

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.12510 of 2016 (O&M)

DATE OF DECISION: JUNE 16, 2016

WATTAN SHARMA

...APPELLANT

VERSUS

UNION OF INDIA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE M. JEYAPPAUL.

1. Whether the judgement should be reported in the digest? Yes

PRESENT: MR. KARAN BHARIHOKE, ADVOCATE
FOR THE PETITIONER.

MR. V.K. KAUSHAL, ADVOCATE
FOR RESPONDENT NO.1.

MR. SUJAY KANTAWALA, ADVOCATE
AMICUS CURIAE.

MR. SANJAY KAUSHAL, SR.ADVOCATE
WITH MR. ABHISHEK SETHI, ADVOCATE
FOR THE RESPONDENT NO.3.

MR. P.S. KHURANA, ADVOCATE
FOR THE APPLICANT.

MR. RAJESH BHARDWAJ, ADDL.A.G., PUNJAB.

M. JEYAPPAUL, J.

CM-7263-2016

1. This is an application filed under Order 1 Rule 10 CPC for impleading Ms.Paramjit Kaur Landran, Chairperson of The Punjab State Commission for Women as party intervener in the present writ petition.

2. As the applicant sought intervention in the pending writ

petition which is coming up for final disposal today on the ground that applicant is a necessary party, as the trailers of the movie have shockingly portrayed the women-hood of Punjab society, permission is granted to the applicant to intervene in this writ petition.

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3. The writ petitioner has contended that the film 'Udta Punjab' produced by respondent No.3 has portrayed the entire populace of the people of Punjab as drug addicts. Further, the said film is purely a political agenda with the principal objective of projecting the State of Punjab as a hub of narcotics and psychotropic substances. The petitioner has alleged that the film is replete with derogatory abuses. The function of the law enforcement agency in the State of Punjab has been depicted as totally defunct. The Punjabis have been shown as rouges as a result of which an adverse impact would be created on the minds of the youth. The entire atmosphere of a peace loving and hardworking Punjabis would be vitiated if the film is screened. The exhibition of the film will have a far reaching adverse repercussions in the State of Punjab which has already undergone the worst phase of militancy in the country, it was further submitted.

4. In the reply filed by respondent No.3, it has been averred that the Hon'ble High Court of Judicature at Bombay has partly allowed the writ petition filed by Phantom Films Pvt. Ltd. and another. The decision of the Central Board of Film Certification was quashed with slight modification. The Hon'ble High Court of Judicature at Bombay has ordered that the film 'Udta Punjab' be certified as '*restricted in its exhibition to the Adult*

Audience'. It is the duty of the State Government concerned to effectively maintain law and order once the film is publicly exhibited. No prohibitory orders have been issued either by the State of Punjab or by the State of Haryana. Respondent No.3 has sought for dismissal of the writ petition with the above contentions.

5. The writ petition came up for hearing on 13.6.2016. Sh.Sujay Kantawala, Advocate who appeared before this Court in connection with yet another case was appointed as *Amicus Curiae Pro Bono*. Respondents No.2 and 3 were directed to screen the film 'Udta Punjab' in the theatre of respondent No.2 on 14.6.2016 at 4.00 p.m. and the Amicus Curiae was asked to watch the film alongwith the representatives of the writ petitioner and the representatives of respondents No.1 to 3 and submit a report fairly commenting on the content of the film, so as to enable the Court to take a decision as to whether the said film is fit for public exhibition.

6. Sh.Sujay Kantawala, Amicus Curiae having watched the film with the co-operation of the all concerned submitted a detailed report today. Sh.Sujay Kantawala, Amicus Curiae has acted on behalf of the Court. As the film was produced in Mumbai and the same is to be exhibited by tomorrow itself, the Court felt that due to time constraint it is not possible to watch the film. Therefore, the Amicus Curiae was deputed to watch the film on behalf of the Court at Mumbai itself and submit a report on the content of the film.

7. From the report submitted by Sh.Sujay Kantawala, Amicus Curiae, it is found that 'Udta Punjab', the film under challenge deals with the

central theme, namely, drug menace in Punjab. The drug menace is not geocentric to the region of Punjab. It is actually a problem faced by the entire world. The subject is one of topical public importance. The report discloses that the film does not, in any manner, glorify usage of drugs or narcotic substances. It does not have any ill effect of luring any person towards drug menace. It does not advocate drug usage or idolize persons to use drugs. Through the lead character, the Director has portrayed that drugs are dangerous and disastrous and can lead to loss of loved ones. The women lead character in the film has been bestowed with the mission of reforming the drug addicts.

8. Learned Amicus Curiae has very fairly commented that the film script could have avoided the repeated use of extremely foul and abusive language. The film has no obscenity. He was very categorical that the State of Punjab and the Punjabis had not been portrayed in a poor light as contended by the writ petitioner. Ultimately, he has noticed that nothing objectionable is found in the film.

9. During the course of arguments, learned counsel appearing for The Punjab State Commission for Women submitted that the women had been portrayed in a very bad light. The Amicus Curiae responded that the women had not been portrayed in a bad light, as contended.

10. In view of the above facts and circumstances, I am of the considered view that apprehension in the mind of the writ petitioner is totally ill-founded. Any prohibition imposed on the exhibition of the film in any part of the country would pose a challenge to the creative mind of the

Story Writer, Script Writer, Cameraman and the Director. Just because there may be some law and order issue, no restraint order can be passed as sought for by the petitioner. The report submitted by the Amicus Curiae indicates that there was no politics involved in production of such a film and the image of any particular State has not been maligned. The law and order issue that may arise will have to be efficiently tackled by the State, as it is its solemn duty.

11. With the above observations, the writ petition stands dismissed.

12. Before parting with the case, the utmost sincerity shown, commendable assistance rendered to the Court and the fair and unbiased report submitted by learned Amicus Curiae Sh.Sujay Kantawala, Advocate is highly appreciated.

June 16, 2016
Gulati

(M. JEYAPPAUL)
JUDGE