

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5147 of 2017

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1. Ritesh Kumar, son of Rambachan Singh, resident of Ward No.14, Mokama, P.S.- Mokama, District- Patna.
 2. Rahul Kumar, son of Devendra Prasad, resident of Madangachhi, P.S.- Mokama, District- Patna.
 3. Pintoo Kumar, son of Ramji Rai, resident of Village- Kalyanpur, P.S.- Athmalgola, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Art and Culture, State of Bihar, Patna.
2. The Principal Secretary, Department of Art and Culture, State of Bihar, Patna.
3. The Central Board of Film Certification, through its Chairman.
4. Raghubir Singh, Director of the Film 'Chauhar'
5. Dinkar Bhardwaj, Producer of the film 'Chauhar'
6. Roopak Sharar, Story writer of the film 'Chauhar'

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar, Advocate
For the Respondent/s : Mr. Sarvesh Kr.Singh-AAG13

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 06-04-2017

Petitioners, claiming to be public spirited persons,
have filed this writ petition and seek a *mandamus* for preventing
release of a Hindi Feature Film named 'Chauhar' or, in the alternate,



pray for deleting certain dialogues and scenes in the picture which are not in public interest as they are derogatory and defamatory in nature, particularly with regard to a particular race, caste or citizens and, therefore, they should be deleted

2. Reference is made to certain advertisements issued in the Newspaper and certain clippings of the film exhibited on the U-tube to say that the film should not be released or, at least, if released, it should not be done after removing the derogatory and objectionable material.

3. Having heard learned counsel for the petitioners at length, we are of the considered view that the film has been released after certification granted by the Central Board of Film Certification which is empowered under law to consider the question of permitting release of a motion picture, suggest or direct for removal or deletion of a particular dialogue or scene from the picture in question. A writ Court is not required to go into all these aspects and interfere into the matter merely because the petitioners feel that certain dialogues are defamatory and derogatory in nature. It is for the statutory certifying authority or the appellate authority under the Cinematography Act to look into the grievance of the petitioners and take action.



4. Certification of a motion picture for public view is done after the requisite certificate is issued by the Central Board of Film Certification in accordance to the Cinematograph (Certification) Rules, 1983, formulated by virtue of the powers conferred on the competent statutory authority under Section 5-A of the Cinematograph Act, 1952 in the following manner:

“5-A. Certification of films.—[(1) If, after examining a film or having it examined in the prescribed manner, the Board considers that—

(a) the film is suitable for unrestricted public exhibition, or, as the case may be, for unrestricted public exhibition with an endorsement of the nature mentioned in the proviso to clause (i) of sub-section (1) of section 4, it shall grant to the person applying for a certificate in respect of the film a “U” certificate or, as the case may be, a “UA” certificate; or

(b) the film is not suitable for unrestricted public exhibition, but is suitable for public exhibition restricted to adults or, as the case may be, is suitable for public exhibition restricted to members of any profession or any class of persons, it shall grant to the person applying for a certificate in respect of the film an “A” certificate or, as the case may be, a “S” certificate, and cause the film to be so marked in the prescribed manner:

Provided that the applicant for the certificate, any distributor or exhibitor or any other person to whom the rights in the film have passed shall not be liable for punishment under any law relating to obscenity in respect of any matter contained in the film for which certificate has been



granted under clause (a) or clause (b).]

(2) A certificate granted or an order refusing to grant a certificate in respect of any film shall be published in the Gazette of India.

(3) Subject to the other provisions contained in this Act, a certificate granted by the Board under this section shall be valid throughout India for a period of ten years.

5. In the Rules of 1983, a detailed procedure is contemplated for certification of a film by the statutory certification authority. Thereafter, there are provisions for review of the certificate issued by the certification authority and further statutory provisions for appeal and re-examination of process of certification of film are provided in the Statute.

6. That being the position, we, in exercise of our extra ordinary jurisdiction in a writ petition under Article 226 of the Constitution, see no reason to make any indulgence into the matter once the motion picture has been certified for public view by the statutory Certification Board, namely, the Central Board for Film Certification and when a statutory tribunal is functioning to review and hear complaints against the certification granted by this Board. That being so, we are not inclined to interfere into the matter only on the allegation of the petitioner.



7. We dismiss the writ petition with liberty to the petitioners to take recourse to any other statutory remedy, if available under law.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	11.4.2017
Transmission Date	N/A

