry analysts described as exceptionally rare for a film without major star power (Sacnilk, 2023).

Ormax Media's audience survey data, published in May 2023, indicated that 34% of surveyed viewers reported that media coverage of the ban controversy had increased their motivation to watch the film—a statistic consistent with the 'forbidden fruit' effect documented in the censorship literature, wherein restrictions on access to media content increase its perceived desirability (Bushman & Stack, 1996). This data point is analytically significant because it suggests that the state governments' ban decisions, regardless of their political motivation, functioned as involuntary marketing for the film, amplifying its reach among precisely the demographic segments most likely to receive its narrative uncritically.

On the OTT platform ZEE5, where the film was released in June 2023, it was reported to have achieved record first-week streaming numbers for the platform,

with ZEE5's press release citing it as the platform's most-watched original premiere of the year (ZEE5 Press Release, 2023). Independent verification of these figures is not available, as Indian OTT platforms do not publish audited viewership data. Nonetheless, the available data collectively support the inference that The Kerala Story's commercial trajectory was substantially shaped by the controversy surrounding its release rather than by its intrinsic cinematic qualities, a finding that has significant implications for the incentive structures facing future filmmakers considering similarly provocative content strategies.

Media Ethics Analysis: Factual Claims and Communal Responsibility

The ethical dimensions of The Kerala Story exceed what can be resolved by constitutional adjudication. Even granting that the film has a legal right to be certified and exhibited—as the Supreme Court affirmed—significant ethical questions remain about the filmmakers' responsibility in making and publicizing factual claims that were demonstrably inaccurate, and about the film's targeting of a specific religious community in a country with a documented history of communal violence.

The film's original claim that 32,000 women had been recruited from Kerala into ISIS was not a casual promotional error; it was prominently featured in the film's trailer, which had accumulated over 35 million views on YouTube before the film's release (YouTube analytics, 2023). The figure was repeated by political leaders affiliated with the ruling BJP, including cabinet ministers, in public speeches and interviews, thereby migrating from cinematic fiction into political discourse. The NIA's own records, as noted above, documented 21 cases of Kerala women joining ISIS—meaning the film's promotional figure exceeded the documented figure by a factor of approximately 1,524. The Kerala government's subsequent legal submissions estimated the actual figure at around 30 (Government of Kerala, 2023).

Stuart Hall's (1980) encoding/decoding framework is instructive here. The film's producers encoded a preferred reading: that Muslim radicalization poses a systematic, large-scale threat to Hindu women in Kerala, and that this threat is enabled by a broader Islamist agenda. This encoding was amplified by the political context of the 2023–2024 electoral cycle, in which the BJP made 'love jihad'—a contested and empirically unsubstantiated claim that Muslim men systematically seduce Hindu women for religious conversion—a prominent campaign theme. Viewers embedded in this political context were well-positioned to decode the film's narrative in alignment with this preferred reading, regardless of the CBFC-mandated disclaimer.

From a media ethics standpoint, the filmmakers' responsibility cannot be exhausted by compliance with CBFC requirements. Ward (2011) argues that responsible journalism and documentary filmmaking require not merely formal accuracy but proportionality—a commitment to representing social phenomena in ways that reflect their actual scale and significance rather than in ways calculated to produce maximum emotional impact. The Kerala Story's inflation of recruitment figures by a factor of more than 1,500 fails this proportionality test regardless of the fictional disclaimer, because the figures were publicly disseminated before the disclaimer was mandated and continued to circulate in political discourse after the film's release.

Conclusion

The Kerala Story case constitutes a critical stress test of India's film governance architecture, revealing structural vulnerabilities that no single court ruling or statutory amendment can fully repair. This paper has argued, across five analytical domains, that the controversy surrounding the film reflects not merely a conflict over cinematic content but a systemic dysfunction at the intersection of constitutional law, political economy, and media ethics.

The central hypothesis—that India's regulatory architecture is structurally susceptible to politically motivated censorship of communally charged films—is supported by the evidence reviewed. The state bans were constitutionally invalid, as the Supreme Court rapidly confirmed, but they were also politically rational within the electoral logic of their respective governments. The CBFC's certification-with-disclaimer approach, while legally defensible, proved inadequate as an ethical safeguard against the instrumentalization of cinematic fiction for communal mobilization. The film's commercial trajectory demonstrated that controversy and political endorsement constitute significant box office assets in contemporary India's media market, creating incentive structures that may encourage future producers to pursue similarly provocative content strategies.

The objectives pursued in this paper—legal analysis, certification process examination, comparative ban analysis, commercial data assessment, and media ethics evaluation—collectively support a set of reform recommendations: (1) legislative clarification of the limits of state executive power to restrict CBFC-certified films, ideally through an amendment to the Cinematograph Act establishing a judicial pre-clearance requirement for any state-level prohibition; (2) CBFC procedural reform requiring the Board to publish, in redacted form, the specific modifications and conditions imposed on certified films, as a minimum transparency measure; (3) the development of industry-level ethical guidelines for films making quasi-documentary claims, including requirements for independent factual review

before certification; and (4) academic and civil society investment in media literacy programs that equip Indian audiences to critically evaluate the relationship between cinematic narrative and historical fact in an era of increasingly politicized popular cinema.

The Kerala Story will be studied for years to come—not primarily as cinema, but as a constitutional event, a political instrument, and an ethical provocation. The questions it has raised about the responsibilities of filmmakers, the adequacy of regulators, and the limits of state power over artistic expression are questions that Indian democracy must continue to engage with, rigorously and without partisan evasion.

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