

BEFORE THE FILM CERTIFICATION APPELLATE TRIBUNAL

6th August, 2018

Appeal No. 10/2018

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

IN THE MATTER OF:

JANAK TOPRANI

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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 HINDI FILM "CALL FOR FUN".

**FOR THE APPELLANT: Janak Toprani [Director]
Raktim Gogoi [Advocate]
Shivendu Singh [Advocate]
Kartikaya Singh [Advocate]**

FOR THE RESPONDENT: Mahesh Kumar (RO, CBFC, New Delhi)

ORDER

Chief Justice (Retd.) Manmohan Sarin:-

1. The Appellant challenges in this Appeal the order dated 7th May, 2018 refusing UA Certification for the Film "Call for Fun". the Appellant had applied for UA Certification vide its application dated 11.02.2018. The CBFC vide its order dated 07.05.2018, refused UA Certification holding as

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under ***"Film contains some scenes glorifying the consumption of Cocaine & brown sugar & even demonstrates in details how drugs should be consumed. The film has many vulgar, double meaning dialogues in the form of phone sex chats which are found to be especially unsuitable for the non adults. In view of the above the EC felt that the film is not suitable for the non adults & hence refused for UA Certification"***

2. The film has already been granted "A" Certification for theatrical release. The Appellant while assailing the order refusing UA certification submits that the CBFC authorities have failed to appreciate the theme and the message which the film seeks to convey and propagate.
3. In the synopsis filed by the Appellant, it is brought out that the film is a comedy. It is the story of a father and son. It depicts the zeal and aspirations of a young smart college going boy to achieve success in the shortest time by expanding business operations. The son who plays the hero in the film is an intelligent and adventurous young man. He gets the opportunity soon, when his parents go abroad for his sister's delivery, leaving him in charge of the business.
4. He expands the call centre business departing from the conventional working and in that process loses old and well established customers. The business gets into trouble compelling him to use the funds kept apart for his education abroad. It is then that he along with his friends hits upon the solution of introducing a "party talkline". This becomes an instant success, which also brings to the fore the hidden and latent desire in men of flirting with women which surfaces when a call is received from a young girl with an enchanting voice. The business grows manifold. There was a shortage of availability of girls who could speak well. They then deployed and trained young boys trained to mimic and speak in the voice of girls.
5. There is an entertainment galore. While the hero and his friends are out on a drive celebrating, their car hits the car of a mafia Don, which catches fire. A consignment of drugs in the car gets burnt and is lost. Don calls upon the hero to make good the loss, holding out a life threat. Hero and his friends expand the party talkline business and by their earnings make up the loss. Don realizing and finding out the potential of the business of the young hero, insists on becoming their partner. This leads to the hero

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subsequently getting the don arrested. His business is put back on track. In this, he is helped by one of the old established customers, who enjoyed the party talkline, but dreads the expose in public. In short it is a well produced and directed film having lots of fun and comical scenes.

6. The objections raised by the Respondent CBFC are that the film **contains some scenes glorifying the consumption of Cocaine & brown sugar & even demonstrates in details how drugs should be consumed.** The Appellant is right in assailing this finding since there is no glorification of drugs while portraying the said scenes. The hero and his friend clarify, that it was just ordinary sugar and not brown sugar. But it captures, the simulating effect on mind, as if one had consumed drugs. This aspect can be easily resolved by an appropriate and proper disclaimer on the use of drugs.

Disclaimer: - "The use of drugs is injurious to health and an offence under the Narcotic Drugs and Psychotropic substances Act 1985. The film does not intend to promote or glorify the consumption or use of drugs or narcotic substances."

7. Apart from voluntary cuts as given at pages 13 and 14 of the appeal memorandum, during the hearing Appellant offered to accept a disclaimer, which the Tribunal may in its discretion desire, including further a change in the sequence of the Telephone numbers for the party talkline.
8. Having viewed the film, we find that it is a well-directed comedy, touching upon the inherent desire nurtured by men, which do not surface on account of fear of social reprisal but finds expression in private. It is this weakness, which is encashed, with old and middle aged men in particular, by the hero of the film for expanding business. Besides, the call line also serves the old and lonely persons who find solace in someone listening to them.
9. Considering the prevalent norms in the society and others film cited by the claimant such as "**Kya Cool hai Hum**," "**Kya Super Cool hai hum**," "**Great Grand Masti**" and lastly "**Tumhari Sulu**" being granted 'UA' certification. The last one being a film in which a young middle age housewife gets a job as Radio Jockey. She speaks on the Radio with

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dialogues such as "**Apki Rato ko jagaane, Aa Rahi hai Tumhari Sulu**" etc. The said film has also received "**UA**" Certification.


10. We are therefore of the view that apart from the voluntary cuts offered by the Appellant, there should be a prominent disclaimer with regard to use of drugs as directed hereinbefore in para 6. Further, in view of the muting of numeric nos. "69" which appears in the conversation. There is no further requirement to change the sequence of telephone nos. 36-24-36. These numbers as connoting vital statistics of female anatomy are widely known, used and acceptable in accordance with the prevailing norms. Hence, the sequence of numbers need not be interfered with. Accordingly, the voluntary cuts as offered, including muting of the number "69" and the publication of the disclaimer prominently as directed, we direct the film to be granted "**UA**" Certification with parental caution.



(POONAM DHILLON)
MEMBER, FCAT



(SHAZIA ILMI)
MEMBER, FCAT



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