



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-PIL-179-2024

Date of decision : 31.08.2024

Gurinder Singh and another

.....Petitioners

Versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Deepinder Singh Virk, Advocate,
Mr. Imaan Singh Khara, Advocate,
Mr. K.S. Sidhu, Advocate,
Mr. G.S. Salana, Advocate, and
Mr. J.S. Salana, Advocate,
for the petitioners.

Mr. Satya Pal Jain, Addl. Solicitor General of India, with
Mr. Dheeraj Jain, Senior Panel Counsel, UOI,
for respondents No.1 and 2.

Mr. Saurav Khurana, Addl. Advocate General, Punjab.

SHEEL NAGU, CHIEF JUSTICE (Oral)

1. This petition has been filed as a Public Interest Litigation (PIL), wherein the alleged public cause raised is that movie, named “Emergency”, which is scheduled to be released on 06.09.2024, contains scenes which target and hurt the sentiments of Sikh community and, therefore, prayer in this petition is made to the following effect :

“(i) *Issue a writ in nature of Mandamus or any other appropriate writ, directing the respondent Nos. 1 and 2 to call for all the records and documents of*



the Examination Committee as well as the Review Committee in respect of the “Emergency” Movie and to cancel/revoke the certificate issued to the said film for release in public domain, in the interest of justice, equity and fair play.

- (ii) With a further prayer for issuance of a writ in nature of mandamus or any other appropriate writ, directing the respondents no.1 and 2 to expunge/delete the scenes targeting Sikh Community, whereby through projection of false and erroneous facts an attempt has been made to destroy the social fabric of State of Punjab, from the film “Emergency” which is scheduled to be released on 06.09.2024, in the interest of justice, equity and fair play.*
- (iii) With a further prayer for appointing special panel, including respondent no.5 and other Eminent Sikh Personalities, monitored by this Hon’ble High Court to review the said “Emergency” film and the grant of certificate by the respondent no.2 before permitting the exhibition, circulation and viewership of the said film for public viewing, in the interest of justice, equity and fair play.*
- (iv) With a further prayer for issuance of a writ in nature of mandamus or any other appropriate writ, directing official respondent no.1 to restraint respondent nos. 12 to 14 and any other such similar social media/OTT Platforms, from in any manner exhibiting, circulating or making available for viewership to the General Public the said film and its trailer, namely “Emergency”, in the interest of justice, equity and fair play.*
- (iv) With a further prayer for issuance of a writ in nature of mandamus or any other appropriate writ,*



directing official respondent no.4 to set the criminal law into motion and register an FIR, under the relevant provisions of Bharatiya Nyaya Sanhita, 2023 (B.N.S.), Cinematograph Act 1952 and other relevant legislatures, against respondent nos. 6 to 11 and other delinquent persons associated with the said “Emergency” film, whereby an attempt is being made to tarnish the image of Sikh Community and to destroy the social fabric of Punjab State, in the interest of justice, equity and fair play.

- (vi) *With a further prayer for issuance of a writ in nature of mandamus or any other appropriate writ, directing the official respondent no.3 to exercise powers under section 98 of Bharatiya Nagarik Suraksha Sanhita, 2023 (B.N.S.S.) to forfeit the said film and take necessary action to cease all records of the said film from respondent no.2 and respondent nos. 6 to 11 to avoid any exhibition, circulation and viewership of the said film and/or its trailer namely “Emergency”, in the State of Punjab, in the interest of justice, equity and fair play.*
- (vii) *With a further prayer for issuance of a writ in nature of mandamus or any other appropriate writ, directing the respondent nos. 1 and 2 to suspend the certification for release of the said film “Emergency” and to stay/injunct the release of the said film in the entire country during the pendency of the present writ petition, in the interest of justice, equity and fair play.*
- (viii) *With a further prayer for issuance of a writ in nature of mandamus or any other appropriate writ, directing respondent nos. 1 to 4 to decide the representations of the present petitioners in a time*



bound manner, in the interest of justice, equity and fair play.”

2. Learned Additional Solicitor General of India, appearing on behalf of the Union of India (respondent No.1) and the Central Board of Film Certification (respondent No.2), informs the Court that certification of the film, as contemplated under Rule 23 of the Cinematograph (Certification) Rules, 1983, framed under the Cinematograph Act, 1952, has not yet taken place.

3. Learned Additional Solicitor General of India has further assured that all the necessary precautions, that are enshrined in the Cinematograph Act, 1952 and the Rules of 1983, including guiding principles for certifying films, i.e. interest of the sovereignty and integrity of India, security of the State, friendly relations with foreign States, public order, decency or morality, defamation or contempt of court etc., shall be taken into account.

4. It is also assured by learned Additional Solicitor General of India that the guiding principles laid down in the notification dated 06.12.1991 (Annexure P-7) shall be kept in mind by respondent No.2 Board which shall take care, that contents of the said movie do not hurt the sentiments of any community, including Sikh community.

5. Be that as it may, this Court also finds that even after certification of the movie being made, any aggrieved person has remedy to approach respondent No.2 Board to place the matter before the Revising Committee for review of certification issued by the Board, which is to be dealt with in accordance with Rule 24 of the Cinematograph (Certification) Rules, 1983.



6. In view of aforesaid assurance given by learned Additional Solicitor General of India on behalf of respondents No.1 and 2, and availability of alternative remedy, this Court deems it appropriate not to issue notice in this case and leave it to the petitioners to avail the remedies under the Cinematograph Act, 1952 and the Cinematograph (Certification) Rules, 1983.
7. This Court has no manner of doubt, that the assurance given by learned Additional Solicitor General of India shall not be breached by respondent No.2 Board.
8. Petition stands disposed of accordingly.

(SHEEL NAGU)
CHIEF JUSTICE

(ANIL KSHETARPAL)
JUDGE

August 31, 2024
ndj

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No