

High Court for the State of Telangana

**THE HON'BLE THE CHIEF JUSTICE
SRI RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE SRI JUSTICE A. ABHISHEK REDDY**

W.P. No.26439 of 2019

Date: 28-11-2019

Between:

P.Ramgopal Varma

...Petitioner

And

Union of India,
Rep. by Secretary to Government,
Ministry of Information and Broadcasting,
New Delhi and others

...Respondents

Counsel for the petitioner:

Mr.K.Durga Prasad

Counsel for the respondents:

Assistant Solicitor General

The Court made the following:

ORDER: (*per the Hon'ble the Chief Justice Sri Raghvendra Singh Chauhan*)

The petitioner has sought for the following relief from this Court:-

“For the reasons stated above, it is prayed that this Hon'ble Court may be pleased to issue any appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring action of the 2nd and 3rd respondents in not examining the film *“Kamma Rajyamlo Kadapa Reddlu”* produced by the petitioner for certification as illegal, null and void and arbitrary and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

It is further prayed that this Hon'ble Court may be pleased to direct the 2nd and 3rd respondents to examine the film and issue certificate as per law forthwith for release of the film *“Kamma Rajyamlo Kadapa Reddlu”* on 29.11.2019, pending disposal of the present Writ Petition and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case”.

The petitioner, Mr.P.Ramgopal Varma, submits that he has been in the movie making business for the last thirty years. His very first film ‘*Shiva*’ was a big hit all over the world. He has been making films both as producer and director for the last few decades. According to him, he has produced a Telugu film titled *“Kamma Rajyamlo Kadapa Reddlu”*. In order to get the proper certification for the said film, on 14.11.2019, he had submitted an application before the Regional Officer, respondent No.2, along with necessary supporting documents, and also with the payment of the requisite fees. Later, necessary documents, affidavits and undertakings were filed by him along with a certificate issued by the Telugu Film Chamber of Commerce, dated 09.11.2019 and a certificate issued by Prasad Extreme Digital Cinema Network Private Limited, Hyderabad, dated

13.11.2019. In his application, he had proposed to release his film on 29.11.2019. Since the last date of 29.11.2019 was approaching fast, according to the petitioner, on 20.11.2019, he had filed an application giving reasons for the early screening of the film before the Examining Committee. However, despite his request, so far, the respondent Nos.2 and 3 have not even initiated the action for the procedure prescribed under Rule 41 of the Cinematograph (Certification) Rules, 1983. Therefore, he has prayed for the relief mentioned hereinabove.

The learned counsel for the petitioner, Mr.K.Durga Prasad, submits that Rule 41 of the Rules of 1983 prescribed a complete procedure for the time limit in relation to certification of film. According to the Rule 41 of the Rules of 1983, after an application under Rule 21 for the certification of a film is filed, the respondent No.2 is required to scrutinize the application within seven days from the date of the receipt. Despite the fact that the application was filed on 14.11.2019, so far the application has not even been scrutinized. Furthermore, the film has to be screened before the Examining Committee within fifteen days from the date of receipt of clear runnable print of the film. However, even the said step has not been taken. Meanwhile, the last date for release of film, namely 29.11.2019, is around the corner. According to the learned counsel for the petitioner, on 20.11.2019, the petitioner did submit an

application for early examination of the film. However, even the said application has gone unheeded.

The learned counsel or the respondent Nos.1 to 3 submits that he has received the status report of the film from the respondent No.3. According to the respondent No.3, he has sixty eight working days before a certificate is to be issued. However, in case cogent grounds are specified by the producer/director for early examination of the print by the Examining Committee, the Examining Committee can certainly screen the film and the certificate can certainly be issued, provided all the suggestions, advises and recommendations made by the Board are carried out by the producer/director.

Rule 41 of the Rules of 1983 is as under:-

Time limit in relation to certification of films: -

(1) After an application under rule 21 for the certification of a film, complete in all respects (including the proof of payment of fee) is received, the Board shall scrutinize the application within seven days from the receipt thereof.

(2) On receiving an intimation from the applicant that a clear runnable print of the film is available for examination, the Board shall, within fifteen days therefrom refer the film for examination to an Examining Committee.

(3) The films may be referred to the Examining Committee in the order in which the applications are received:

Provided that the regional officer may on receipt of a written request from any applicant, if satisfied that there are grounds for an early examination, alter the order of examination of the film after recording the reasons in writing.

(4) (a) In case where the Examining Committee, after examination of the film, considered that a scrutiny of the shooting script is necessary or the authenticity of the incidents depicted in a film of historical, mythological, biographical or legendary nature is to be verified, a provisional report to that effect shall be submitted by the regional officer to the Chairman within a maximum of three working days after such examination.

(b) A written communication shall be sent to the applicant within a maximum of three working days following the receipt of the Chairman's orders on the provisional report referred to in clause (a) and the applicant shall submit the script or the authentic sources on which the subject of his film, is based within ten days from the date of receipt of such communication.

(c) In case, where the members of the Examining Committee after the examination of the film submit to the Chairman a provisional report indicating that expert opinion on subjects depicted in the film such as subjects relating to defense or foreign relations or any particular religion or law or medicine or any other subject, should be sought before the final report is submitted, the Chairman may after taking into consideration the circumstances of the case specify a time limit for obtaining the expert opinion and for the submission of the final report of the Examining Committee thereafter.

(d) In other cases, the script submitted by the applicant or the authentic sources furnished by him shall be scrutinised by the examining officer and the final report of the Examining Committee shall be forwarded by the examining officer to the Chairman within ten days from the date of receipt of the script or the authentic sources, as the case may be.

5) (a) On receipt of the orders of the Board on the recommendations of the Examining Committee, in case where sub-section (2) of section 4 is applicable, the communication to the applicant shall be issued within three days.

(b) The applicant shall submit his reply within fourteen days of the receipt of the communication.

(6) In case where the film is not referred to a Revising Committee, certificate shall be issued or decision communicated within seven days.

(7) (a) In cases where a film is to be referred to a Revising Committee, Revising Committee shall be constituted within twenty days from the receipt of the necessary documents from the applicant.

(b) The provisions of sub-rule (3) to (6) shall apply mutatis mutandis to the examination of films by the Revising Committee.

(c) When a film is referred to another Revising Committee or to the Board in terms of proviso to sub-rule (12) of rule 24, the time-limit will be further extended on the lines of (a) and (b) of this sub-rule.

(8) The applicant shall surrender the cuts, if any, and the affected reels together with full particulars thereof, within a period of fourteen days from the date of receipt of the final orders of the Board under section 4:

Provided that where the applicant applies to the Board that he intends to appeal against the orders of the Board, the Board may extend the period specified above for surrender of the cuts by such period as it thinks fit, but in any case not beyond fourteen days from the date of disposal of the appeal or from the date of expiration of the period for filing the appeal in cases where no appeal is filed.

(9) The cuts and the affected reels shall be examined by the regional officer within ten days of the submission of the same.

(10) If the cuts are found to be adequate on the scrutiny of the relevant reels and all particulars necessary for the presentation of the certificate are fully furnished, certificate shall be prepared and issued within five days of the deposit of a copy of the film or script, as the case may be, as required under these rules.

(11) If however the cuts are found to be inadequate on a scrutiny of the relevant reels, the regional officer shall record the same on the file and send within two days a further communication to the applicant for compliance with the orders of the Board.

(12) The applicant shall submit further cut to the regional officer within three days from the date of receipt of the communication.

(13) The regional officer shall again verify further cuts and the reels within five days of the receipt of the same and if the cuts are found to be adequate a certificate shall be issued.

(14) The Chairman may, for reasons to be recorded in writing, relax the time-limits prescribed by this rule for the performance of any act if he is satisfied that it is necessary so to do to avoid any undue hardship.

Explanation - In calculating the periods specified in this rule working days alone shall be taken into account and Sundays and other holidays shall be excluded".

Rule 41(3) clearly states that if the applicant mentions the grounds for early examination, the Regional Officer may order the examination of the film after recording the reasons in writing. Therefore, an early examination of the film is permissible under proviso to sub-Rule (3) of Rule 41 of the Rules of 1983.

Therefore, this Court directs the respondent Nos.2 and 3 to examine the film Telugu film titled "*Kamma Rajyamlo Kadapa Reddalu*" within a period of one week from the date of receipt of the certified copy of this order. The respondent Nos.2 and 3 shall be free to recommend any change in the film, but strictly in accordance with law. The petitioner is bound to carry out the recommendations made by the Board.

It has come to the knowledge of this Court that certain persons, who are aggrieved by the title of the film, have submitted their representations requesting the Board to at least consider their prayer that the title of the film should be changed. For, the present title seems to hurt the sentiments of certain communities in the State. The respondent No.2 is directed to equally consider the objections raised by those who have filed the representations before the Board.

The writ petition stands disposed of. There shall be no order as to costs.

As a sequel, miscellaneous petitions, pending if any, stand closed.

(RAGHVENDRA SINGH CHAUHAN, CJ)

(A. ABHISHEK REDDY, J)

28th November, 2019

Note:

Issue CC today

B/o Lrkm