

**BEFORE THE FILM CERTIFICATION APPELLATE TRIBUNAL**

17<sup>th</sup> May, 2018

**Appeal No. 5/2018**

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

**FOR THE APPELLANT: Mr. Pramod Tiwari**

**FOR THE RESPONDENT: Nemo**

**IN THE MATTER OF:**

**KAMLESH PURANI, SHEMAROO  
ENTERTAINMENT LTD.**

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**APPELLANT**

**VERSUS**

**CENTRAL BOARD OF FILM  
CERTIFICATION (CBFC),  
MUMBAI**

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**RESPONDENT**

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 **MARATHI FILM "DREAM MALL"**.

**ORDER**

1. The Appellant has preferred this appeal aggrieved by the order dated 26<sup>th</sup> February, 2018 of the CBFC refusing to grant "UA" Certification sought by the Appellant for the film "Dream Mall" (Marathi). The reason given in the impugned order by the CBFC in refusing certification is "theme, visuals and overall presentation is not suitable for children below age of 12 years. Hence the committee has recommended Refusal certificate for "UA".
2. The appellant contends that the theme of the movie has relevance in the current prevailing situation, where frequent rapes occur of young women and children. The film revolves around the struggle of a working girl, who has to work late in the mall and is trapped by the Security Guard, who holds her to ransom. He outrages her modesty, assaults and attempts to rape her. The

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girl is shown having a harrowing and agonizing time. However, ultimately she overpowers and shoots the Guard with the latter's Revolver.

3. The Appellant offered voluntary cuts, which remove most of the objectionable scenes. During the hearing, it was pointed out to the Authorized Representative that the climax scene in which the heroine shoots the Security Guard, who molested and attempted to rape her, stretches rather long, with four bullets being fired. The Appellant's representative responded that the Tribunal in its discretion may reduce the scene appropriately.
4. With the removal of the offending scenes by the voluntary cuts offered, coupled with the cut we are directing namely, the deletion of scene when the girl shoots the second bullet in the leg of the assailant appearing at 1:30:48. The movie would be fit for grant of U/A certificate with parental caution. This would also address the concern regarding impressionable children watching a movie with the contemporary theme.
5. As regards the theme of the movie, we are of the view that it is a contemporary theme having relevance, considering the numerous cases of assault and rape of women. The movie in the manner, in which it is projected shows the exploitation of a working woman and ultimately, the woman overpowers her assailant and kills him carries a social message.
6. Towards this end, we are of the view that the Appellant should introduce a voice-over/insertion as given below to be prominently displayed at the beginning for the benefit of the viewers.

*"Women find a place of honour and respect in our society based on our heritage and cultural values. Therefore, denigration, exploitation, sexual or otherwise and violence against women is required to be shunned. Legislature has come down heavily on offences against women by prescribing stringent punishment for outraging the modesty of a woman, sexual assault and rape which range from 2 to 3 years to 10 years and life imprisonment and even death for aggravated forms of offence. The movie depicts the attempt by a Security Guard to assault and rape a working girl, who valiantly resists and defends her honour."*

We direct the above insertion in exercise of our powers under Sub Section 11 of Section 5 of the Cinematographic Act, so that the viewers who may be ignorant are adequately informed. Marathi translation of the insert is annexed to the order.

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7. The appeal is allowed with the deletion as given in Para 4 and the insertion in Para 6 above, we direct grant and issuance of U/A certification with parental caution.



**Poonam Dhillon**  
**(Member)**



**Chief Justice (Retd.) Manmohan Sarin**  
**(Chairperson)**