

Sri Lankan court orders release of banned film

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Screenings of *Purahanda Kaluwara* (Death on a Full Moon Day) will be held on September 28 in Colombo after Sri Lanka's Supreme Court last month ordered the Peoples Alliance (PA) government to lift its ban on the internationally acclaimed film. Directed by Prasanna Vithanage, *Purahanda Kaluwara* is a powerful dramatisation of the devastating impact of the country's 18-year civil war on Sinhalese villagers.

Cabinet minister Sarath Amunugama stopped screenings of the film in July last year, claiming that if released it would undermine army morale. The decision was taken using emergency laws promulgated by President Chandrika Kumaratunga after the army's loss of the Elephant Pass security complex near Jaffna in May.

Overturning the ban, the Supreme Court ruled on August 2 that the ban was an infringement of Prasanna Vithanage's fundamental rights and instructed the government-controlled National Film Corporation (NFC) to compensate the director and release the film.

The NFC, which controls all film releases in Sri Lanka, was ordered to pay Vithanage 500,000 rupees (\$US5,545) compensation and an additional 100,000 rupees per month if screenings are delayed beyond September. The director was also exempted from interest payments on a 1.5 million rupee NFC loan until 12 months after the official Sri Lankan release of the film.

Sarath Amunugama was ordered to pay Rs 50,000 for Vithanage's legal costs after the court ruled that the minister was "primarily responsible" for the litigation and therefore had to "personally bear the petitioner's costs". The minister admitted in a written response to the Court that he prevented screenings of *Purahanda Kaluwara* because he believed it could "affect the morale of the security forces, the war effort of the

Government and the recruitment drive launched by the armed forces and the police".

This legal victory is an important blow against the government's Competent Authority on Media Censorship and various Sinhala racist organisations that have attempted to prevent the film's release and suppress other artistic criticism of the racist war.

While *Purahanda Kaluwara* makes no direct criticisms of the government or its policies it exposes how the war has impacted on the lives of poor Sinhalese, centring on a blind villager who refuses to accept the news that his only son has been killed. The film won the Grand Prix at France's Amiens Film Festival in 2000 and was nominated for Best Asian Screenplay at the Singapore International Film Festival in 1999. Joe Abeywickrama, who starred in the film, also won Singapore festival's Silver Screen Award for Best Asian Actor.

Sections of the Sri Lankan media, including some that remained silent when Vithanage's film was banned, have hailed the Supreme Court verdict as a major victory for artistic freedom. While the Supreme Court decision has embarrassed the PA regime, the court ruling does not protect freedom of artistic expression in any serious sense. On the contrary, the court declared that Vithanage's rights were infringed by the minister's incorrect application of regulations and provisions.

According to the verdict, Amunugama "not only exceeded his own powers under section 6, but attempted to usurp powers vested in other persons or bodies under the Public Performances Ordinance and the Emergency Regulations, and directed the suspension of the Petitioner's films without any notice or hearing."

Referring to Section 6 of the NFC legislation and

emergency regulation 14 (2), which Amunugama used for the ban, the Supreme Court declared: “Section 6 authorises the Minister to give directions ‘in relation to the general policy of the Government with respect to the film industry’; not in relation to Government policy in general. The 1st respondent [Sarah Amunugama] was therefore not entitled to give directions in relation to Government policy on national security—that was a matter for other Ministers”.

“Certifying a film to be fit for public exhibition,” the court continued, “was, by statute, a matter for the Public Performances Board”. Amunugama’s directive, therefore, “was not a valid restriction on the Petitioner’s freedom of speech and expression”.

In reaching this decision, the Supreme Court has put the narrowest of interpretations on Vithanage’s democratic rights. Far from defending freedom of expression, it has in effect advised the government that had it banned the film under other regulations and provisions, the order would have been a “valid restriction”.

A few days after the decision, attempts were made to mobilise Sinhala racist elements against the Supreme Court verdict. An organisation known as “Ranaviru Seva Padanama” (Foundation for the Service of War Heroes), which supports the war, launched a campaign to collect money from the families of deceased soldiers to pay Amunugama’s legal costs. These collections, however, were stopped when Vithanage and his lawyers threatened to apply for a court affidavit forcing Amunugama to pay Rs 50,000 from his personal bank account.

When Amunugama banned *Purahanda Kaluwara* last year, Vithanage told the *World Socialist Web Site*: “I don’t think the problem I face is an accident. This is happening all over the region, and the world. Here I think a kind of comradeship must be developed amongst artists who have been victimised and artists who have decided to protest against these attacks.”

Following the Supreme Court judgment, Vithanage decided to use the compensation payments from Amunugama to establish a special fund to assist other filmmakers and artists who fall victim to future government censorship or state attacks.

While the release of *Purahanda Kaluwara* is a significant victory for Vithanage and other Sri Lankan filmmakers and artists, this episode has highlighted the

fact that freedom of artistic and intellectual creativity can only be secured as part of a broader political struggle by working people in defence of all democratic rights. A key element in the campaign to secure the release of Vithanage’s film was the international publicity and appeals for support published on the *World Socialist Web Site*.



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