

In re: Classification of Hulchul.
Before the Film and Publication Review Board.

2/2004

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In the matter between:

Ster-Kinekor Films

and

Film and Publication Board.

In re:

**Appeal by Ster-Kinekor against the classification of 13M in respect of
the film – Hulchul.**

Decision

Professor K Govender (Chairperson)

Introduction and description of the film.

The story is about a deep family feud, the obsession for vengeance and the ultimate success of true love over all else. The story tracks the relationship between the Ancharchunds and the Angari family led by Luxmi-Devi, a matriarch. In a tragic shooting incident, a member of the Angari family causes the death of the wife of Ancharchund. Ancharchund kills the man in response and, as a consequence, receives a term of imprisonment of fourteen years in prison. This is a backdrop against which the plots and counterplots unfold. The main

In re: Classification of Hulchul.
Before the Film and Publication Review Board.

protagonists are Angali and Jai, both members of the feuding families. Angali's scheduled marriage to a local state politician is cancelled when Ancharchund coerces the intended groom to abandon the marriage. He does so simply to humiliate and embarrass Luxmi-Devi. The latter responds by convincing Angali to break Jai heart in order to get even. Jai also participates in the charade in an effort to break Angali's heart and please his family. After a while, they confess their original dastardly intentions to each other, fall in love and then face the world. Their families are implacably opposed to their union, and have their own agendas for the young couple. In an effort to end the union, Angali's father secures a suitable suitor and seeks the assistance of Ancharchund to ensure that the relationship between Angali and Jai does not result in marriage. Plans are then made for the marriage of the Angali to the person selected for her. Ancharchund agrees to attend the wedding and prevent Jai disrupting proceedings. In the meantime, Muxmi Devi encourages the union between Jai and Angali in the hope that Jai will turn up at the wedding, confront his father and kill him. In the wedding scene, the hapless intended bridegroom is subdued with a little help from chloroform and a barely disguised Jai take his place. He is exposed, there is a struggle for the mungal , (wedding necklace), but Jai finally pops it on Anagali's neck and everyone accepts the victory of true love over the baser emotions of hatred and vengeance. In a sense this is Romeo and Juliet, slapstick comedy, shades of Great Expectations and Bollywood endings all rolled up together.

An Assessment of the Arguments.

The film was viewed and classified by a panel of examiners on the 25th November 2004. The three person panel assigned the film a 13M classification and recommended that consumers be advised of the violent content of the film. It is apparent from a reading of the reports that the examiners were concerned that the scenes of violence were frequent and prolonged.

In re: Classification of Hulchul.
Before the Film and Publication Review Board.

Sibusi, one of the examiners, kindly made himself available at the hearing and made valuable representations in support of the classification made by the examiners. He submitted that the theme of the film, feuding families blighted by revenge, was of an adult nature. He contended that the theme could prove to be unsettling to children. Further he contended that the scenes of violence were prolonged and frequent and that in applying the classification guidelines, the examiners felt that the 13M with the advisory for violence would be the most appropriate classification.

The relevant parts of the classification guidelines, in respect of a classification of not suitable for children under the age of 10 years. provides:

Theme:

Themes may be complex but outcomes reinforce positive social values. The overall message is reassuring to a child's sense of security and well-being.

Violence:

Violent scenes may occur. These do not last long and are neither graphic nor gory. They take place in the context of the story. Violence is not shown as glamorous. Its consequences are clear. Where a threat of menace or suspense occurs, it will not be disturbing to children of 10 years.

The relevant provisions of a classification of 13 provides:

Theme:

Themes may be more adult than in films classified "10", "PG" or "A". They may include troubling social or moral issues, but these are handled with sensitivity. Outcomes are positive and viewers aged 13 will be able to understand them.

Violence:

In re: Classification of Hulchul.
Before the Film and Publication Review Board.

Scenes of realistic and intense violence may occur within a meaningful context, forming part of a plot or character development. Graphic or gory details (eg.close-ups) are infrequent.

Sibiso indicated that as the scenes of violence were long and frequent, and given the complexity of the theme, it was deemed that a classification of 13M would be most appropriate. The guidelines for a 10 classification in respect of violence refer to the scenes not being long. We thus have sympathy for the decision reached by the examiners.

Mr. Bashan Govindarajulu made representations on behalf of Ster-Kinekor. He submitted that it is very unusual for a Bollywood film to receive a 13(M) classification as most are designed for family viewing. He also made reference to comparative classifications. He informed us that in India, the film received a U (universal) classification and a PG classification in the UK. He stated that this film was not materially different to many other Bollywood films. Then by way of comparison and without any solicitation from the panel, he stated that the film *Dhoom* was given a 10 classification in August 2004. He was informed by the administrators of the Board of this and he indicated that he was unhappy with the classification. He then received notification, later than day, that a second committee had reclassified the film and given it a PG classification. During discussions with the panel, he stated that it appeared that a member of the administrative staff had sat on the second committee. These submissions caused profound concern to the panel. The Film and Publication Act 65 of 1996 as amended, is explicit. All appeals from decisions of classification committees lie to the Review Board and not to any unauthorized ad hoc appeal structure. We did not hear the secretariat on this issue and therefore refrain from making further comments, at this time and in this award.

The 10 M and 13 M classifications are being used for a limited trial period and during this time, the Board will decide, after having completed its research,

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Before the Film and Publication Review Board.

whether or not to adopt these classifications permanently. These classifications are not outright prohibitions on children under the specified age from viewing the film. The requirement is that children under the specified age can view the film if they are accompanied by adults. An adult for the purpose of this classification is any person over the age of 18. Thus a 13 M classification will mean that no child under the age of thirteen will be permitted to view the film unless accompanied by an adult. This classification gives the examiners more flexibility in classifying and recognizes the importance of respecting the decisions of parents and guardians when making viewing choices for their children.

Finding and Conclusions.

Hulchul is typical of the films of its genre. The film is a theatrical and an over dramatized rendition of a complex and convoluted plot. All emotions, from intense hatred to the desire for vengeance, to anguish, to bitterness and to all conquering love, are all elaborately, unobtrusively and exhaustively acted out. The characters are one dimensional. They are at some times, pawns that are used at will by others and are then rapidly transformed into courageous defenders of their love, come what may. There are a number of scenes of pure slap stick unrealistic comedy in the film. The scenes when Jai and Lucky visit Angali at her family compound without her family seeing them are examples of this. These scenes of comic slapstick are intended to convey the idea that this is an unrealistic environment.

In addition there are the marvelous fantasy song and dance sequences set against exquisite backdrops from different parts of the world. These films are long and, on average, have a running time of approximately three hours. The viewer is invited into a fantasy world and enters realizing that this is a far cry from the realities that confront him or her in their daily lives.

In re: Classification of Hulchul.
Before the Film and Publication Review Board.

In classifying films, one must have regard holistically to the film being reviewed. The unrealistic nature of this film must be assessed when applying the guidelines. Thus the theme of vengeance and the action must be assessed within this context.

The 'violence' is not threatening and is in reality choreographed action. There is very little, if any, display of gore or blood. Most of the action scenes resemble that of a dance routine. The fight in the market, the scene in the tavern, and others are designed to entertain largely because of the dexterity of movement. There is often a distinct and visible distance between the fist or foot and the part of the body at which it is aimed before the sound effects chime-in and the intended victim reacts. There is hardly any consequence to the violence. After the attack, the victim often tosses his hair back into shape and slides into the next without any visible and detectable physical or psychological ill-effects.

We were concerned with the attacks against women by men. Angali is beaten up by her father and this appears to be countenanced by those around them. However the defining features of this scene are the sounds effects. Angali suffers no visible consequences and it appears that the 'beating-up' was intended to convey the father's unhappiness at her union as opposed to causing her any physical harm.

It is thus harsh to describe the action scenes in the film as violence. The reference to violence in the guidelines was not primarily intended to deal with scenes of the nature seen in this film. The setting, context and unrealism of the film further diminish any sense of threat, menace or fear. There were a number of action scenes in this film. However this is a film that lasts for about three hours and the action scenes are not disproportionate, when considered in this context.

Given the context of a fantasy film, the choreographed action masquerading as violence, the lack of menace, threat or fear, we are of the opinion that the most

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Before the Film and Publication Review Board.

appropriate classification is 10M. This means that children under the age of 10 must be accompanied by adults if they wish to view the film. No restriction is applied in respect of children over the age of 10.

Decision.

The film *Hulchul* is classified 10M. No consumer advisory is necessary.

Concurred by:

Ms. P. Marek

Ms. Rene Smith

Mr. A. Vester.

Rev. M Mcoy

Adv. R Lessick.

Dated 1st December 2004