

F.No. 2/28/2017-FCAT

BEFORE THE FILM CERTIFICATION APPELLATE TRIBUNAL10th January, 2018

Present: CHIEF JUSTICE(RETD.) MANMOHAN SARIN,
CHAIRPERSON, FCAT
MS. SHAZIA ILMI, MEMBER, FCAT
Mr. POONAM DHILLON, MEMBER, FCAT

FOR THE APPELLANT: SHRI SHAILENDRA PANDEY

IN THE MATTER OF:

SHRI SHAILENDRA PANDEY **APPELLANT**

VERSUS

CENTRAL BOARD OF FILM **RESPONDENT**
CERTIFICATION(CBFC), DELHI

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 HINDI FILM "JD".

ORDER

This is an appeal under Section 5C of the Cinematograph Act, 1952 (37 of 1952) assailing the Order No.VIL/3/2017-DEL dated 23.11.2017 whereby the Examining Committee of the CBFC has recommended 'UA' certificate subject to the following cuts:-

S.No.	Insertions/ Excisions/ Modifications	Location	Cut Description	Guidelines
1	Insertion	Beginning	Disclaimer to be added: Film Mein Sare Paatar Kaalpanik	2(xix)

MS

			<i>Sacchi MS</i> Hai Aur Inka Sex Ghatna Ka Koi Smbandh Nahi Hai	
2	Excisions	07:20- 07:28	Dialogue : Jab Ek Anjaan Mard Uske Shareer Par Kaarigari Kar Raha Tha ' to be deleted	2(viii), 2(x)
3	Excisions	20:18- 21:45	Remove song	2(viii), 2(x)
4	Excisions	07:36- 07:38	Dialogue 'Sex ki Habitual Hai' to be deleted	2(viii), 2(x)
5	Excisions	56:35- 56:40	Scene to be deleted	2(viii), 2(x)
6	Excisions	01:47:30- 01:51:33	Delete the scene/song	2(viii), 2(x)

Theme, treatment and presentation require parental guidance.

2. Aggrieved by the aforesaid order of the Examining Committee of CBFC, the appellant has filed the present appeal.
3. The movie was screened for the Tribunal on 9th January, 2018 and the Appellant as well as Shri Atul Gautam, ARO, CBFC, Delhi were heard. Having viewed the film, perused the written synopsis, heard the parties as aforesaid, our findings are:-
 - 3.1 Appellant accepts the disclaimer at Cut No. 1. Hence, it requires no further direction.
 - 3.2 The second cut directed by the CBFC is at location 07.20 and 07.28. The CBFC has directed deletion of the dialogue 'Jab Ek Anjaan Mard Uske Shareer Par Kaarigari Kar Raha Tha' to be deleted. We

MS

are of the view that applying the contemporary standards prevailing in the society, the above dialogue cannot be regarded as offensive or violative of guideline 2(viii) and 2(x). The aforesaid direction is accordingly set aside.

3.3 With regard to Cut No. 3, the CBFC has directed removal of the song appearing at 20.18 to 21.45. The Appellant submits that the song in question is part of the popular folklore of Kanpur and further that the song is less than two minutes duration. Moreover, the CBFC had granted 'UA' certificate for the promo of this song for TV. There is merit in the submission of the Appellant and the direction for removal of the song is set aside.

3.4 With regard to Cut No. 4, CBFC has directed the deletion of the dialogue 'Sex ki habitual hai'. The Appellant after reflection does not object to the said excision. Accordingly, the same stands.

3.5 With regard to Cut No. 5, the scene between Noor and JD at 56.35 to 56.40, the appellant does not object to the deletion. Accordingly, the same stands.

3.6 With regard to Excision No. 6 at 01.47.3 and 01.51.33, CBFC has directed the deletion of the song 'Whisky Soda piyo Rum piyo Khusi mein jiyo', we find that the overall impact of the dance coupled with the wordings of the song which may even tend to promote consumption of liquor, besides having suggestive visuals, would not be fit for satellite viewing, even with parental caution. Accordingly, we direct muting of the words of the song 'Whisky Soda Piyo Rum

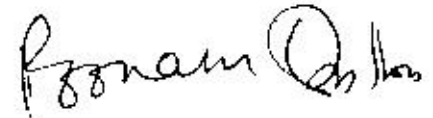
MS

Rum Piyo Khusi main jiyo'. We further direct reducing the duration to 50% of the song which contains suggestive visuals.

6. The appeal is partly allowed and we direct issuance of 'V/UA' certificate with parental caution upon the Appellant complying with the aforesaid directions. Copy of the order be furnished to both the parties forthwith.



**(SHAZIA ILMI)
MEMBER, FCAT**



**(POONAM DHILLON)
MEMBER, FCAT**



**(CHIEF JUSTICE (RETD.) MANMOHAN SARIN)
CHAIRPERSON(FCAT)**