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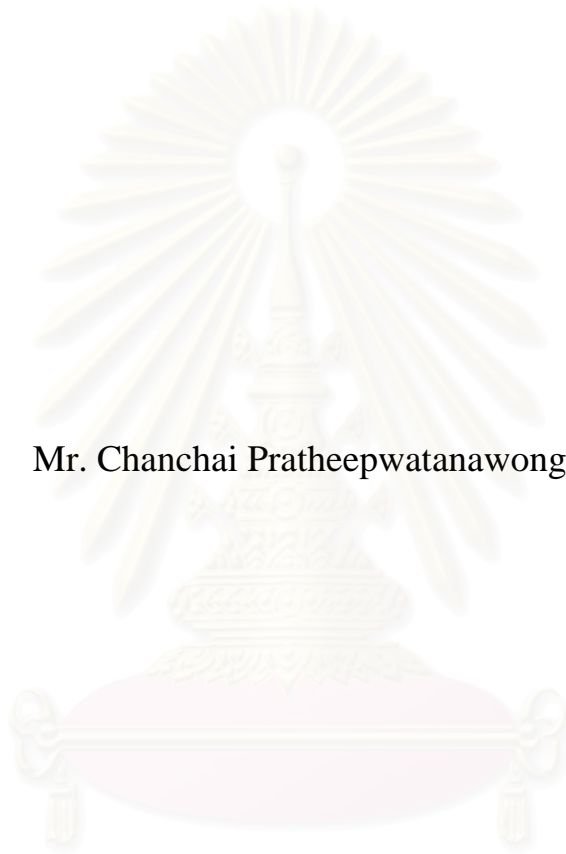
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# **THE IMPACT OF CENSORSHIP ON THAI FILMS INDUSTRY**

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A Thesis Submitted in Partial Fulfillment of the Requirements  
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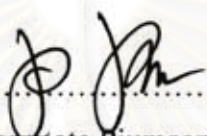
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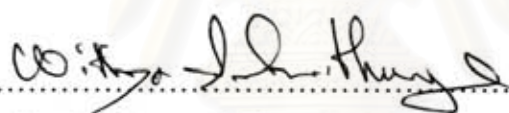
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ชาญชัย ประทีปวัฒนะวงศ์: ผลกระทบของการเซนเซอร์ต่ออุตสาหกรรมภาพยนตร์ไทย (THE IMPACT OF CENSORSHIP ON THAI FILMS INDUSTRY) อ.ที่ปรึกษาวิทยานิพนธ์หลัก: รศ. รักसानต์ วิวัฒน์สินอุดม, 76 หน้า

ภาพยนตร์ไทยผ่านระบบเซนเซอร์มาเป็นเวลานานตั้งแต่ พ.ศ. 2473 ซึ่งเป็นความต้องการควบคุมการเผยแพร่ภาพที่ไม่เหมาะสมในยุคสมัยนั้น เครื่องมือที่ใช้ในการเซนเซอร์มีหลายรูปแบบ เช่น การใช้กฎหมายบังคับอำนาจกดดันจากรัฐบาล กองทัพบก หรือตำรวจ ในการควบคุมสื่อแพร่ภาพต่างๆ รวมถึงภาพยนตร์

คณะกรรมการตรวจพิจารณาภาพยนตร์ยังคงดำเนินการตามพระราชบัญญัติภาพยนตร์ดังกล่าว ซึ่งผู้ผลิตภาพยนตร์ต้องนำภาพยนตร์มาให้คณะกรรมการตรวจพิจารณาภาพยนตร์ตรวจสอบเนื้อหาที่ไม่สมควรก่อนนำฉาย และให้อำนาจคณะกรรมการฯ ในการห้ามหรือสั่งยกเลิกฉายหากภาพยนตร์เรื่องใดที่มีเนื้อหาที่ขัดต่อศีลธรรมอันดีของประเทศหรืออาจมีผลกระทบต่อความมั่นคงของประเทศ

ผลการวิจัยพบว่า ในปัจจุบัน ภาพยนตร์ไทยนั้นได้รับการพัฒนาอย่างต่อเนื่องในด้านของงานสร้างและเทคโนโลยีในการผลิต แต่อุตสาหกรรมภาพยนตร์ไทยยังคงมีปัญหาอีกมากมายที่ต้องได้รับการแก้ไขและการส่งเสริม เช่น บทภาพยนตร์ คุณภาพการแสดง และความหลากหลาย โดยเฉพาะอย่างยิ่งขาดความหลากหลายของเนื้อเรื่อง ซึ่งมักจะวนเวียนอยู่กับภาพยนตร์ตลกและผิวนาขนิด คณะกรรมการฯ มักถูกวิจารณ์ว่าเป็นผู้ทำให้อุตสาหกรรมภาพยนตร์ไทยขาดความหลากหลาย ด้านเนื้อหาบางประเภทในภาพยนตร์ เช่น ศาสนา และ การเมือง เพราะเนื้อหาเหล่านี้อาจมีผลกระทบต่อความมั่นคงและศีลธรรมอันดีของประเทศ นำมาซึ่งอุปสรรคต่อการพัฒนาอุตสาหกรรมภาพยนตร์ไทย และนอกจากนี้คณะกรรมการฯ ยังถูกวิจารณ์ว่าขาดบุคลากรซึ่งมีความเชี่ยวชาญในแง่ของศิลปะภาพยนตร์อีกด้วย

## สถาบันวิทยบริการ จุฬาลงกรณ์มหาวิทยาลัย

สาขาวิชา: เอเชียตะวันออกเฉียงใต้ศึกษา

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Thai films had been censored since the implementation of the 1930 Film Act because the authority wanted to control the contents carried in each films. Mechanism for censorship had included strict control law, direct government, military or police force control over the broadcast media including films, and the use of economic and political pressure.

The censorship board at present continues to operate according to that Act, where theatre owners must submit films that they plan to show in their theatres to the Film Censorship Board for review. The board was assigned to examine films for its harmful content before the mass screening and may ban films if its requirements that portions of the film to be removed are not met. Reasons for censoring films include violating moral and cultural norms and disturbing the public order and security.

This thesis found that Thai films industry has been constantly developed in the past decade in terms of technology being used and the scale of production. However, the weak plot, acting problems, rationality and limited plots are still the main problems of Thai films. Moreover the majority of Thai films are still occupied with old popular genres like action flick, comedy and horror. The censorship board had been to a certain extent blamed for framing a very limited freedom for directors to make his film. Many of the sensitive issues has been forbidden to be the plot or even mention in Thai films such as religions and politics in order to maintain social stability as they claimed. Thus it resulted in the imminent decline of the improvement of Thai films. They said the problem with the censorship board is that people in the board lack the understanding of arts and film making process.

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สถาบันวิทยบริการ  
จุฬาลงกรณ์มหาวิทยาลัย

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# CHAPTER I

## INTRODUCTION

### Backgrounds

The Thai government has a long history of film censorship. This is attributed to a culture of authoritarianism and king-worship and ruling predating the 1932 transition to a parliamentary democracy system. Mechanism for censorship had included strict control law, direct government, military or police force control over the broadcast media including films, and the use of economic and political pressure.

The censorship board at present continues to operate according to the 1930 Film Act, where theatre owners must submit films that they plan to show in their theatres to the Film Censorship Board for review. The Board is composed of officials representing various of government agencies such as; the Ministry of Education, the Ministry of University Affairs, the police force and also the Department of Religious and Foreign Affairs. The board was assigned to examine films for its harmful content before the mass screening and may ban films if its requirements that portions of the film to be removed are not met.

Reasons for censoring films include violating moral and cultural norms and disturbing the public order and security. In the past, producers and film distributors frequently censor films themselves before submitting them to the board. According to the Office of the Film Censorship Board, of the 230 films submitted for review in 2002, one was banned. And in 2003 out of the 282 films submitted for review, four were banned. These were three South Korean and one American films. Officers at the censorship board cited sexual and nudity scenes as the main reasons for banning these films.

More recently, in 2007, after the controversy surrounded Apichatpong Weerasethakul's film "Syndromes and a Century", the Free Thai Cinema Movement started to gain momentum in late April 2007. As a reaction to an unfavorable trip to

the Censorship Board, which would not approve release in Thailand without cuts on scene such as a monk playing guitar and a doctor drinking whisky, Apichatpong decided to cancel the local releases of the film in the whole of Thailand. The situation became worse when the censorship board feared that Apichatpong might show his film elsewhere and refused to return his print. These actions sparked a far reaching discussion and a petition signed by artists and scholars alike and submitted to the National Legislative Assembly.

From the audience point of view, they demand their individual freedom and basic right. They claim that they have the public and basic right to watch the films as the film directors intended to show without any interference from the state official to decide what they can see or they cannot see. This is the interference of basic right and individual freedom and most audiences are the grown up adult who should be able to decide for themselves what to see or not to see, or what to believe or not to believe.

The censorship board, on the other hands, argued that motion pictures have the effects to the mind and behavior of the audiences. Some disturbing scenes may cause great effect of individual inappropriate behavior. And because motion pictures are mass media and reached to people of every age, not all audiences can decide for themselves what to see or not to see, especially children and youth. Therefore it is the responsibility of censorship board to prevent those disturbing scenes to the eyes of child audiences.

As of 2007, the National Legislative Assembly was considering a proposed film ratings system as an appropriate solution to the old censorship system. However this was viewed by the film industry as even more restrictive, because in addition to a proposal of a motion picture rating system, the censorship board would remain in place, and would retain power to cut or ban films from both local and foreign production.

## **Thesis Objectives**

- To carefully study the rules of law and censorship regulations which Thai films must abide by and to further explore the purposes of these restrictions.
- To examine the impact this law has on the sustainable development of Thai films industry in both short term and long term.
- To study the taste and behavior of Thai films audiences and their opinions towards the Thai films censorship.
- To explore the point of views of members of the censorship board, film makers and also the audiences about the censorship law of all both the positive and the negative.

## **Thesis Hypothesis**

It is hypothesized that film censorship is against the human right as it is the interference of individual basic right and freedom to make and watch films as they pleased. Moreover it posed difficulties for the development of Thai films industry because it does not encourage innovation in film production process. Therefore censorship should be replaced by rating system.

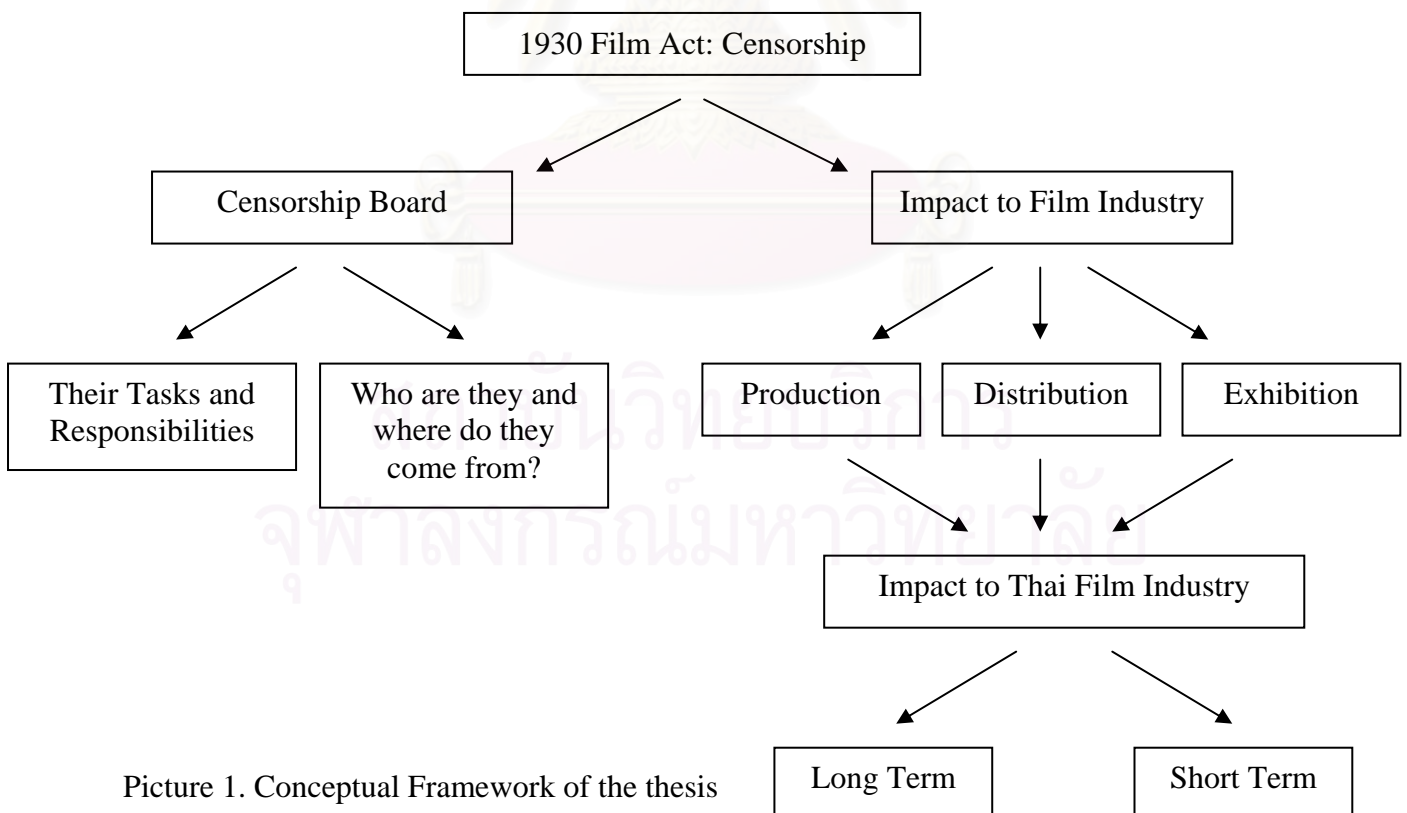
## **Scope and Timeframe of the Study**

The study will focus on the 1930 Censorship Act and the effect it has on the Thai film industry as a whole since its implementation. The study will begin with the careful study of the censorship board structure. Who are they make up with, what department are they from and what their concern of their censorship decision. And also to study the other side of the issue from the film producing sides. This is to further investigate whether the censorship law poses any difficulties to their working process and how they can be altered (not eliminated) in order to bring new changes and development to the Thai films industry. This thesis will not be the anti-censorship propaganda but rather to examine whether the censorship law now is appropriate for the improvement of Thai films industry at the present time or not.

The time frame used in this thesis will be from the year 2000 until present. In the late 1990s, new wave of Thai film directors started to emerge and to a certain extent they gained much popularity from the new generation audiences. Most of these new wave directors came from the commercial advertising industry and it is them who raised many issues and questions against the old censorship system. Thus there are many interesting examples and case studies if we focused on the films released after the year 2000.

## Conceptual Framework

- Censorship
- Thai Films Industry
- Filmmakers
- Film Distributors
- Theatre Owners
- Audiences



Picture 1. Conceptual Framework of the thesis



## Conceptual Definition

Censorship by definition means the suppression of speech or deletion of communicative material which maybe considered objectionable, harmful or sensitive, as determined by a censor. The rationale for censorship is different for various types of data censored. Censorship is the act or practice of removing material from things we encounter everyday on the grounds that it is obscene, vulgar, and highly objectionable. It is argued that censorship is unavoidable part of human society.

A system of film censorship first existed in the United States as early as 1907, when it was introduced in Chicago as the concern growth about the films being viewed by unaccompanied children. At that time, all films within the city had to be screened first to the police for the approval of mass presentation. As more states adopted a practice of film censorship, the US film industry formed its own national regulatory body, the National Association of the Motion Picture Industry, in 1916.

As for Thailand, according to the 1930 Film Act, theatre owners or film distributors must submit films that they plan to show to the film censorship board for review. Films censorship as in Thailand and in this thesis included the blur or delete of scenes which defies by the censorship board as inappropriate. The board also acquired the authority to ban the film if its requirements that portions of the film to be remove are not met.

Reasons for censoring films in Thailand usually include violating moral and cultural norms and disturbing the public order and security. Any wrong or misinterpretation of the Kingship often resulted in the banning of the film to be show in the whole Kingdom. However officers at the censorship board cited sexual and nudity scenes as the main reasons for banning and censoring the films.

Audiences in this thesis can be defined as the individual who participate to the theatre to watch a certain film. However these audiences are highly diverse. They are varied in terms of gender, ages, economic and educational background. Thus watching the same film may affect them differently. They should be categorized according to the rating system as to which film is suitable for them to see.

The basic mission of the rating system is to offer the parents some advance information about films so that parents can decide what films they would like their children to see or not to see. The idea is to give the parents the responsibility to protect their own children from the obscene materials may contain in films because children may not be able to decide for themselves. The films will be divided into categories to identify if it is suitable for audiences of which age and above and if it contains some nudity, violent or bad languages.

As in Thailand, the rating system has been introduced to the television media where the rating and warning of that program will be given before the program actually starts. However, the rating system still not exists for the films. And as long as the rating system is not introduced to films, the censorship will continue to process.

## **Methodology**

This study will adopt the qualitative approach. Research techniques will include the review of the relevant literatures and Thai films which had the problems with the censorship board. Key informants will include numbers of Thai film directors, the member or the official from the current or previous censorship board and the audiences of Thai films.

A variety of interviews will be conducted with numbers of Thai films director and distributors to examine their views on the regulation and censorship rules they must abide by. On the other hands, the hearing and reasoning of the censorship board must also be conducted in order to avoid the bias conclusion. It is important to examine what are the censorship board major concerns about Thai films. There will be the interview of the group of diverse audiences to examine their views on Thai film industry and their opinions of the censorship.

## Major Arguments

In this age of globalization where information move freely without border, film censorship is considered by most modern and most film audiences as the interference of individual basic right and freedom. Film audiences claim that they should have the right and freedom to decide what to see or not to see by themselves without interference from the authority. In most of the developed countries, they practiced the rating system in order to prevent the target audiences such as children from the violent films more effectively. Thus Thailand may not be considered to be a developed country as long as the censorship law still existed.

From the censorship board point of view, the censorship is necessary as many films carry a numbers of disturbing scenes against norms and moral of Thai society for example the nudity, dirty jokes and religion insulting. And because films is a media for a mass audiences, the censorship is necessary to prevent such a scene from a regular audience to see, especially children who are more sensitive and easier to be brain-washed than adults. However the censorship board was heavily criticized for the lack of the understanding of the art of films and the poor ability to define the meaning and purpose of such a scene.

Because of the very restricted nature of the censorship law, Thai films have become less diverse in term of plot and story of the films they can produce. Film producers are constantly repeating to make the same formula of the previous success films in order to ensure profits and not to violate the censorship law. Thus Thai film industry remains to fill with only comedian and horror. Currently is the golden age of comedians (ta-lok) in films and all kind of ghost stories are being made into films. Those who dare to do something different are at risk to face heavy lost, and worse, maybe banned by the censorship board as the case of the film “Syndrome and a Century”.

The censorship board had been to a certain extent blamed for framing a very limited freedom for directors to make his film. Many of the sensitive issues has been forbidden to be the plot or even mention in Thai films such as religions, politics, corruption and historical issue in order to maintain social stability as they claimed. Thus it resulted in the imminent decline of the improvement of Thai films. They said

the problem with the censorship board is that people in the board are made up by the police force and government representative who lack the understanding arts and film making process.

The rating system seems to be the only appropriate solution for everyone. However, the rating system could not be beneficial for the theatres owners and film producers as they will be able to sell less ticket if a certain film is restricted for people under age to see. And in order for the rating system to be effective, the constant proving and checking of identification card before buying a ticket and entering the theatres is required. Thus it will require the continuation of this process for the rating system to be effective and it is still in doubt if theatre in Thailand is ready for such a process. Further more law enforcement for those who violate the rule will also be required.

## **Significance**

The regulation and censorship are very important factors for the improvement of Thai films as all film makers must be abide by these rules. Censorship could also act as the guideline of how or which way Thai films to be produced for the audiences for both domestic and international markets. The appropriate regulation and censorship could help to promote the sustainable development of Thai films while the unreasoning and outdated censorship could lead to the imminent decline.

Especially we are living in the age of globalization where the world is moving so fast and has become less and less borderless everyday, the censorship law should be able to adapt itself to the changing world. This does not mean we or the Thai films should lose our identity but rather to prevail ourselves and not to be left behind with the changing world. This thesis will not be the anti –censorship propaganda but rather to examine whether the censorship now is appropriate for the improvement of Thai films industry at present time or not.

Hopefully and expectedly this thesis will find the balancing line between the censorship board and the Thai film makers to stand together while the audiences will

benefit from the more quality and diverse entertainment from the Thai films and with enough protection to prevent the people under ages from the disturbing and harmful materials in the films.



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## **CHAPTER II**

### **LITERATURE REVIEW**

The topic of this thesis is “The Impact of Censorship Act on Thai Films Industry” and it has studied related documents and researches for the literature review. The content of this chapter will be on the functions of censorship and its relationship with the Thai films industry. The chapter will be divided as following:

1) What is Censorship

1.1 The Origin of Censorship

1.2 Film Censorship

1.3 Pros and Con of Film Censorship

2) Censorship and Thai Films Industry

2.1 What is Film Industry?

2.2 Background of Thai Film industry

2.3 The Origin of Thai Film’s Censorship

2.4 Thai Film Censorship Board

2.5 The Regulation of 1930 Film Act

2.6 Censorship and the Impact on Thai Film Industry

3) Related Studies

## 1) What is Censorship?

Censorship, as defined by the Oxford dictionary, is the suppression of speech or deletion of communicative materials which maybe considered objectionable, harmful or sensitive, as determined by a censor. In the 20<sup>th</sup> century, censorship was achieved through the examination of books, plays, films, television and radio programs, news reports, and other forms of communication for the purpose of altering or suppressing ideas found to be objectionable or offensive.

In general, censorship can be carried out by the government and in some occasions by the private pressure groups. The rationales for censorship are varied, with some censors targeting materials deemed to be indecent or obscene. However, ideas have been suppressed under the guise of protecting three basic social institutions: the family, the church (religions) and the state.

### 1.1 The Origin of Censorship

To understand censorship and the impulse to censor, one must recognized that censorship and the ideology supporting it go back to the ancient times. Moreover every society in the world has had customs, taboos, or laws by which speech, dress, religious or observance, and sexual expression were regulated. In Athens, where democracy first emerged and originated, censorship was well known as a means of enforcing the prevailing orthodoxy. Freedom of speech in Ancient Rome was reserved for those in positions of authority. The poets Ovid and Juvenal were both banished, and authors of seditious writings were punished severely (Readman: p14). The emperor Nero deported his critics and burned their books in order to contain the outside thinking and keeps citizens under control.

In a global context in the present world, different governments have used a powerful array of techniques and arguments to marshal support for their censorship efforts. One of the earliest, as noted, is the religious argument. Certain things are deemed to be offensive in the eyes of the Deity. These things, however, vary from one country to another, religion to religion, even from one sect to another sect. They are mostly,

though not always, sexual in nature. The commentaries on the nature of the impulse to be censorious towards sexual expression are too numerous.

Some content, such as books or films, may be censored because they are judged to cross the boundaries of what is considered decent in a society at a point of time. For example, the nation of Iran censored an issue of the National Geographic magazine which carried a cover photo on the theme of love. The Roman Catholic Church maintained an index of books that were forbidden to read (Mathews: p21).

National Security and defense runs a very close second to the religious impulse as a rationale for suppression. While nowhere near as old as the religious impulse to censor, in its more modern form it has been even more pervasive. And while the influence of religion on secular affairs is muted in certain parts of the world, the influence of governments usually is not. It is difficult to think of any government that would forego the power, in perceived extreme circumstances, to censor all media.

In many countries, the state justifies censorship with the claim that it is acting in loco parents. Such claims, whether interpreted as “state as parent” or “state as Big Brother” is responsible for many of the restrictions on information distribution found today across the world.

## **1.2 Film Censorship**

From the moment Lumiere brothers, Auguste and Louis, invented the new medium of “moving pictures” or we known today as “films”, different opinions had emerged towards this new invention. After that, people found that the moving pictures might not be suitable for all ages and all lifestyles, the movement toward film censorship began ever since. There are many questions of whether the film industry was morally fit to control the content of its own product.

In the past, powerful religious groups and other concerned authorities were organizing the censorship where no federal laws were enacted to control the content of motion

pictures. It continues today by the authority of local government to decide whether the materials on each film are decent or suitable for their citizens or not.

To better understand the idea of film censorship, we should take a closer look at the “Hays Code” to determine what it was and how it resulted from attempts by primarily religious interests to control what was shown on the screen. The Hays Code was created in 1926 and formally adopted in 1934 by the Motion Picture Producers and Distributors of America, and informally known as the Hays Code after its author, former Postmaster General Will Hays (Readman: p57). The Code went far beyond simply prohibiting nudity and swearing in films; it basically attempted to impose an entire fabric of principles on movie-makers.

The Motion Picture Production Code of 1930 (The Hays Code) stated that ;“if motion pictures present stories that will affect lives for the better, they can become the most powerful force for the improvement of mankind.”

According to the above statement, motion picture producers recognize the high trust and confidence which have been placed in them by the people of the world which have made motion pictures a universal form of entertainment. Thus film producers should recognize their responsibility to the public because entertainment and other form of arts are important influences to the life of a nation.

Hence though regarding motion pictures primarily as entertainment without any explicit purpose of teaching or propaganda, they know that the motion picture within its own field of entertainment maybe directly responsible for spiritual or moral progress, for higher types of social life, and much correct thinking.

During the rapid transition from silent to talking pictures, they have realized the necessity and the opportunity of subscribing to a code to govern the production of talking pictures and of re-acknowledging this responsibility.

Below are the some of the general principles of the Hays Code ([www.wikipedia.com](http://www.wikipedia.com));

1. No pictures shall be produced that will lower the moral standards of those who see it. Hence the sympathy of the audience should never be thrown to the side of crime, wrongdoing, evil or sin.
2. Correct standards of life, subject only to the requirements of drama and entertainment, shall be presented.
3. Law, natural or human, shall not be ridiculed, nor shall sympathy be created for its violation.

Other concerns over effects on appropriate behaviors of the audiences included sex, scenes of passion and seduction, vulgarity, obscenity, profanity and bad languages.

Theatrical motion pictures, that is, pictures intended for the theatre as distinct from pictures intended for churches, schools, lecture halls, educational movements, social reform movements, etc., are primarily to be regarded as entertainment.

Mankind has always recognized the importance of entertainment and its value in rebuilding the bodies and souls of human being. However it has always recognized that entertainment can be a character either helpful or harmful to the human race, and its consequence has clearly distinguished between:

- 1) Entertainment which tends to improve the race, or at least to re-create and rebuild human beings exhausted with the realities of life; and
- 2) Entertainment which tends to degrade human beings, or to the lower standards of life and living.

So correct entertainment raises the whole standard of a nation and wrong entertainment lowers the whole living conditions and moral ideals of a race.

It is also important to remember that although film's purposes are entertainment, it is also very valuable as form of art. Films though is a new form of art, possibly a combination of many forms of art. It has the same object as the other art. That is the presentation of human thought, emotion, and experience, in terms of an appeal to the soul through the senses.



Art can be morally good. It can lift men to higher levels. This has been done through good music, great painting, authentic fiction, poetry and drama. However, it has often been argued that art itself is unmoral, neither good nor bad (Mathews: p70). This is true of the thing which is music, painting, poetry etc. But the thing is the product of some person's mind, and the intention of that mind was either good or bad morally when it produced the thing. Besides, the thing has its effect upon those who come into contact with it. In both ways, that is, as a product of a mind and as the cause of definite effects, it has a deep moral significance and unmistakable moral quality. Hence, the motion pictures, which are the most popular of modern arts for the masses, have their moral quality from the intention of the minds which produce them and from their effects on the moral lives and reactions of their audiences. This gives them a most important morality.

In the case of motion pictures, the effect may be particularly emphasized because no art has so quick and so widespread an appeal to the masses. It has become in an incredibly short period the art of the multitudes.

### **1.3 Pros and Con of Film Censorship**

Both in past and present generations, the youth all around the world, especially in the free world country, flock to films with horror and violent content. While there are excellent choices for the whole family, there are also a variety of films that glamorized violence, sex and drugs, misleading people to evil, and as some would believe, encouraging such behavior (Trend: p37). Those who believe in some form of film censorship hold the view that censorship protects the moral values that are prevalent in society, thus it reflects our values.

Today's support for censorship is not solely for morality and taste, but also for the widespread belief that exposure to scenes of violence causes people to act in destructive ways. Pro-censorship forces, including many politicians, often cite a multitude of scientific studies that alleged prove fictional violence leads to real life violence.

The stance many legislatures have taken on this type of subject matter is that violence on screen promotes violence on real life. As in many cases of school shooting in America, the tragedy of shooting at Columbine for example, the topic of violence has become a large debate on whether or not to allow minors access to these types of films, as well as video games and television program. Some people may see “censorship” as the obvious answer to the problem. On the other hands, some people believed that censorship is not the solution and it has the potential to cause more problems than it solve.

On the other hands, in fact, there is virtually no evidence that fictional violence causes stable people to become violent. And if we suppressed material based on the actions of unstable people, no work of fiction or art would be safe from censorship (Trend: p66). Moreover, the counter-argument of censorship is that censorship imposes the values of only certain people, who do not necessarily respect the rest of the community. Thus it assumes that we are not capable of mature, safe responses to immoral material.

Most people’s view on censorship depends on the context. There is a kind of continuum. At one end, there is the view that media, including film, influence people and teach behaviour, like the hypodermic needle injecting “effects” into passive viewers (Readman: p118). At the other end, there is the anti-censorship view, which feels that we are able to understand texts as works of fiction or act. If an individual commits an act of violence in response to a media experience, then the psychological condition of the perpetrator is the problem, not the film. In between are those of us who think that classification is needed and those who believe that some kinds of films might be harmful, but the others are not.

Mark Kermode, the film critic, offers two arguments forward against the films censorship. Kermode argues that, to the film horror fan, the pleasure of this genre type of films lies in the ironic, excessive send-up nature of graphic scene. Hence, the horror fan is a sophisticated reader of film references. Horror can offer a post-modern approach. This means that nobody is more aware that horror films are not real than the viewers who the censorship are trying to protect.

To take this argument to its logical conclusion, the only people truly qualified to judge how harmful a horror film might be, are people who have seen other horror films and have viewed them with the sophisticated engagement that only a fan is capable of.

Kermode claims that the reason for the difference of opinion between censors and genre fans is not because horror fans have become hardened or insensitive to violence through years of exposure to sadistic material. Rather, the experienced horror fan understands the material through knowledge of a history of genre texts and this actually makes any sense or arousal, sadistic or otherwise, unlikely.

Looking from both sides of the perspective, one can see that the idea of censorship is a complicated issue. The film industry produces films based on what brings in the money and what types of films are in demand. Society, the parents, teachers, local theatres that sell various media have the job of protecting our families and teaching our youth what is acceptable behavior in the society they live in. The government's job is to lead and guide the society. However, the realistic view would be to censor what is coming to the private places such as homes, schools and community. It is important to be actively encouraging positive media interest and discouraging the negative media interest.

Moreover there are those who argue that the Code forced the filmmakers to be more careful and creative in how they showed sex and violence on screen. While this point of view has a certain validity, it still does not justify what essentially amounts to censorship and a violation of the First Amendment rights of movie artists. The Hays Code was replaced in 1966 by the MPAA (Motion Picture Association of America) ratings system, which attempts to restrict who at which ages may see a film, but it does not prohibit any films from being made or shown, as long as the producer does not mind to be rated R and enjoy the lower profits from less selling tickets.

The current MPAA films rating are ([www.mpa.org](http://www.mpa.org)):

G for general audiences; all ages admitted. No nudity, no drugs, minimal violence, and limited use of language that goes beyond polite conversation

PG for parental guidance suggested; some material may not be suitable for children. May have mild violence and/or action, mild language and sexual references, brief, nudity, intense images, sexual themes, crude humor or very mild drug references.

PG -13 for parents strongly cautioned; some material maybe inappropriate for children under 13. May contain moderate language, minimal strong language, some explicit nudity, intense violence, gore, or mild drug content.

R for Restricted; under 17 requires accompanying parent or adult guardian. May contain very strong language or strong sexual emphasis, strong explicit nudity, strong violence and gore, or strong drug content.

NC-17 for no one 17 and under admitted; may contain very strong sexual or offensive language, strong explicit nudity, very strong gore or disturbing violence, or graphic drug abuse.



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## 2) Censorship and Thai Films Industry

We have studied the origin and purpose of censorship. Now we shall study the background of Thai films industry and its relation with the censorship.

### 2.1 What is Film Industry?

We have already discussed the definition and the background of censorship. Now we shall move on and discuss another keyword of this thesis topic “film industry”. The film industry consists of the technological and commercial institutions of film making process. For example the film production companies, film studios, cinematography, film production, screenwriting, pre-production, post-production, film festivals, distributions, and film personnel such as film directors and actors. For the better illustration, this thesis will categorize films industry into three parts; (i) the production, (ii) the film distribution and (iii) the exhibition. The production consists of the films director and producer. The distribution consists of the films distributor. And the exhibition consists of the theatre owners. Without producer and director the film cannot be made. Without the film distributor, films cannot be commercialized. And without theatre owner, there will be venue for the film to show. Without one of this, there will be no such thing as film industry.

So what does the film director, producer, distributor and theatre owner do exactly. Below are the explanations of their duties and responsibilities.

#### Film Producer and Director

The film producer is the backbone of the film production process, carrying out many of the most important duties and making crucial decisions to see that the director has the conditions he needs to complete the film. In general, producers are responsible for making sure the film gets made properly within the budget. They manage many individuals associated with the making of films, as well as communicate with the movie studio involve.



A film director is simply a story teller who needs to work with a lot of people, equipment and planning to bring his story to a film audience. And in the process, the director has to hold on to the vision while dealing with temperamental artists, union contract requirements, uncooperative weather condition, studio deadline, budget limits and other uncontrollable uncertainties. Being a director also means taking on a lot of responsibility. Simply put, a director is responsible for a film's overall vision. The director has final responsibility for the actors, the shots, the scripts, the props, the editing and much more.

### Film Distributor

Film distributor is an independent company, a subsidiary company or occasionally an individual, which acts as the final agent between a film production company or some intermediary agent, and a film exhibitor, to the end of securing placement of the producer's film on the exhibitor screen. In the film business, the term "distribution" refers to the marketing and circulation of movies in theatres, and for home viewing.

In general, the distributor must ensure that enough film prints are in reserve to service all contracted exhibitors and ensure their successful delivery to the theatre by the opening day. They must also monitor exhibitors to make sure the film is in fact shown in the particular theatre with the minimum number of seats and shown times, and ensure the print's return to the distributor's office or other storage resource on the contract' based return date.

### Theatre

According to the 1930 Film Act, theatre is "a venue where a film is present to audiences virtually or audibly with or without ticket selling or invited or uninvited". A movie theatre or cinema is simply a venue, usually a building for viewing movies. Most movie theatres are commercial operations catering to the general public who attended by purchasing a ticket. The movie theatre has evolved from the stand alone theatre where one theatre shows only one film into the modern multiplex cinema or the Cineplex where one Cineplex consists of a few cinemas maybe up to as many as

fifteen or sixteen cinema and has the great variety of films for the audiences to choose to view.

Nowadays there are hardly any more stand-alone movie theatres (the one that still exist such as Lido, Scala and Siam theatres at Siam Square). Most theatres are incorporated in small shopping arcades, or bigger shopping centers. There are a couple of movie theatre chains in Thailand. The largest cinema group is the Major Cineplex Group, which is a merger of EGV and Major Cineplex. Another group is SF Cinema City Organization, which operates SF Cinema City complexes in Bangkok (including SFX Cinema at Emporium Shopping Center). SF Cinema City also operates under the name SF Multiplex. SF Central World Cinemas (at Central World Plaza) also belong to this group.



Photo the multiplex “SF world cinema” and surviving stand alone cinema “Siam Theatre”

In term of economy, film producer and director serves as the factory who made a film for the customer. Distributor acts as a middle man who provided the film producer and director with a venue to show their films to the mass. And the theatre owner acted as a market where the seller (film director and producer) and buyer (audience) can interact. Film industry in Thailand is a big business which creates lots of revenue and employments. In Thailand, watching new films in cinema is highly popular, especially for people who live in the city. And number of Thai films released into cinema has constantly increased every year.

## 2.2 Background of Thai Film Industry

Between the mid-1980s and the mid-1990s, the Thai film industry suffered a major decline. In the early 1990s, Thai films industry was filled with all the teenager flick puppy love comedy which mainly target the student audiences. Nevertheless, this long trend for teenagers flicks drove large sections of the filmgoing audience away from the cinema. The plots of these teenager flick were always the same about the everlasting friendship and puppy loves. Over the times, the popularity of these teenager flicks slowly declined. Some film producers went back to produced crime and action films which was highly popular during the 1980s but still could not draw the audiences back to the cinema. As the result of this decline, by the mid-1990s the industry was producing barely ten films per year, compared with almost one hundred per year during the 1980s.

Then in 1997, Thai film industry has witnessed the released of two groundbreaking Thai films. Two films by two advertising directors shook up the industry with startling debut films. Nonzee Nimibutr's "Dang Bireley and the Young Gangster/2499 อันธพาลครองเมือง" earned a record box office take of over 75 million baht, while Beneak Ratanarung's "Fun Bar Karaoke was selected to play at the Berlin Film Festival which was the first time for twenty years that Thai cinema has any kind of an international presence (Starpics 2005). Nonzee followed up with the even bigger hit of traditional popular Thai horror ghost story "Nang Nak/นางนาค" which was also another smash at Thai box office. On the other hands, Beneak came up with another off beat style through two further films, one crime thriller "6ixtynin9/เรื่องตลก 69" and musical drama comedy "Monrak Transister" which was not quite a success in term of commercial but Beneak did brought his films into the larger numbers of international audiences.



Photo Beneak Ratanarung's "Fun/Bar/Karaoke (1997)" and Nonzee Nimibutr's "Nang Nak (1999)"

This commercial and international award has broken down the traditional mold of Thai films. They have sought new faces and treated contemporary themes with frankness; avoided complicated and irrelevant subplots; discarded comedy and violence when not relevant to the story line and used improved editing and



photographic techniques (Klausner: p337). Their success has draw back the attention of Thai audiences once again.

With more audiences came back to the cinema and more tickets selling, film studio became anxious to enlarge the size of production. About ten years ago, the average budget for a Thai film was five million baht. In recent years, however, it was fifteen million baht, an increase of 300 percent over a decade (Entertain 2005). This trend is expected to continue. The budget for Nang\_Nak, was thirty million baht, while “Bang Rajan/บางระจัน (2000)” cost eighty million baht, more than double the cost of “Nang Nak”. This figure, however, is dwarfed by the budget of “Suriyothai/สุริโยไท (2001)”, a historical film that production in total cost a whopping five hundred million baht directed by Royal Prince Chatreechalerm Yugala and executive produced by Francis Ford Coppola.

However the case of “Suriyothai” is special because it was fully supported by the Royal Thai government, still the surge in Thai budgets is truly breathtaking. Thai audiences were excited to ever experienced watching Thai film with the production budget as high as the Hollywood blockbuster.

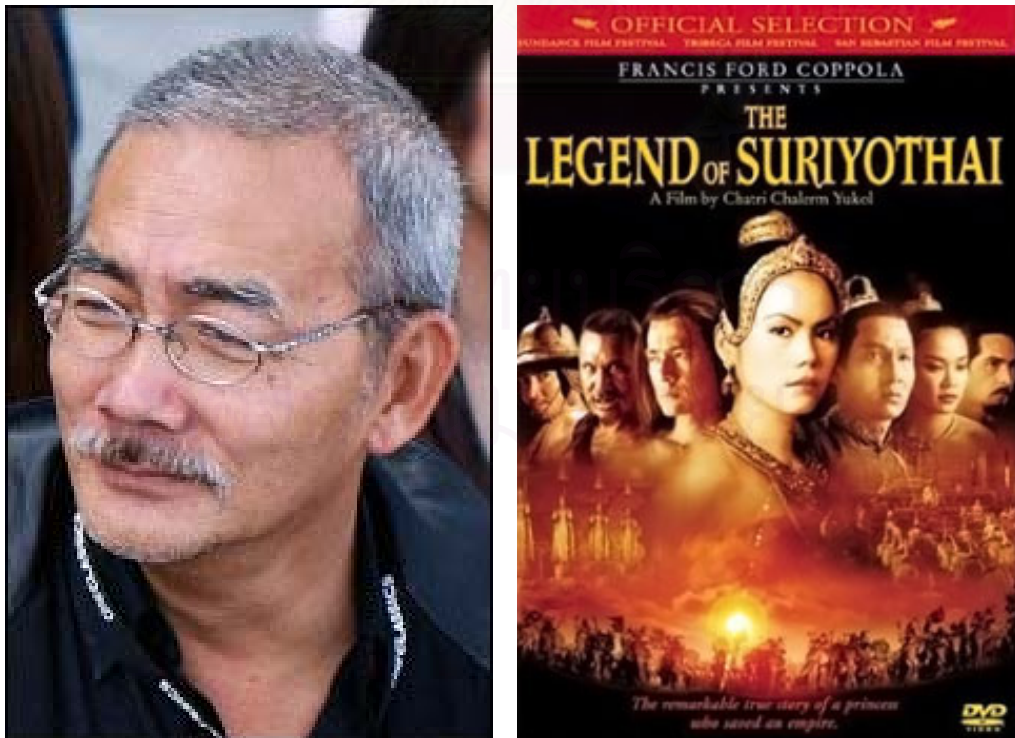


Photo Royal Prince Chatreechalerm Yugala’s “Suriyothai (2001)”

As the result of that, opportunities for young filmmakers expanded. However it was still very difficult for independent director to find money or sponsorship for independent or experimental films, unless they have already gained the international recognition at the certain level like Apichatpong Weerasethakul. Nevertheless, a growing film culture grounded in university film courses and local film festivals fostered an upsurge in creativity which saw young Thai directors learning how to blend Thai stories with techniques borrowed from the world cinema to create locally relevant films that could appeal to overseas audiences. Thus “Monrak Transistor/มนต์รักทรานซิสเตอร์ (2001)” and Wisit Sasanatieng’s “Tears of the Black Tiger/ฟ้าทลายโจร (2000)” took aspects of Thai culture, popular music and cinema, and gave then a playful postmodern spin which found an appreciative audience across Europe and America.



Photo “Monrak Transistor (2001)” and “Tears of the Black Tiger (2000)” Poster

The movie produced by these young directors and producers demonstrate great talent and thus are fresh and exciting to the enthusiasm of young Thai audiences. For example, producers could have easily overlooked the story of “Nang\_Nak”, because it is well known to the Thai people and has been the subject of remaking over twenty films and various television serials. Nevertheless, Director Nonzee successfully made



the most popular movie out of a legend everybody already knows. He interpreted the story in a very different way from the other directors and modernized it. In the past, the story of “Nang Nak” on television or in other films focused on the revenge of the dead Nang Nak against her husband and his new wife. Nonzee, however, emphasizes Nang Nak's everlasting love and her husband's pure love for his dead wife (Starpics 2006). This was a totally new interpretation, which caught the audience's attention powerfully, and also brought up new interpretation for horror film in Thailand.

Interestingly, as the times passed by, Nonzee and Beneak have still remained relatively unchallenged as the creative leaders of Thai cinema even though there are more numbers of new wave of directors whose name was well recognized in more recent years, for example Prachya Pinkaew and Tony Jaa – director and action star of highly successful “Ongbak/องค์บาก (2003)” and “Tom Yum Goong/ต้มยำกุ้ง (2005)”. However on the global level, Beneak continues to outperform Nonzee as the high profile director of Thailand as Beneak started his own independent production company, “Cinemasia”, while Nonzee still heavily relies on the financial support from the major film studios. The importance of Cinemasia is larger than it looks. Many of the best Thai films in recent years have been produced by this company.

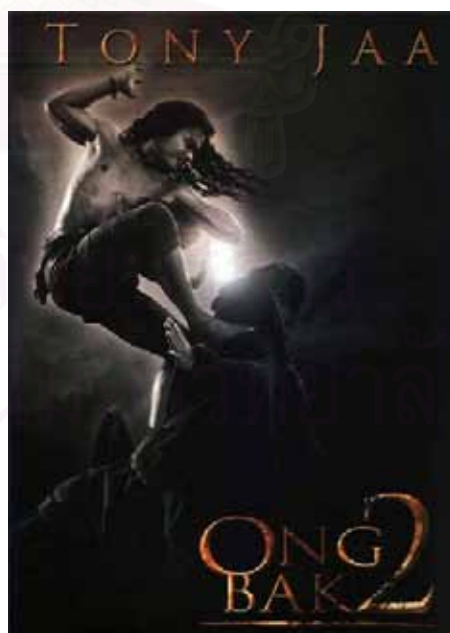


Photo Tony Jaa's “Ong Bak (2003)” and “Ong Bak 2 (2008)” Poster

Moreover, Cinemasia has been a driving force in establishing international co-productions to take advantage of foreign money and talent (Starpics 2005). For example, “Last Life in the Universe (2003)” was a collaboration between four different countries, starring Japanese actor Asano Tadanobu, and shot by Wong Kar Wai collaborator Christopher Doyle. Nevertheless Hong Kong born twin brothers, Danny and Oxide Pang have also bridged the gap between Thailand Hong Kong film industry in order to exchange the production strategies and technologies to focus increasingly on international co-operations.

The year 2003 was an interesting year for Thai films industry. Production level has risen back to over fifty features, though the vast majority struggled to break even at the box office (Starpics 2005). The major triumph of the year was the huge box office success of “My Girl/แฟนฉัน”, and endearing family comedy whose six strong creative team had started out on the short film scene. The year after that 2004 celebrated another success. One horror film “The Shutter/ชัตเตอร์ กดติดวิญญาณ” created a buzz and earned substantial box office returns. It was the only Thai film to break one hundred million baht that year and has the potential to achieve international success as it had been bought by the Hollywood to remake it into their version.



Photo “My Girl (2003)” and “Shutter (2004)” Poster

Unfortunately if we look closely, despite the emergence of these challenging and talented directors and success films in this period, the majority of annual releases (around 30- 40 titles) are still occupied with old popular genres like action, crying drama and horror. During the decline of Thai cinema between mid-1980 and 1996 when teenagers flicks became the main products, these old genres were made into B-grade films to be targeted only at rural audiences. The recent boom of Thai films industry does not help much in developing these stereotypes. Instead, the majority of filmmakers only expand these generic elements into bigger screens. Weak plotting, scripting and acting problems continue to remain in many of the Thai films, while only production has improved.

### **2.3 The Origin of Thai Film's Censorship**

In 1930, the government and authority of Thailand views “media film” as the important media in which various important or historical events of the country could be record as the reference for the later generation to study in terms of living style in order to maintain the unique culture of the country. Moreover early Thai cinema marked a scientific innovation to represent the real and narrative fantasy, as a tool of demonstration of Thailand's modernity.

Nevertheless, film was understood as opportunity as well as danger. Because the content of a film, maybe audio or visual, could reflect the negative or wrong image of a certain things which could disturb a certain group of people who may live or involve in a certain way with that certain content in that film which may lead to a social disorder in a country.

Therefore, the 1930 Film Act was implemented in order to control the showing of a film inside the kingdom not to against the law. That is the film showing in the kingdom must not carry out a scene which may disturb the good moral and culture of the country. Thus the censorship board was created in order to preview a film before it will be present to the mass. This Act was a defining tool for Thai cinema's state and self censorship.

The first film of Thailand's "Suvarna of Siam" which filmed in 1923, was also the earliest case study of the film censorship in Thailand. There were some concerns among the Thai aristocracy that some scenes in this film would create a bad image of Siam. As the result, the film was forced to edit out those specific scenes.



Photo "Suvarna of Siam (1923)"

As decades went by, the Thai censorship system has developed into much more complicated systems and concerns. In 1970s, censorship of Thailand became a social practice reflective of present political conditions. Thailand in 1970s was a period of great political change. It was also a period of the sexual revolution with regard to Thai culture. While censorship increasingly prohibited social and political critique, heterosexual desire on film was increasingly permissible.

Censorship before the October 14<sup>th</sup>, 1973 uprising, the state and political right perceived a communist threat from the outside censoring films from abroad with any perceived leftist content. After the October 6<sup>th</sup>, 1976 massacre, the threat was internal and many Thai social realist films were subsequently banned. Film censorship has a long history in Thailand that has left its mark on what Thai film history has become the way it is today. Censorship system has determined what can and cannot be said



about many issues such as those as sensitive as sexuality and politics. Film censorship became the litmus test of permissibility and prohibition with regard to sex and politic in Cold War Thailand.

As decades went by, with the improvement of communication technology, the new legislation called “The tape and communication media Act, which included the control over VCD, DVD, VDO game, laser-disc and CD-ROM, has been introduced.

Nevertheless censorship in Thailand has reflected the social and political changes over the period. We also witnessed many forms of films censorship in Thailand other than the blur and deletion of some scenes. Some cases, the films were requested to change its title name such as “Ar Jan Yai/อาจารย์ใหญ่” to “Sop/ศพ”, or “Keow Teaw Nue Kon/ก๊วยเตี๋ยวนื้อคน (2009)” to “Chued Kon Chim/เชือดก่อนชิม”. Some films were requested to re-shoot a certain scenes or change its script such as “Angulimala/องคุลิมาล (1999)” and “Mak Tae Return/หมากเต๋ารีเทิร์นส (2006)”. Some films were requested to display the warning sign on a certain scene such as the scene of smoking in “Invisible Waves (2006)” and gambling scene in “Ma Nut Lek Lai/มนุษย์เหล็กไหล (The Mercury Man) (2006)”.

## 2.4 Thai Film Censorship Board

The censorship board of Thailand has the authority and responsibility to review films both domestic and foreign which are intended to be showing within the kingdom before they are released for a mass preview. According to the 1930 Film Act, the censorship board is made up by a group of individual of government officials and from variety of related professions; they are the following:

1. The director of Thai Federal Police or the representative
2. The director of Thai Metropolitan Police Office or the representative
3. The director of Thai Metropolitan Police Office or the representative
4. The director of Local Administration Department or the representative
5. The second director of administration office or the representative
6. Inspector of the film division or the representative
7. The representative from the Board of Thai Films Promotion
8. The representative from the Department of Public Relations
9. The representative from the Department of Culture
10. Films scholar from educational institution
11. Representative from the National Film Federation
12. The representative from the Thai newspaper organization
13. Police officer with expertise in Chinese language
14. Representative of Police Headquarter
15. The representative from the department of foreign affairs
16. The representative from national intellectual agency
17. The representative from the department of education
18. The representative from the army



## **2.5 The Regulation of 1930 Film Act**

The 1930 Film Act has twenty three quotes of rules in total. In this chapter, we shall bring some of the important rules which have the direct impact to the filmmakers for discussion. The copy of the 1930 Film Act can be found at the back of this thesis copy.

According to the 1930 Film Act, quote 4, stated that “the filmmakers must produce their films in a way that it will not undermine or disrupt social order and moral decency, or that might impact national security or the pride of the nation. Any films produced within the kingdom which violated this rule must not be brought or exported outside the kingdom”.

Quote 6 stated that “in order to maintain this Act, the Director of the Thai Federal Police has the authority to position officers or agents to carry this task as he deem approval to”.

Quote 7 stated that “If officer found the films violated the rule as stated in quote 4 of the Act, he shall has the authority to (i) stop the production process of that film and (ii) seized the finished or unfinished negative of that films and pass it to the higher officers rank for consideration”.

## **2.6 Censorship and the Impact on Thai Film Industry**

According to the 1930 Film Act, quote 4, stated that “the filmmakers must produce their films in a way that it will not undermine or disrupt social order and moral decency, or that might impact national security or the pride of the nation”. Therefore under the current censorship system, Thai and foreign films are subject to appraisals by a strict censorship board, dominated by senior police officers which have a reputation for cutting out all explicit sex scenes and anything deemed offensive to the national religion, Buddhism or themes thoughts politically sensitive.

The debate over film censorship system became a new debate in 2007 when the award-winning Thai film “Syndromes and a Century/แสงสรวรตวรรษ” missed its local debut in Thai theatres because Thailand’s board of censor insisted on cutting the four sensitive scenes. They are the scenes of (i) a Buddhist monks playing guitar (ii) two monks playing with a remote-controlled flying saucer (iii) a doctor kisses his girlfriend in a locker room and (iv) a group of doctors drinking whiskey in a hospital basement. Therefore Apichatpong Weerasethakul, the film’s director has decided to skip the local screening and push the film to screen abroad instead.



Photo Apichatpong Weerasethakul’s “Syndrome and a Century (2007)”

Most studios remain reluctant to take risk, instead they continue to repeat already success formula in an attempt to second guess what can be a rather fickle audience. Thailand’s young film makers continue to show potential, but only a few have seriously shown the initiative or inclination to break away from the established industry structures which have yet to offer them the long term support they deserve. As the result on big studios refuse to take any risk against the censorship, the independent directors and producers working outside the studio system was encouraging and become the alternative for many new born directors.

The process of deciding who watched what in Thailand is governed by a 1930 law that gives the police to censor films. But that might be about to change. In 2007, the Ministry of Culture was pushing before Thailand's military appointed legislature a controversial new law that proponents say would move the country's censorship rules into the modern era. However, many film makers feared the proposed changes will only make censorship worse. Though anti-censorship groups like the Free Thai Cinema Movement rallied heavily against the new system, the legislation was approved, ratifying the creation of a new ratings systems and a vague but board (and potentially powerful) mandate to halt distribution of films which "undermine or disrupt social order and moral decency, or that might impact national security or the pride of the nation.

More recently in 2008, director Tiva Maythaisong's horror film "Keow Teaw Nua Kon" which literally means "Human Meat Ball Noodle" was requested by the censorship board to change its name to something else because of the concern that it may affect the noodle consuming business nation wide. It was also requested to delete or shorten a few bloody scenes in order to reduce the level of violence. As the result, the film changed its title to "Chued Kon Chim" which literally means "Kill Before Eat" and many of the scenes has been cut by the censor.

There are also a few other films in 2008 which requested by the censorship board to delete a certain scene or it will not be allow to be shown in theatre. For example, director Bumrue Ponginsee or better known as the famous comedian Note Chenyim's "Luang Pee Teng 2/หลวงพี่ต่ง 2" has deleted the scene of the Monk Joey running away from the crocodile and the scene that Monk Joey fall off the tree to the stick on his butt because of the censorship board determined these scenes as inappropriate images of Buddhist monk. The film "Soi Cowboy" was also requested to delete the scene of a couple kissing inside the ancient temple.

Under the current rules, producers and directors often find their artistic visions held hostage by the whims of the police, whose tastes run to head-spinning violence and slapstick comedy but no politics or nudity. As the result of the fear to be censor by the censorship board, many of Thai film directors have learned to self-censor.

By establishing fresh guidelines for censors and audiences, and taking the scissors away from the police, the proposed Film Act ought to please filmmakers. Officials for the Ministry of Culture, which would be responsible for classifying films under the proposed law, say they have the industry's support, and point to the ministry's success in introducing a similar system for Thai television channels. But many film directors are actually aghast at the prospect of more government interference. Far from overhauling an outdated law, they say, Thailand's cultural guardians are finding new ways to suppress controversial films. Opponents also claim that the criteria for classification are intentionally vague. One sweeping clause in the draft legislation states that films should not "undermine social order or moral decency" or affect the "security and pride of the nation." And X-rated works are simply not allowed: under the proposed law, films classified as such must be either bowdlerized or banned.

### **3) Related Studies**

"A History of the Theatre" is the ideal introduction to the subject for everyone who is interested in the theatre. Glyne Wickman clearly outlines the development of theatre throughout the world over the last 3,000 years, from its origin for primitive dance rituals to the film theatre of the 21<sup>st</sup> century. It is interesting to find out in his book that theatre is considered to be dangerous from the beginning of time. Theatre was banned throughout Christian Europe for four centuries and also was suppressed in India after the Islamic conquest of the tenth and eleventh centuries. And censorship has already existed in the early stage performance by the authority in order to prevent the religious and political propaganda. Today film's censorship was the product of the long history of authority's tool of controlling.

"The Story of Film" written by Mark Cousins, is a reliable source of provocative of film history. The book emphasizes the importance and deeper understanding of the art of films. Mark Cousins is an author, film critic, producer and documentary director. Therefore he has a unique vision and comments about many issues concerning films and theatres, including the system of film censorship. He comments that censorship

act as the containment of the director's ideas. With the existing of censorship, the director's full potential can never be explore.

“The Movies” written by Gene Siskel contains a good story about movies from the beginning period as the moving pictures. Later on he explains how the moving pictures had developed into the film studios system and become the popular entertainment for a mass world wide. He mentioned and explained about movies as it is for entertainment as much as the form of art. He also included the argument about disadvantage of the studio and censorship system. For the censorship, he explained how the censorship in America has developed from the private pressure group such as local Catholic community into the rating system as it is used today.

“R-Rated Movies not a good investment for Hollywood” written by Michael Medved has provided many useful information and argument about the existing rating system in Hollywood. Surprisingly he suggested that even censorship system has been abandoned in America for many decades, but the new rating system has forced the film studios to censor their films in order not to achieve R-Rated. With R-Rated, the children will not be able to see the films. It even prevented adults with children to see the films. Therefore R-Rated film is not a good investment for film studios because they will be able to sell many less tickets than the G-Rated.

“Roy Pee Nung Thai” or “A Century of Thai Cinema”, compiled by Dome Sukwong and Sawasdi Suwannapak, is an excellent book about the history of Thai films since the beginning including muted and black and white films. Actually the book emphasis must of the contents on the early period of the Thai film industry including the golden age between 1935 and 1947. The book contains a good historical calendar of the Thai films phenomenon in the past one hundred year. It also contained a good collection of Thai films photographs and posters. The book also has a clear description of the improvement of the Thai film industry in the beginning period such as the shooting process, emergence of the film studios, theatres and censorship system. It also illustrated the relationship between Thai audiences and Thai films.



## **CHAPTER III**

### **METHODOLOGY**

This chapter is about the methodology used in this study. This thesis adopted both quantitative and qualitative approach. The researcher conducted this research according to the framework and theories presented in chapter two. This thesis adopted the qualitative approach which the researcher did the questionnaire and interview to collect all the related data and information. The interviews were conducted on a group of people who involve in the Thai film industry on how the censorship having the effect to their roles. The questionnaire and suggestions and comments from the interview were synthesized and concluded with an aim to cover the important points of study that leads to the research objectives.

The methodology of this thesis followed five steps: (i) population and sampling, (ii) construction of instruments for data collection, (iii) data collection (iv) data analysis and (v) conclusion and report.

#### **Quantitative Research**

##### **Sampling Group and Sampling Techniques**

The sampling group of this research comprised of four hundred Thai film audiences according to the Yamane table (which is 5% deviated) and were selected by convenience technique. The research survey took place in several different locations such as cinema, theatres, shopping center, office districts and universities to gather information from variety of group of people. In order to produce the most reliable findings, the researcher focused only on those people who are willing and welcome to do the questionnaires.



## Research Instrument

The instrument employed to collect data is a questionnaire constructed according to theory and related research as detailed in chapter two. The questionnaire consists of three parts as follows:

Part 1 Questionnaire is concerned with general information of the samples. The question comprises of four multiple choices or more to answer, which are about basic personal information of the samples such as gender, age, education level, occupation and monthly income.

Part 2 Questionnaire is concerned with the watching film behavior and taste of the samples. For example, how often do they watch films in theatre per month or who do they often watching films in theatre with and what is their favorite genre of films.

Part 3 Questionnaire asks opinions about the censorship and its impact to Thai films industry. This part is a close-end questions following Likert 4 rating scales. Initially, the question of this part was constructed with 5 rating scaled. This is to provide answers close to the sampling group's reliable answer. Thus the scores are rated to five scores as the following;

- The opinion that answer **strongly agree** will rate 5 scores
- The opinion that answer **agree** will rate 4 scores
- The opinion that answer **neutral** will rate 3 scores
- The opinion that answer **disagree** will rate 2 scores
- The opinion that answer **strongly disagree** will rate 1 scores

Samples of films audience are gathered by accidental sampling. The total samples are 400 persons.

## Data Analysis

The researcher analyzed the data as follows:

Part 1: General Information of the sampling group. The data will be analyzed by using frequency and percentage

Part 2: Information about the personal watching films behavior and taste. Analyzed the data by using frequency and percentage.

Part 3: Data on opinion level of the impact censorship has on the Thai film industry. Data was analyzed by employing mean value, standard deviation and testing hypothesis of the means of the sampling group. The researcher used mean evaluation and interpreted the value into positive and negative impact of the censorship to the Thai film industry.

Average scores of 1.00 – 1.75 means the sampling group sees problems in the components of censorship to the extent that are serious needs to improve them.

Average scores of 1.76 – 2.50 means the sampling group sees problems in the components of censorship to the extent that are needs to improve them.

Average scores of 2.51 – 3.25 means the sampling group sees no problems in the components of censorship and is in the good rate.

Average scores of 3.26 – 4.00 means the sampling group sees no problems in the components of censorship and is in the excellent rate.

## **Qualitative Research**

### **Target Population and Samples**

The target population for this research are people from the three groups whom the researcher categorized as the important cornerstone of Thai film industry. They are (i) producers and directors (ii) distributors and (iii) theatres owners. Interviews were conducted to people of these three groups to gather information.

### **Tools used for research**

The tool used was the interview survey. The interviewees were given opportunities to voice their concerns and comments about the censorship and its impact to Thai films industry.

### **Data Collection and Analysis**

A tape recorder is used for voice recording for every interview in order to prevent false or misguide information. Information collected from interviews is then be carefully transcribed and analysis for research

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## CHAPTER IV

### DATA ANALYSIS

This research is the study of “the impact of censorship act on Thai films industry”. In order to study the level of impact censorship has on the Thai film industry, the researcher has adopted the quantitative approach. Four hundred questionnaires had been handed out to collect different opinions and we shall analyzed the result in this chapter.

The researcher has divided the data analysis into three parts according to the three parts in questionnaire for the better illustration. The three parts are the following:

Part 1: the data is about general information of the samples such as gender, age, education level, occupation and monthly income. The result is explained by using the frequency and percentage

Part 2: the data is about the watching film behavior and taste of the samples. For example, how often do they watch films in theatre per month or who do they often watching films in theatre with and what is their favorite genre of films. The result is explained by using the frequency and percentage.

Part 3: the data is about the censorship and its impact to Thai films industry. This part is a close-end questions following Likert 4 rating scales. Initially, the question of this part was constructed with 5 rating scaled. This is to provide answers close to the sampling group’s reliable answer.

## **Part One Personal Information**

Here are the data analysis of the general personal information of the samples which are sex, age, status, education level, occupation and monthly income.

Table 1: Frequency and Percentage of the personal information of the samples

Personal Information		Frequency	Percentage
Sex	Male	190	47.50
	Female	210	52.50
Ages	15-24 year	55	13.75
	25-34 year	139	34.75
	35-44 year	141	35.25
	45-54 year	61	15.25
	Above 55 year	4	1.00
Status	Single	189	47.25
	Married	202	50.50
	Widow	4	1.00
	Separated	5	1.25
Education Level	Lower than Bachelor Degree	59	14.75
	Bachelor Degree	291	72.75
	Higher than Bachelor Degree	50	12.50
Occupation	Student	52	13.00
	Government Official	66	16.50
	Private Employee	228	57.00
	Business Owner	54	13.50
Income per month	Lower than 10,000 baht	103	25.75
	10,001-20,000 baht	116	29.00
	20,001-30,000 baht	89	22.25
	30,001 baht and above	92	23.00

From the table 1, out of 400 samples, there are 210 female and 190 male. That is there are 52.5 percent female and 47.5 per cent male.

For ages, the biggest age group is 35-44 years old which accounts for 35.25 per cent. Second biggest group is 25-34 years old which accounts for 34.75 per cent. Third biggest group is 45-54 years old which accounts for 15.25 per cent. Fourth biggest group is 15-24 years old which accounts for 13.75 per cent. And fifth biggest group is 55 years old and above which accounts for 1 per cent.

For status, most of the samples are married which accounts for 50.5 per cent, followed by 47.25 percent single, 1.25 percent separated and 1 percent widow.

For education level, there are 72.75 percent graduated a bachelor degree, 14.75 percent graduated of lower than a bachelor degree and 12.50 percent graduated of higher than a bachelor degree.

For occupation, the biggest group is private employee which accounts 57 percent. Followed by 16.5 percent government official, 13.5 percent business owner and 13 percent student.

For monthly income, there are 29 percent of the samples with monthly income between 10,001-20,000 baht, 25.75 percent with monthly income lower than 10,000 baht, 23 percent with monthly income higher than 30,001 baht, and 22.25 percent with monthly income between 20,001-30,000 baht.



## **Part Two: Films taste and behavior**

Here are the data analysis of the information on films taste and behavior of the samples. For example, how often do they watch films in theatre per month or who do they often watching films in theatre with and what is their favorite genre of films. The result is explained by using the frequency and percentage.

Table 2: Frequency and Percentage of the information on films taste and behavior of the samples

Film taste and behavior		Frequency	Percentage
How often do you watch film in theatres?	Once a week or more	141	35.25
	<u>Once a month</u>	183	45.75
	<u>Once in a few month</u>	58	14.5
	Once in a year or less	18	4.5
What is your most favorite genre of films?	Drama	115	28.75
	Action	174	43.5
	Family	12	3
	Comedy	38	9.5
	Love/ Romantic	35	8.75
	Horror/Violent	21	5.25
	Others	5	1.25
Who do you usually watch films with?	Alone	68	17
	Couples/Boyfriend/Girlfriend	147	36.75
	Family	69	17.25
	Friends	74	18.5
	Others	42	10.5
Your purpose of watching films?	Entertainment	304	76
	Education	8	2
	Socialize	11	2.75
	Accompany friends and others	41	10.25
	Nothing else to do	36	9

Film taste and behavior		Frequency	Percentage
What is your most preference ways of watching new film?	At theatre	247	61.75
	On DVD or VCD	114	28.5
	On TV program	12	3
	Downloading from internet	27	6.75
In your opinion, what type of scene do you think should be censor the most?	Violent	204	51
	Bad language	15	3.75
	Dirty joke	27	6.75
	Sex scene and nudity	71	17.75
	Religious and Racial insulting	80	20
	Others	3	0.75

From table 2, we could see that the taste and behavior of watching films for Thai audiences are varied.

45.76 per cent of audiences is watching film once in a month. 35.25 per cent is watching film once in a week or more. 14.5 per cent is watching film once in a few months. And 4.5 per cent is watching film once in year or less.

For the favorite genre of films among audiences, 43.5 per cent likes to see action films. 28.75 per cent likes to see drama. 9.5 per cent likes to see comedy. 8.75 per cent likes to see love and romantic. 5.25 per cent likes to see horror and violent. 3 per cent likes to see films for family. And 1.25 per cent likes to see other type of films.

For the person they often watching films with, 36.75 per cent watch films with couples or boyfriends/girlfriends. 17.25 per cent watch films with their family. 18.5 per cent watch films with their friends. 17 per cent usually watch films alone. And 10.5 per cent watch films with other people.

For the purpose of watching films, 76 per cent watch films for entertainment. 10.25 per cent watch films to accompany friends and other people. 9 per cent watch films

because they have nothing else to do. 2.75 per cent watch films for socialize. And 2 per cent watch films for education.

For the most preference way of watch films, 61.75 per cent prefer to watch films at theatre. 28.5 per cent prefer to watch films on DVD or VCD at home. 6.75 per cent prefer to watch films by downloading from internet. And 3 per cent prefers to watch films on TV program.

For the type of scene they think should be censor the most, 51 per cent thinks violent should be censor the most. 20 per cent thinks religious and racial insulting should be censor the most. 17.75 per cent thinks sex scene and nudity should be censor the most. 6.75 per cent thinks dirty joke should be censor the most. 3.75 per cent thinks bad language should be censor the most. And 0.75 per cent thinks other type of scenes should be censor the most.

### **Part Three: Censorship and Impact on Thai film industry**

The data of this part is about the censorship and its impact to Thai films industry. This part is a close-end question following Likert 4 rating scales. Initially, the question of this part was constructed with 5 rating scales which are strongly agree, agree, neutral, disagree and strongly disagree. This is to provide answers close to the sampling group's reliable answer. The result will be show by the average means

<b>The Impact of Censorship Act on Thai Films Industry</b>	<b>Average</b>
<b>Censorship</b>	
Do you think film censorship is necessary	3.94
Do you think Thai censorship is adequate	2.46
Do you think the members of Thai censorship board are qualified for their tasks	2.25
Do you think the standard of censorship in Thailand is fair	2.29
Do you think censorship help reducing the social problems	3.09
	2.81

Table 3.1: The standard means of comments about censorship

From the table 3.1, the average means of supporting for censorship is 2.81. It shows that the necessity level of the existence of the censorship system is 3.94 average means. The adequate of censorship is 2.46 average means. The standard of censorship has the average means of 2.29. And the help of censorship to reduce the social problems has 2.81 average means.

<b>The Impact of Censorship Act on Thai Films Industry</b>	<b>Average</b>
<b>Thai films</b>	
Do you like Thai films	3.51
Do you think Thai films are good compare to international standard	2.81
Do you think the present Thai films industry are developed than before	4.07
Do you think Thai films industry has acquired the good human resources (directors, producers, writer, actors etc.)	3.48
	3.47

Table 3.2: The standard means of comments about Thai films

For the popularity and quality of Thai films, it has the standard means of 3.47. The popularity of Thai films has the standard means of 3.51. The quality of Thai films compare to the international standard has the average means of 2.81. For the development of Thai films has the standard means of 4.07. And the quality of human resources in Thai film industry has the average standard of 3.48.

<b>The Impact of Censorship Act on Thai Films Industry</b>	<b>Average</b>
<b>Censorship and Thai films</b>	
Do you think censorship is an obstacle to the improvement of Thai films industry	3.79
Do you think Thai films are too violent or contained many disturbing scenes and therefore should be censor	2.60
Do you think films censorship is necessary in order to protect children from the harmful; materials in films	3.64
Does the film censorship disturb you from the enjoyment of the film	4.24
	3.57

Table 3.3: The standard means of comment about the impact of censorship to Thai films

For the impact censorship to Thai films, it has the standard means of 3.57. The comment that censorship is an obstacle to the improvement of Thai films industry has the standard means of 3.79. For the comment that Thai films are too violent or contained many disturbing scenes and therefore should be censor, has the standard means of 2.60. For the comment that censorship is necessary in order to protect children from the harmful materials in films, has the standard means of 3.64. For the comment that censorship disturb audience from the enjoyment of the films, has the standard means of 4.24.

<b>The Impact of Censorship Act on Thai Films Industry</b>	<b>Average</b>
<b>Theatre</b>	
Do you think there are enough theatres in Bangkok	3.85
Do you find great variety of films you can choose to see when you go to the theatre	3.22
Do you find a lot of Thai films showing at the theatre compare to films form other countries	3.12
Do you think the price for ticket is fair	2.76
Do you find a lot of people watching films in theatre	3.64
	3.32

Table 3.4: The standard means of comment about theatres

For the quality and impact censorship has on theatre, it has the standard means of 3.85. For the comment that there are enough theatres in Bangkok, has the standard means of 3.85. For the comment that audiences find the great variety of films to see when they go to theatres, has the standard means of 3.22. For the comment that audience find a lot of Thai films showing at theatres compare to films from other countries, has the standard means of 3.12. For the comment that the price of ticket is fair, has the standard means of 2.76. For the comment that there are many people watching films in theatre, has the standard means of 3.64.



The result of the survey clearly showed that most of Thai film audiences agree that censorship is the obstacle to the Thai film industry. Even most of the audiences are not a regular audience of Thai films because of the current standard, but most of them are ready to show full support when the Thai film industry are showing the potential to change.

## **Interviews Result**

The current situation of the Thai film industry is very much still in question. On one corner, there is the light on the other side of the cave. Young and talented directors are emerging and Thai films have attracted the world's attention and recognition in the certain degree in a recent year. Numbers of Thai films showing in theatre has been increased constantly every year and gained higher market share. From less than ten new films released per year in mid 1990s up to about fifty new films per year in recent years. Moreover more films have become commercially success and few films did break 100 million baht revenue every year. As the result of the commercial success, the productions scale of the films has been enlarge which attracted more of the local and foreign audiences. Many of Thai films did go overseas to screen for the world audiences and did gain the popularity to a certain degree.

However, on the dark side of the cave, such positive features do not guarantee the future of the Thai film industry because Thai film industry does not make up by only a number of a few directors or a few good films. A handful of talented directors may introduced a few good films to the audiences once in a while but most of the films are still the mixed up of class B horror and comedy with a lousy acting and script. And the government agency did not have the clear plan to support the development of Thai film industry. There is no clear department which in charge full responsibility to this task directly. Moreover, the Thai audiences are not familiar with the films outside the mainstream such as the independent films and had show little support for it.

Without the continuation support from the government authority and the appreciation of the local audiences, it is difficult to see the improvement of the Thai film industry

as a whole. Support from the government and appreciation of local Thai audiences are closely link to the power and responsibility of the censorship board of their judgments and how they work. Censorship board is probably the representative of the government agency which works closest to the film industry. Therefore their works have the impact to the Thai film industry to a certain extent.

From the survey and many interviews, there are two different opinions. One group strongly believed that censorship has the negative impact to the improvement of Thai film industry. This research found two great impact of the censorship to the Thai film industry in both short term and long term which actually posed the obstacle to the improvement of Thai film industry. They are for short term effect (i) limited the diversity of Thai films and free thinking directors, and for long term effect (ii) lower the appreciation of the local audiences to enjoy the greater diversity of Thai films.

On the other hands, there are people who argued that the obstacle of the improvement of Thai film industry lie to the function of Thai film industry which see the purpose of film as being commercial tools, not as form of arts. Moreover the lack of skilful human resources such as director, script writers and actors is the problem of Thai film industry. This group of interviewees believed that censorship has no responsibility to the decline of Thai film industry.

### **Short Term Effect: Limitation of the diversity of Thai films**

First we shall study the comments of those who suggested that censorship is the problem to the improvement of Thai film industry. Here we shall discuss about the limitation of the diversity of Thai films caused by the censorship system. The government's strict policies of censorship had long been prohibited the Thai filmmakers from thinking and creating outside the box. Censorship in Thailand never seems to loosen its control in the previous few decades; rather it had developed the more strict control over the Thai film industry.

It is important to understand that the current 1930 Film Act that we are using has been implemented for over seventy years, even before Thailand was emerged as the democratic country. Thus the democratic principle was not applied to this Film Act and the purpose of the Act was to serve the government. From my interview, many of the interviewees which were film directors, share the common believe that censorship is serving the government as the tool to control or govern its citizen, instead of actually to improve the Thai films industry. They actually work to prevent people from thinking and doing things outside the box. Because from the authority point of view, it is much easier to govern when everyone is inside the box and more difficult to control when there are lots of people stays outside the box.

Pantham Thongsung, the producer of “Syndrome and a Century” comments that “they see the film business as poison with negative side effects and it has to be controlled”. It is undeniable that films are the entertainment for mass and has great impact to its audiences. Numbers of theatres and tickets sell are steadily increased every year which proved the rising popularity and easy access to films, especially people in the city. Other than being form of entertainment, films also act as the reflection of certain things in society such as history, education or economy through the vision of the director.

Thais have traditionally viewed their literature, plays and films as “true to life”, not as fantasy (J. Klausner: p338). Moreover, films are not only a reflection of economic, social and cultural realities but also an outlet for repressed feelings and desires. Thai films are no exception. Audiences can easily identify with the characters played in the films, sharing their hopes, fears and disappointments. Therefore certain themes and situation are constantly repeated. Although there is no caste system in Thailand, bit class distinction and discrimination are strong and is a part of everyday life. And many ramifications are treated in Thai films.

Thus there are both films which made purely for entertainment and commercial profits and films which made to express artistic idea and feeling on certain issue of directors. The important thing to note is that every film carries the message to communicate to the audiences (even the one that made purely for the entertainment also has the message). Regardless of what the messages are films can deliver these

messages to the audiences effectively and it is these messages that the authority wanted to control.

The censorship stated that the contents that will be censor are those scenes which are sensitive to the national security and the good moral of Thai society. The problem with this statement is that it sounded very board. By saying that, in reality, it means that the authority will censor films on the ground that it will not be harmful to any of the government legislative body such as politicians, army, police force or any of the government department because obviously such a scene could create mistrust for the government agency.

And in order to prevent the crack in the good moral of Thai society, it means that certain group of people and professions which Thai society put so much value on such as teachers, doctors and monks should never be mention in negative way in films because such sensitivity could cause the national disorder. This has been the guideline for Thai film censorship for over fifty years.

As the result, it is very difficult and problematic for a director to make a film talking about political drama, police corruption or inappropriate behave monk regardless whether those scenes are fiction or non-fiction. The recent case study “Syndrome and a Century” which was banned for screening in Thailand because the director refused to cut scenes such as monk playing guitar and doctor drinking whisky, proved censorship board taking this issue very seriously.

The censorship board claims these two scenes to be highly sensitive to the good moral of Thai society because the majority of Thai people consider monks and doctors to be highly respect group of people. Monks served as the society foundation of maintaining peace and harmony while doctors contributed greatly to society and therefore their images should never be mention in the negative way.

On the director point of views, monks and doctors are also human being with earthly manner like the rest of people. People plays guitar when they are happy and drink whisky when they are worry. This is normal to the human nature and the purpose of the film is to try to portray the nature of being human. That is why these scenes

existed in the film and why the director refused to cut them out of the film. It is not like having the scene of a monk watching pornography and a doctor planning to murder a patient and it would be acceptable other wise to delete such a scene. But the censorship board does not care if it is the natural of human being. They see the doctor drinking whisky and monk playing guitar scenes portrayed the negative image of doctors and monks. Thus they can not be allowed.

Apichatpong noted in his statement at the pressconference that he is saddened by what happened to his film. “But, it is time to seriously think about what is going on with our censorship laws, so that the next generation of filmmakers will not face the same problems like us, and so that the Thai audiences can truly achieve a freedom of choice.” He further stated that “Or is it easier to turn our country into a Fascist state so that we all can live in harmony and don’t have to waste time discussing about democracy?”

As the result, the clear impact the censorship has to the Thai films industry is that it has limited the type of films the directors could make. Therefore Thai films for fifty years continue to be of the same plot and gag and slowly run out of new material. Some people did argue that there are thousands of plot to be made, and a few plot prohibition could not possibly cause such damage. In fact, from my interviews, there are numbers of people who strongly believed that censorship is not the obstacle to the improvement of Thai film industry. They said it was because the lack of good director and script writer. They would rather believe that it was the lack of visionary director that caused Thai films to be of the same old boring plot. They claim even with the same plot, a visionary director could tell the same story in hundred different ways.

However, there are also people argue that even a visionary director would like to tell the same story in the different way, the censorship system would automatically force the director not to be so different. For example, if the film is about a doctor, the doctor in the film must always be showed as very gentle, polite and caring for all patients. There is no way a director could portrayed the doctor in the film as careless, rude and selfish. This gradually will lead the film to be the same conclusion as the rest before.



As the result of censorship, Thai films had failed to develop unique aesthetic characteristics. Thai films had failed to develop unique aesthetic characteristic because everyone only make films in the way that it would not be censor and also to prevent the commercial lose. Even the visionary director has gut to do something new and inspiring but he is likely to get the red light from the studio. Because the studio would not risk the director to shoot something totally new and unfamiliar to both the censorship and Thai audiences, even the budget would be very low as a few million baht. From the statistic, there has not been one independent Thai film which made the revenue higher than five million baht. Fewer than fifty Thai films are shown annually in Thailand, and the competition for screens spurs many film studios to work closely with censors or risk of being banned by the censorship board.

Another impact of censorship to the film is that many film directors had learned to do self-censorship. Many directors have self-censored their works before actually submitting it to the censorship board. However if directors continue to self-censor their works, that means they could not explore their full potentials of directing films because the fear of the censorship. This way we could say that censorship has contained the potential of directors rather than supporting them to show potential. In other words, film director skills had been contained by the censorship system.

Moreover, the new wave of Thai independent filmmaking seems to be working with a different sensibility and with more autonomy and individualism, than either the Thai audiences and the official censors may used to. The aims of the new wave of Thai independent was not political but rather to express more personal ideas and feeling of filmmakers. The strict censorship and control of Thai films has discouraged filmmakers from creating something new and different. And we all know that something new and different are the important ingredient of development.

There is the deeper side to consider about this argument. We must consider the invisible cost of censorship. They are inspiration and imagination which lost each time the film has been censored. One purpose of film is to inspire imagination and idea of audiences. Imagine we censor the work of Picasso when Picasso works could inspire many new ideas among people. While other countries study and examine Picasso works and apply his inspiration to other areas of knowledge such as science,

economy or politics, how much damage will it cost for a country to censor his work. We would lose great deal of inspiration by censor his works. This is the priceless cost of censorship we should never forget.

As the result, most of the recent Thai films continue to be the repeat of the same old success market formula in order to prevent commercial lose. With no one dare to do something new and different, Thai film industry will continue to fill with head-spinning violence and slapstick comedy for who know how long.

## **Long Term Effects: Preventing the Appreciation of Local Audiences**

Thai filmmakers say that, besides curtailing their freedom of expression, government censorship prevents the Thai audiences from developing appreciation for a border range of film works. The independents Thai films may did well overseas with foreign audiences and receiving international award in the recent years but they still gain very small popularity among Thai audiences because the numbers of Thai audiences for independent films are very small. There is a little space for the independent or low budget films in Thailand as Thai audiences had long been unfamiliar to the film made outside the mainstream context.

The censorship system had long been deciding what Thai audience should see or should not see. The decision was made by the handful of representatives from various professions. However, the Thai film audiences are much larger and therefore represent much greater variety of people's taste and point of views. The survey of this thesis clearly showed that every genre of films share almost the equal percentage of the audiences favorite. Thus it would not be adequate to have a handful of people to decide for people of the whole country of what they can see or they cannot see.

Authorities always think that Thai audiences need to be protected and shielded from real issues. They still have that kind of sentiments that the media should function as a gatekeeper. That is let the good stories in and bad stories out. By practicing film

ensorship for many decades, they authorities had limited the freedom of the types of films the audiences can choose to see. Thus this will gradually limited the types of enjoyment or appreciation of watching other types of films the audiences can experience.

Currently Thai film industry is filled with comedy, teenager romance and horror ghost. It is not to say that these types of films are not appreciated by the Thai audiences. Apparently they are very popular especially for the audiences outside Bangkok and among the lower middle income citizen. However this maybe the result of long term censorship where free information and choices have been limited and audiences have been framed to the access of types of the enjoyment they can experience from watching films.

Moreover, it is important to note that the improvement of Thai film industry depends greatly not only with the producers and directors but also with the local audience. It depends on the appreciation of the Thai audiences to experience something new. Even if the directors produced something new to the Thai film industry, but without the appreciation and support from the local audience, they would not survive for long time. And the appreciation of audiences is connected closely with how much freedom they have. More freedom to choose more types of films they would like to see will gradually develop the greater sense of enjoyment of watching greater range of films. In turn, this will encourage the film studios and directors to introduce new materials to the industry and provide greater range of film genres the audiences can choose to see. The censorship system has long been limited this freedom and this sense of appreciation among Thai audiences.

### **Other Obstacles of Thai Film Industry**

On the other hands, it would not be fair if we will totally blame the censorship system to be responsible for the slow improvement of Thai film industry. In fact there are some interviewees whose strong believed that the censorship posed no negative impact to the Thai film industry. Even without the existence of censorship system,

there are still many other problems and difficulties needed to be fixed for the improvement of Thai film industry for example the lack of good script and rationality as discussed before. Romance, comedy and violence are mixed together in the main plot and subplots. The romance is often a thwarted one, unrequited love, the comedy slapstick and the violence shuddering back and fourth. This has been the repeated formula for the making of Thai films since the early period.

Thai film industry still lacks many of good important human resources even for the most important people, directors, writers and actors. There has been the emergence of new wave of the Thai film directors since the late 1990s. However, most of the regular directors which dominating the industry are still the old fashion and thinking whose works closely to the film studios to ensure the commercial profits of the film. These directors aim is to serve the commercial purpose, not the artistic purpose. Thus their works has never pose the improvement to the improvement of the industry.

And because their work is to serve the commercial purpose rather than to serve the art, these filmmakers added those erotic or violent scenes on purpose in order to attract more audiences. It is undeniable that such a scene could attract audiences when they saw it on the trailers. The films would not be able to sell much without such a scene. And the interviewees claimed that it is this group of directors that often has the problem with the censorship board because of their overrated violent and nudity for sell. Historically, the new wave or outside the mainstream directors has never been having the problem with censorship because their films do not need such a scene in order to sell. "Syndrome of a Century" is maybe the first case of the independent films being banned by the censorship board.

Thai film industry is not lacking only a visionary director, but also good script writer. Script is one of the most important material which can define whether the film going to be good or not. In other words, the film cannot be good without a good script. Yet Thai film industry has been looking over shoulder the importance of script writer for a long time. And it seems that script writer has become one of the forgotten jobs in the industry, despite its importance. Naludee Sirakornwilai, a script writer, comments that; "No one wants to become a script writer. Clearly we do not have enough script writers and the good script writer is very rare. Even most of the existing script writers

are not qualify for their jobs. They do it in hope that it will be their bridge to become the film director in the future. Therefore they did not take their jobs seriously.”

Thai film industry is also lacking the good experienced actors. Even a handful of actors are very talented and devoted, but most of the dominant actors in Thai film industry are still dominated by good looking inexperienced youngsters who often transferred themselves to acting career either from the singing or modeling professions. Thai films prefer to use famous good looking young actors for a leading role because they can attract young audiences to buy the tickets even if they lack good acting skill. In other words, Thai film industry is still captive to the “star system”. Therefore it is difficult for young talented actor with ordinary looks to have opportunity to act in a leading role. This will gradually decline the quality of acting performance among Thai actors and might discourage new talented actors to enter the industry.

These interviewees further argued that, it is not the censorship who caused the limitation of diversity of Thai films. Even without the censorship, Thai film industry still will be limited because it is the film studios whose refused to take risk of creating something outside the old success formula. This problem is connected to the small support of Thai audiences for outside mainstream films. Polpat Kitikunpairoj, the editor and Thai film analysis, comments that “without censorship, there maybe more type of Thai films release to the theatres in short term, but that does not mean there will be more people going to see those films. Watching films for Thai audiences is all about laughing and enjoyment. Therefore they won’t see films which would not make them laugh. As the result, in the long term, the studios will not allow directors to make something that does not sell tickets. Clearly the limitation of Thai films does not caused by the censorship.”

Further more, the lack of government support is also posed the great obstacle to the improvement of Thai film industry. The aim of the government is to control the film industry rather than improving it. Even Thailand is governing under the democratic principle, the government still consider films to be harmful rather than useful. And because there are many departments which partly involve with the film industry, there



was a lack of good cooperation among different departments with an inefficient distribution of government budget for the highest use.

The problem pirated copy is also one of the greatest challenges for the Thai film industry. The damage caused by the pirated copy of films is beyond measurement. The pirated copy discouraged producers and studio from enlarging production scale because it decreases the sell of tickets and DVD or VCD copies of the film companies. Currently Thai royal police had been working very hard to arrest the pirated copies of films but the spread and its popularity is expanding too fast to control.

The cinema system of allowing number of theatres a film can screen according to the number of sell tickets on the first weekend is also posed a difficulty for a small budget film to get the opportunity to screen for a large number of audiences. Even a few big budget films could find its place in theatre a little longer than one month to make way to other new films to enter. And a small budget film would not survive for longer than two weeks with only one show time per day in this system. This is even further discouraged film studios from making films unfamiliar to the mass audiences.



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# CHAPTER V

## CONCLUSION

### Improving the Censorship

Even though two groups of interviewees have different opinions about the impact of censorship act to the Thai film industry but they do share one thing in common. They both agreed that censorship has no clear standard of their judgments or how they work and this needs to be improved. There is no clear cut of what type of scenes will be allowed or not be allowed. Kongdetch Jaturongrassamee, the director of “Sayew”, comments that “there is no standard of how censorship works.” Films had been censored when they should not have been while surprisingly bad films or some bad scenes which should be banned or censor had passed censorship. For example they censored the pornographic scenes while approving violent and bloody films.

Moreover the same type of scene maybe banned in one film while it maybe allowed in another film. For example, the bad language, one word maybe considered as rude in one film and be censor while it maybe allow in another film. Thus make it very difficult for filmmakers to do their work. The filmmakers would prefer if the censorship board would have a list of what type of scenes or words will not be allow. Therefore they can prevent those scenes out of their films. Currently it is clear that the censorship board has no standard of how they work.

Further more, censorship is stricter on Thai films than the foreign films. For example, bad doctors in Thai films will be prohibited but bad doctors in foreign films will be allowed. Love scene of Thai actors would be criticized while love scene of foreign actors would be no problem. This way censorship has a double standard for Thai films and foreign films. Thus it would be more difficult for Thai film directors to satisfy the judgment of censorship board.

All directors from the interview and most audiences from the survey also complained that censorship board do not acquire official who have expertise and understand the arts of the film. The member of censorship board existed to protect the image of their divisions which appear on films rather than to supervise it. In order to do so, the censorship board would need more representatives from the filmmaker and studio sector. A regulate body is needed to supervise the films. Representatives from the government and the private sector should sit together on the film council.

If censorship still continues to exist, it would have done much better to help filmmakers to do their works easier by improving their standard of judging and censoring. As well as they would need to recruit more members who actually understand the art of film as it is without political interfering.

## **Rating System as Solution**

All filmmakers and audiences agreed that censorship system is too old to be apply in the reality of today's globalization world where information travel freely even from one country to another. Film censorship has been abandoned in most of the free democratic country where freedom of citizen is protected and respected. Therefore citizen should have the freedom to make and watch films at their wills. They replaced the censorship with the new rating system to restricted audiences under a certain ages from watching films they deem not approve to. A film shall be divided into categories according to their age restrictions, for example, G for general audiences, PG is advised for parental guidance. PG-13 is advised for strong parental cautions. R which is restricted for audiences under 17. Audiences under ages will not be allowed to watch a film above their age restrictions without the company of adult. This is the effective way to prevent children and youngster from the harmful materials in the films while allowing the mature adult the full enjoyment and freedom to watch films as they wish.

Even those interviewees who suggested that censorship is not the obstacle to the improvement of Thai film industry, they also support the replacement of censorship with the rating system. They suggested that although censorship has small impact to the Thai films industry but it does disturb the enjoyment of audiences when they see the blur or know that some scenes has been censored from the film. Thus rating system should be the ultimate solution for everyone satisfaction.

The rating system has not been practiced in Thailand although the draft legislation for the rating system law has already been introduced. All filmmakers and most audiences agree that the rating system is the appropriate solution to the problem of censorship. However, in the draft legislation, it stated that under the new rating system law, the censorship board will continue to exist and have the authority to censor content in films as before. If this is true, the freedom of filmmakers and audiences would be more limited as rating system and censorship will be practicing at the same time.

Chalida Uabumrungjit, from the Thai Film Foundation agreed that the film censorship system is an outdated one that threatens the rights of Thai people to freely make and view films. “One way of controlling film is a rating system, but some authorities prefer a mixture of enforcing cuts along with a rating system and the suppression of content deemed inappropriate.” Chalida said. She further noted that while censorship of films remains restrictive, controls on other media such as newspaper and broadcast news have become more relaxed over the years.

“There’s a feeling of mistrust, that we are campaigning for the end of censorship because we want to make really violent or pornographic films,” says Prachya Pinkaew, directors of Ong Bak and member of the Thai Film Directors Association. “But we have our own sense of responsibilities as professionals, and we are ready to impose a self-governing system, like TV station do, to ensure that filmmakers respect the rules of society. We are not doing all this to give ourselves the way to put bad things on the screen. But everybody can see that Thailand is operating under a law that is out of touch with reality when it comes to censorship.”

Kongdetch Jaturongrassamee, the director of “Sayew” concluded that “From my opinion, every director has the sense of patriotism and social responsibility. No one wants to make a film to screw up the society or the country”. The censorship should be the solution for everyone. The director gets freedom to make his films. The mature audience gets his freedom to watch his films. The government gets the protection to prevent the children from watch restricted films and everybody is happy. And in turn, this should lead to the constant development of the Thai films industry.



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# APPENDICES

สถาบันวิทยบริการ  
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## APPENDIX A

พระราชบัญญัติภาพยนตร์

พุทธศักราช 2473

พระบาทสมเด็จพระปรมินทรมหาประชาธิปก พระปกเกล้าเจ้าอยู่หัว มีพระบรมราชโองการดำรัสเหนือเกล้าฯ ให้ประกาศ  
จงทราบทั่วกันว่า

โดยที่ทรงพระราชดำริเห็นสมควรควบคุมการทำและฉายภาพยนตร์

จึงทรงพระกรุณาโปรดเกล้าฯ ให้ตราพระราชบัญญัติขึ้นไว้โดยหม่อมราชวงศ์

มาตรา 1 พระราชบัญญัตินี้ให้เรียกว่า “พระราชบัญญัติภาพยนตร์ 2473”

มาตรา 2 ให้ใช้พระราชบัญญัตินี้ตั้งแต่วันที่ 1 เมษายน พุทธศักราช 2474 เป็นต้นไป

มาตรา 3 ในพระราชบัญญัตินี้

“รัฐมนตรี” หมายความว่า รัฐมนตรีผู้รักษาการให้เป็นไปตามพระราชบัญญัตินี้

“ภาพยนตร์” หมายความว่า ภาพยนตร์ไม่ว่าจะเป็นชนิดเนกาติฟ (Negative) หรือ โพสิติฟ (Positive) ซึ่งได้ถูกถ่าย  
อัดหรือกระทำด้วยวิธีการใดๆ ให้ปรากฏรูปหรือเสียง หรือ ทั้งรูปและเสียง เป็นเรื่องหรือเหตุการณ์ หรือข้อความอันจักถ่ายทอดรูป  
และเสียง ได้ด้วยเครื่องฉายภาพยนตร์ หรือเครื่องอื่นทำนองเดียวกัน และหมายความตลอดถึงฟิล์มซึ่งได้ถูกถ่าย อัด หรือทำด้วยวิธี  
ใดๆ ให้ปรากฏสีเพื่ออัดลงในฟิล์มชนิดที่กล่าวข้างต้นด้วย

“ทำภาพยนตร์” หมายความว่า การอัด หรือทำด้วยวิธีใดเพื่อให้เป็นภาพยนตร์ จะทำเสร็จหรือยังไม่เสร็จก็ตาม

“ฉาย” หมายความว่า การถ่ายทอดรูปหรือเสียง หรือทั้งรูปและเสียงจากภาพยนตร์ด้วยเครื่องฉายภาพยนตร์ หรือเครื่อง  
อย่างอื่นทำนองเดียวกัน

“ประกาศ” หมายความว่า สิ่งที่น่าออกโฆษณา ไม่ว่าจะมัลักษณะเป็นภาพหรือรูปถ่ายหรือตัวหนังสือ และให้หมายความ  
ตลอดถึงการนำสิ่งนั้น ๆ ออกโฆษณาด้วย

“สถานที่มหรสพ” หมายความว่า สถานที่ใด ๆ ซึ่งฉายภาพยนตร์ให้คนดูหรือฟัง ไม่ว่าจะโดยเก็บเงินหรือไม่เก็บ โดยเชิญ  
หรือไม่เชิญก็ตาม

[มาตรา 3 แก้ไขโดยพระราชบัญญัติฯ(ฉบับที่ 2) พุทธศักราช 2479]

มาตรา 4 ท่านห้ามมิให้ทำหรือฉาย หรือ แสดง ฯ สถานที่มหรสพซึ่งภาพยนตร์หรือประกาศประกอบด้วยลักษณะฝ่าฝืนหรือ  
อาจฝ่าฝืนต่อความสงบเรียบร้อย หรือ ศีลธรรมอันดี ถึงแม้เพียงว่าการทำ การฉาย หรือการแสดงผลภาพยนตร์ หรือประกาศนั้น ๆ น่าจะ  
มีผลเช่นนั้น ท่านก็ห้ามดุจกัน

ภาพยนตร์หรือประกาศที่ทำในพระราชอาณาจักร หรือมีลักษณะหรืออาจมีผลเช่นที่ว่านี้ไซ้ ท่านห้ามมิให้นำหรือส่งออก  
นอกพระราชอาณาจักร

มาตรา 5 ภายในบังคับมาตรา 19 แห่งพระราชบัญญัติ นอกจากที่ได้รับใบอนุญาตก่อนแล้ว ท่านห้ามมิให้

- (1) ฉายภาพยนตร์ ณ สถานที่มหรสพ
- (2) นำหรือส่งภาพยนตร์ซึ่งทำในพระราชอาณาจักรออกนอกพระราชอาณาจักร
- (3) ประกาศด้วยภาพหรือรูปถ่ายแสดงเรื่องของภาพยนตร์หรืออื่นๆ ไว้ในที่เปิดเผย หรือ แจก หรือเสนอแจก หรือ  
สำแดงด้วยวิธีใดๆก็ตาม

[ ความใน มาตรา 5 แก้ไขโดยพระราชบัญญัติฯ(ฉบับที่ 2) พุทธศักราช 2479]

มาตรา 6 เพื่อปฏิบัติการให้เป็นไปตามพระราชบัญญัตินี้ อธิบดีกรมตำรวจมีอำนาจแต่งตั้งนายตรวจ เจ้าพนักงานผู้พิจารณา และสภาพิจารณาภาพยนตร์

สภาพิจารณาภาพยนตร์นั้น ให้มีเจ้าพนักงานกรมตำรวจและบุคคลอื่นใดซึ่งอธิบดีกรมตำรวจเห็นสมควรและแต่งตั้งเป็นกรรมการ

[มาตรา 6 แก้ไขโดยประกาศของคณะปฏิวัติ ฉบับที่ 205 ]

มาตรา 7 เมื่อนายตรวจเห็นว่าภาพยนตร์ใดมีลักษณะฝ่าฝืนต่อบทบัญญัติมาตรา 4 ให้มีอำนาจ

- (1) ห้ามมิให้ทำภาพยนตร์นั้นต่อไป
- (2) ยึดภาพยนตร์ที่ทำเสร็จแล้วหรือที่ยังไม่เสร็จและส่งภาพยนตร์นั้นๆ แก่เจ้าพนักงานผู้พิจารณาขอให้พิจารณา

มาตรา 8 ให้เจ้าพนักงานผู้พิจารณา พิจารณาภาพยนตร์ และประกาศซึ่งกล่าวในมาตรา 5 และ 7 ตามลำดับวันที่ขอม่า และต้องให้คำวินิจฉัยภาพยนตร์ในกำหนด สามวัน นับแต่วันที่ได้รับคำขอ

ถ้ามีพฤติการณ์พิเศษ เจ้าพนักงานผู้พิจารณาจะพิจารณาให้คำวินิจฉัยภายในสามวันที่กล่าวไม่ได้ ให้มีอำนาจยึดเวลาออกไปอีกได้ไม่เกินสิบห้าวันและให้รายงานการยึดเวลาต่ออธิบดีกรมตำรวจทันที

[มาตรา 8 แก้ไขโดยประกาศของคณะปฏิวัติ ฉบับที่ 205 ]

มาตรา 9 การพิจารณาตามความในมาตรา 8 นั้น ให้เจ้าพนักงานพิจารณาในสถานที่ของผู้ขอใบอนุญาต หรือในสถานที่ซึ่งทางราชการจัดไว้ แล้วแต่เจ้าพนักงานจะเห็นสมควร

เวลาพิจารณา ห้ามมิให้ผู้ใดเข้าไปในสถานที่นั้น เว้นแต่ตัวเจ้าพนักงานผู้ช่วยเจ้าพนักงานผู้ซึ่งเจ้าพนักงานเชิญมาช่วยพิจารณา ผู้ขอใบอนุญาต และคนรับใช้ของผู้ขอใบอนุญาต

[มาตรา 9 แก้ไขโดยประกาศของคณะปฏิวัติ ฉบับที่ 205 ]

มาตรา 10 ให้เจ้าพนักงานผู้พิจารณามีอำนาจ

- (1) สั่งคืนภาพยนตร์ที่นำตรวจยึดไว้ให้แก่ผู้กระทำ หรือออกใบอนุญาตให้ตามที่ขอไว้ เมื่อเห็นว่าภาพยนตร์หรือประกาศนั้น ไม่มีลักษณะฝ่าฝืนต่อพระราชบัญญัติมาตรา 4 ในกรณีเช่นนี้ ให้เจ้าพนักงานผู้พิจารณาประทับตราไว้ที่ภาพยนตร์หรือที่ประกาศนั้นเป็นสำคัญ

ถ้าปรากฏว่าดวงตราทุกดวงซึ่งประทับไว้บนฟิล์มภาพยนตร์ม้วนใดชำรุดหรือลบเลือน ให้นำฟิล์มม้วนนั้นไปให้พนักงานผู้พิจารณาภาพยนตร์ประทับดวงตราเสียใหม่ก่อนนำออกฉาย

- (2) สั่งยื่นตามคำสั่งของนายตรวจที่เพิกถอนภาพยนตร์นั้น หรือยกคำร้องขอใบอนุญาตเสีย เมื่อเห็นว่าภาพยนตร์หรือประกาศนั้นมีลักษณะฝ่าฝืนต่อบทบัญญัติมาตรา 4

ถ้าเจ้าพนักงานผู้พิจารณาเห็นว่าภาพยนตร์บางตอนมีลักษณะฝ่าฝืนต่อบทบัญญัติมาตรา 4 และตอนนั้น ๆ ได้ถูกลบหรือตัดออกตามคำสั่งของเจ้าพนักงานผู้พิจารณาแล้ว ไซ้ ท่านให้ถือว่าภาพยนตร์นั้น ไม่มีลักษณะฝ่าฝืนต่อบทบัญญัติมาตรา 4

[ ความในวรรคสองของ (1) มาตรา 10 เพิ่มเติมโดยพระราชบัญญัติฯ(ฉบับที่ 2) พุทธศักราช 2479 ]

มาตรา 11 .กรณีต่อไปนี้ท่านว่าอุทธรณ์ไปยังสภาพิจารณาภาพยนตร์ได้

- (1) เมื่อนายตรวจสั่งห้ามมิให้ดำเนินการทำภาพยนตร์ใดต่อไป
- (2) เมื่อนายตรวจยึดภาพยนตร์ไว้ และเจ้าพนักงานผู้พิจารณาสั่งยื่นตามคำสั่งของนายตรวจ
- (3) เมื่อเจ้าพนักงานผู้พิจารณารายกคำขอใบอนุญาตเพื่อฉายภาพยนตร์หรือเพื่อนำหรือส่งภาพยนตร์ออกนอกพระราชอาณาจักร หรือเพื่อสำแดงหรือ แจกประกาศด้วยภาพหรือรูปถ่าย

มาตรา 12 .ให้สภาพิจารณาภาพยนตร์ มีอำนาจ



- (1) สั่งคืนภาพยนตร์ที่นายตรวจยึดไว้ให้แก่ผู้ทำ หรืออนุญาตให้ผู้ทำภาพยนตร์นั้นต่อไป หรือสั่งเจ้าพนักงานผู้พิจารณาให้ออกใบอนุญาตตามที่ขอไว้เมื่อเห็นว่าภาพยนตร์หรือประกาศนั้น ไม่มีลักษณะฝ่าฝืนต่อบทบัญญัติมาตรา 4
  - (2) สั่งยื่นตามคำสั่งของนายตรวจที่ให้ยึดภาพยนตร์หรือให้หยุดการทำภาพยนตร์ หรือสั่งยื่นตามคำวินิจฉัยของเจ้าพนักงานผู้พิจารณาที่ยกค่าขอใบอนุญาตและสั่งให้ยึดภาพยนตร์หรือประกาศที่มีคำร้องขอใบอนุญาตนั้น หรือให้ส่งกลับออกไป เมื่อเห็นว่าภาพยนตร์หรือประกาศนั้น มีลักษณะฝ่าฝืนต่อบทบัญญัติมาตรา 4
- ท่านให้ใช้บทบัญญัติมาตรา 10 วรรคสุดท้ายบังคับโดยอนุโลม

มาตรา 13 คำวินิจฉัยของสภาพิจารณาภาพยนตร์นั้นให้ถือว่าเด็ดขาดถึงที่สุดเว้นแต่คำวินิจฉัยให้ยึดภาพยนตร์ที่ทำในพระราชอาณาจักรนั้น ท่านว่าผู้ทำหรือผู้ขอใบอนุญาตมีสิทธินำคดีสู่ศาลหลวงได้ภายในหกเดือน นับแต่วันที่ได้รับแจ้งคำวินิจฉัยของสภาเป็นต้นไป ถ้าไม่นำคดีสู่ศาลภายในกำหนดไซ้ร้ท่านให้ทำลายภาพยนตร์นั้นเสีย

มาตรา 14 การเก็บรักษาหรือฉายภาพยนตร์ตามคำสั่งของเจ้าหน้าที่นั้น ท่านว่าอยู่ในความเสียหายของเจ้าของ หรือผู้ขอใบอนุญาต และให้เจ้าของหรือผู้ขอใบอนุญาตออกค่าไถ่จ่ายด้วย

ถ้าเกิดความเสียหายขึ้นแก่ภาพยนตร์ ท่านว่าเจ้าหน้าที่หรือรัฐบาลของพระบาทสมเด็จพระเจ้าอยู่หัว ไม่มีความรับผิดชอบ เว้นแต่เจ้าหน้าที่หรือพนักงานของเจ้าหน้าที่จะไต่จงใจทำให้เกิดการเสียหายนั้นขึ้น

มาตรา 15 การออกใบอนุญาตให้ท่านว่าไม่ปลดปล่อยผู้ถือใบอนุญาตให้พ้นจากความรับผิดชอบในทางแพ่งหรือทางอาญา อันเกิดจากการฉายภาพยนตร์นอกจากในส่วนความผิดที่กล่าวไว้ในมาตรา 4

มาตรา 16 อธิบดีกรมตำรวจมีอำนาจเพิกถอนใบอนุญาต ซึ่งออกตามความในพระราชบัญญัตินี้ได้ตามแต่จะเห็นควร  
\*(มาตรา 16 แก้ไข โดยประกาศของคณะปฏิวัติ ฉบับที่ 205)

มาตรา 17 เมื่อพนักงานเจ้าหน้าที่ไปตรวจใบอนุญาตให้ฉายภาพยนตร์ถ้าและไม่มีใบอนุญาตให้ตรวจในขณะนั้น พนักงานเจ้าหน้าที่มีอำนาจสั่งหยุดการฉายต่อไปได้

มาตรา 18 เพื่อรักษาการให้เป็นไปตามบทแห่งพระราชบัญญัตินี้ท่านว่าเจ้าพนักงานปกครองท้องที่ตั้งแต่ชั้นนายอำเภอขึ้นไป นายตำรวจตั้งแต่ชั้นนายร้อยตำรวจขึ้นไป นายตรวจ เจ้าพนักงานผู้พิจารณา และกรรมการสภาพิจารณาภาพยนตร์ มีสิทธิเข้าไปในสถานที่มหรสพซึ่งกำลังฉายภาพยนตร์ได้โดยไม่ต้องเสียเงิน

มาตรา 19 ในกรณีต่อไปนี้ ท่านว่าไม่ต้องมีใบอนุญาต

(1) กรมใดในรัฐบาลฉายภาพยนตร์เพื่อการศึกษา หรือสาธารณประโยชน์อย่างอื่น หรือกรมใดในรัฐบาลส่งภาพยนตร์ซึ่งทำในพระราชอาณาจักรออกนอกพระราชอาณาจักร

(2) ฉายให้ญาติมิตรดูเป็นการส่วนตัว หรือภายในสมาคมหรือสโมสรซึ่งภาพยนตร์อื่น ได้ทำขึ้นมิได้หวังผลในทางค้าหรือนำหรือส่งภาพยนตร์ที่ทำในพระราชอาณาจักรอันมีลักษณะเช่นว่านี้ออกนอกพระราชอาณาจักร

ในกรณีที่กล่าวในอนุมาตรา 2 นี้ ถ้าปรากฏว่าภาพยนตร์นั้นมีลักษณะฝ่าฝืนต่อบทบัญญัติมาตรา 4 นายตรวจมีอำนาจยึดภาพยนตร์นั้น ได้ตามเงื่อนไขที่ระบุไว้ในพระราชบัญญัตินี้

มาตรา 20 ภายใบบังคับมาตรา 21 และ 22 ผู้ใดบังอาจทำ ฉาย นำ หรือส่งออกนอกพระราชอาณาจักรซึ่งภาพยนตร์หรือสำเนา ประกาศอันเป็นการฝ่าฝืนต่อบทแห่งพระราชบัญญัตินี้ ท่านว่าผู้นั้นมีความผิดต้องระวางโทษปรับไม่เกินหนึ่งพันบาท

มาตรา 21 ผู้ใดทำการฝ่าฝืนต่อบทแห่งพระราชบัญญัตินี้ บังอาจขายหรือนำหรือส่งออกนอกพระราชอาณาจักรซึ่ง ภาพยนตร์ หรือสำเนาประกาศอันได้ขออนุญาตแล้ว และเจ้าพนักงานไม่ยอมออกใบอนุญาตให้ ท่านว่าผู้นั้นมีความผิดต้องระวาง โทษจำคุกไม่เกินหกเดือน ปรับไม่เกินสองพันบาท หรือทั้งจำทั้งปรับ

มาตรา 22 ผู้ใดทำการฝ่าฝืนต่อบทแห่งพระราชบัญญัตินี้ บังอาจขัดคำสั่งอันชอบด้วยกฎหมายที่นายตรวจได้สั่งโดยอาศัย อำนาจตามความในมาตรา 7 ท่านว่าผู้นั้นมีความผิดต้องระวางโทษจำคุกไม่เกินหกเดือน ปรับไม่เกินสองพันบาท หรือทั้งจำทั้งปรับ

มาตรา 23 ให้เสนาบดีกระทรวงมหาดไทยมีหน้าที่รักษาการให้เป็นไปตามพระราชบัญญัตินี้ และให้มีอำนาจออกกฎ เสนาบดี กำหนดอัตรา ค่าธรรมเนียมการออกใบอนุญาตและการประทับตรา และว่าด้วยกิจการอื่น ๆ เพื่อปฏิบัติการตามบทแห่ง พระราชบัญญัตินี้

กฎเสนาบดีนี้ เมื่อได้ประกาศในราชกิจจานุเบกษาแล้ว ให้ใช้บังคับได้

ประกาศมา ณ วันที่ 20 กันยายน พุทธศักราช 2473 เป็นปีที่ 6 ในรัชกาลปัจจุบัน

บทเฉพาะกาล

พระราชบัญญัติภาพยนตร์ (ฉบับที่ 2) พุทธศักราช 2479

มาตรา 6 ผู้ใดขาย หรือส่งให้ผู้อื่นฉายฟิล์มภาพยนตร์โดยฝ่าฝืนบทบัญญัติมาตรา 5 แห่งพระราชบัญญัตินี้ ผู้นั้นมี ความผิดต้องระวางโทษปรับไม่เกินร้อยบาท

(รก.2479 / - / 670 / 22 พฤศจิกายน 2479)

ประกาศของคณะปฏิวัติ ฉบับที่ 205

โดยที่ปรากฏว่า ขณะนี้ได้มีการฉายภาพยนตร์ที่บางเรื่องการแสดงเป็นการชักชวนหรือส่งเสริมให้มีการละเมิดศีลธรรม และบางเรื่องก็เป็นการจูงใจหรือแนะวิธีการกระทำผิดอาญาแสดงให้เห็นว่าการควบคุมการทำและการฉายภาพยนตร์ ตาม พระราชบัญญัติภาพยนตร์ พุทธศักราช 2473 ในบัดนี้ไม่ได้ผลเท่าที่ควร เป็นการจำเป็นต้องให้กรมตำรวจเข้ารับผิดชอบ ดำเนินการ จนกว่าจะได้มีการปรับปรุงกฎหมายว่าด้วยภาพยนตร์ หัวหน้าคณะปฏิวัติจึงมีคำสั่งดังต่อไปนี้

ข้อ 1. ให้นายตรวจ เจ้าพนักงานผู้พิจารณา และสภาพิจารณาภาพยนตร์ ตามพระราชบัญญัติภาพยนตร์ พระพุทธศักราช 2473 ซึ่งดำรงตำแหน่ง หรือมีอยู่ในวันประกาศของคณะปฏิวัติฉบับนี้ใช้บังคับพ้นจากตำแหน่ง

ข้อ 5. ในระหว่างที่ยังมิได้แต่งตั้งนายตรวจ เจ้าพนักงานผู้พิจารณาหรือสภาพิจารณาภาพยนตร์ ตามความในมาตรา 6 แห่งพระราชบัญญัติภาพยนตร์พุทธศักราช 2473 ซึ่งแก้ไขเพิ่มเติมโดยข้อ 2 แห่งประกาศของคณะปฏิวัติฉบับนี้ ให้นายตรวจ ซึ่งมิได้อยู่ในวันที่ประกาศของคณะปฏิวัติฉบับนี้ใช้บังคับ ปฏิบัติหน้าที่ไปพลางก่อน

(รก.2515 / 136 / 8พ / 13 กันยายน 2515)

## APPENDIX B

### Questionnaire

This questionnaire is conducted in order to gather information about “The Impact of Censorship Act on Thai Films Industry”. Therefore your honest answers and opinions will be highly appreciated. The gather information will be use only for the statistic review.

#### Part 1: Personal Information

**Please mark** ✓ into ( ) of the most suitable answer

1. Gender

( ) Male

( ) Female

2. Age

( ) 15-24 Year

( ) 25-34 Year

( ) 35-44 Year

( ) 45-54 Year

( ) 55 Years and Above

3. Status

( ) Single

( ) Married

( ) Widow

( ) Separated

4. Education Level

( ) Lower than Bachelor Degree

( ) Bachelor Degree

( ) Higher than Bachelor Degree

( ) Others

5. Occupation

( ) Student

( ) Government Official

( ) Private Employee

( ) Own Business

( ) Others

6. Income

( ) Lower than 10,000 baht

( ) 10,001-20,000 baht

( ) 20,001-30,000 baht

( ) 30,001 baht and above

## Part 2: Films taste and behavior

**Please mark** ✓ into ( ) of the most suitable answer

1. How often do you watch film in cinema?
 

Once a week or more	Once a month
Once in a few months	Once in a year or less
  
2. What is your most favorite genre of films?
 

Drama	Comedy
Action	Love/ Romantic
Family	Horror/Violent
Others (please specified).....	
  
3. Who do you usually watch films with?
 

Alone	Family
Couples/Boyfriend/Girlfriend	Friends
Others (please specified) .....	
  
4. Your purpose of watching films?
 

Entertainment	Education
Socialize	Accompany friends and others
Nothing else to do	
  
5. What is your most preference ways of watching new film?
 

At theatre	On DVD or VCD
On TV program	downloading from internet
  
6. In your opinion, what type of scene do you think should be censor the most?
 

violent	sex scene and nudity
bad language	religious and belief insulting
dirty joke	others

สถาบันวิทยบริการ  
จุฬาลงกรณ์มหาวิทยาลัย

**Part 3:** Your Opinion on “The Impact of Censorship Act on Thai Films Industry”.**Please mark** ✓ to your most appropriate answer

5 = Strongly Agree    4 = Agree    3 = Neutral

2 = Disagree    1 = Strongly Disagree

The Impact of Censorship Act on Thai Films Industry	Your Opinion				
	5	4	3	2	1
<b>Censorship</b>					
1. Do you think film censorship is necessary					
2. Do you think Thai censorship is adequate					
3. Do you think the members of Thai censorship board are qualified for their tasks					
4. Do you think the standard of censorship in Thailand is fair					
5. Do you think censorship help reducing the social problems					
<b>Thai Films</b>					
1. Do you like Thai films					
2. Do you think Thai films are good compare to international standard					
3. Do you think the present Thai films industry are developed than before					
4. Do you think Thai films industry has acquired the good human resources (directors, producers, writers, actors etc)					
<b>Censorship and Thai Films</b>					
1. Do you think censorship is an obstacle to the improvement of Thai films industry?					
2. Do you think Thai films are too violent or contained many disturbing scenes and therefore should be censor?					
3. Do you think films censorship is necessary in order to protect children from the harmful; materials in films?					
4. Does film censorship disturb you from the enjoyment of the film					



The Impact of Censorship Act on Thai Films Industry	Your Opinion				
	5	4	3	2	1
Theatre					
1. Do you think there are enough theatres in Bangkok?					
2. Do you find great variety of films you can choose to see when you go to theatre?					
3. Do you find a lot of Thai films showing at theatre compare to films from other countries?					
4. Do you think the price for ticket is fair?					
5. Do you find a lot of people watching films in theatre?					

**THANK YOU FOR YOUR TIME**

## APPENDIX C

The name list of the interviewees on the topic of “the impact of censorship act on Thai films industry”

- 1) Mr. Visit Sassnatieng: Director
- 2) Mr. Somjing Srisuparp: Director
- 3) Mr. Kongdetch Jaturanrassamee: Director and Script Writer
- 4) Mr. Pantham Thongsung: Director and Producer
- 5) Miss Naludee Sirakornwilai: Script Writer
- 6) Mr. Polpat Kitikunpairoj: Film Editor and Analysis
- 7) Miss Chalida Uabumrungjit: Secretary of the Thai Film Foundation
- 8) Mr. Pisarn Israpanich: Distributor
- 9) Miss Krittiya Mukdajaruenkul: Theatre Manager

### Guideline Questions For Interviews

- Do you understand how the Thai films censorship works?
- Do you know the rule and standard of Thai films censorship?
- How does the films censorship affect your work?
- The censorship board sited that films shall not contain plot or scenes which threaten the national security and the good moral of society. In your views, what are the things that may threaten the national security and good moral of society?
- Do you agree that violent on films could lead to real life violent?
- Do you think some forms of films censorship are necessary?
- In your opinion, what are the real problems of Thai films industry?
- How do you think that censorship affects the Thai films industry as a whole?

## BIOGRAPHY

Chanchai Pratheepwatanawong was born in Bangkok, Thailand in 1980. He has educated primary and secondary school in Bangkok from Our Lady of Fatima School (Mae Pra Fatima). In late 1996, he went to Napier, New Zealand to continue his High School study at Napier Boy's High School. After that he went to Perth, Australia to study his bachelor degree at The University of Western Australia which he graduated a bachelor degree in Asian Studies, majored Japanese.



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