

F. No. 2/18/2017-FCAT

**BEFORE THE FILM CERTIFICATION APPELLATE TRIBUNAL**Monday, 16<sup>th</sup> October, 2017

**Present:** CHIEF JUSTICE (RETD.) MANMOHAN SARIN,  
CHAIRPERSON, FCAT  
MS. BINA GUPTA, MEMBER, FCAT  
MS. SHAZIA ILMI, MEMBER, FCAT

**FOR THE APPELLANT:** MR. PRANAV M PATEL,  
APPELLANT

IN THE MATTER OF:

SHRI PRANAV M PATEL ..... APPELLANT

VERSUS

CENTRAL BOARD OF FILM ..... RESPONDENT  
CERTIFICATION(CBFC), MUMBAI (NEMO)

APPEAL UNDER SECTION 5C OF THE CINEMATOGRAPH ACT, 1952 (37 OF 1952) AGAINST THE DECISION OF CENTRAL BOARD OF FILM CERTIFICATION (CBFC) IN RESPECT OF GUJARATI FEATURE FILM "SEX EDUCATION"

This is an appeal under Section 5 C of the Cinematograph Act, 1952 (37 of 1952) seeking to challenge the Order No. DIL/153/2017-MUM dated 07.08.2017, whereby the Examining Committee of the CBFC has refused certification to the Gujarati film titled "Sex Education" in view of the theme, treatment and presentation of the film.

Aggrieved by the aforesaid order of the Examining Committee, the appellant has filed the present appeal.

2. The film was screened and the Appellant was heard on 10<sup>th</sup> October, 2017. The movie portrays Sex Education at the school level among adolescent children. The theme and the story is of a teacher, who is himself convinced of the need for sex education and is committed to the same. He faces problems and difficulties from management and those opposed to sex

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education, who feel that sex is only for procreation and reproduction. Further sex education given to young minds will only pollute them.

3. During the hearing, the appellant submitted that he would be satisfied with such category of certification as the Tribunal deems fit keeping in mind the objective and message sought to be conveyed by the film.

4. It was pointed out to the Appellant that the scenes carrying the discussion of various STD diseases require medical and scientific corroboration and elaboration. Herpes is a well known viral infection but is described as STD, while only Herpes, HSV2 could be STD. Appellant thereupon stated that he is willing to delete the scenes coming under the heading 'Symptoms, Treatment and Prevention of STDs' appearing at 00.15.05, which is accepted.

5. During the hearing the Appellant has also offered to carry out the following cuts in the movie voluntarily:-

S.No	TCR of film	Content offered to be removed
1.	00:20 - 00:21	Nitin :- Come on baby ..... come on ..... To You did it... Yeppy
2.	-do-	Nitin :- What is your size? To Nitin :- Show me man. I want to enjoy it. Mine is too tiny

6. Undoubtedly, the theme of the film is a sensitive one and it has to be dealt with keeping the sensibilities of young impressionable minds. Education and information on sex has to be need and age based, otherwise it can be counter-productive. We had enquired from the Appellant as to the age group which he was targeting for the purpose of sex education. The Appellant clarified that the ideal position is of giving sex education to young children so that as future parents they do not suffer from the taboo and inhibitions. However, he would be satisfied if the film is shown to adult

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audience. We feel that it would be desirable for the Appellant, therefore, to indicate the same in the form of a Disclaimer.

7. The Appellant is accordingly being directed to give a disclaimer as under for the purposes of grant of certification. The disclaimer shall be exhibited at the beginning for a minimum of sixty seconds and shall also be read in the voice over.

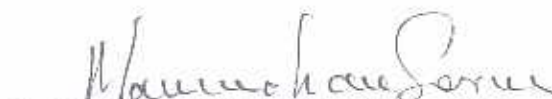
**DISCLAIMER**

The film is about the children and youth of India, who in the absence of proper and guided sex education continue to nurture inhibitions, misunderstandings and misconception about sex. The film attempts to bring to the fore the curiosity of growing children and adolescents, thereby highlighting the need for understanding by proper sex education, so that they are aware of dangers of indiscriminate sex and being infected by STD. The need for change in mind set of parents in this regard is highlighted. The film does not degrade or denigrate women. All the characters in the movie are fictitious and any resemblance to persons living or dead is purely coincidental and unintentional. The movie is an attempt to remove inhibitions and the taboo on sex education.

8. The appeal is allowed and we direct issuance of 'A' certification to the Gujarati film 'Sex Education' subject to the cuts/modifications mentioned in Para 4, 5 & insertion of the disclaimer as mentioned in Para 7. Copy of the order be furnished to both the parties forthwith.

  
(BINA GUPTA)  
MEMBER, FCAT

  
(SHAZIA ILMI)  
MEMBER, FCAT

  
(JUSTICE MANMOHAN SARIN)  
CHAIRPERSON, FCAT