

BEFORE THE FILM CERTIFICATION APPELLATE TRIBUNAL

27th July, 2018

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Appeal No. 8/2018 MS

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

IN THE MATTER OF:

Anil J Shinde APPELLANT

VERSUS

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

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 "HATE SOTRY IV".

**FOR THE APPELLANT: Vishal Pandya (Director)
Anil Shinde (Producer's Representative)
Ajay Bhardwaj**

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

ORDER

Chief Justice (Retd.) Manmohan Sarin:-

1. The Appellant is aggrieved by the rejection of his application seeking "UA" Certification for satellite exhibition of the Film "Hate Story IV".
2. The Film has already been granted "A" Certification for theatrical release. The Appellant who is desirous of having the film for satellite release with "UA' Certification, carried out voluntary cuts as mentioned

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at Page 143 of the paper book, which are reproduced for facility of reference:-

No.	Time	Details	Duration
1.	00.05.24	Deleted the dialogue of Tasha with Aryan "Thumne zism...Padti"	0.04
2.	00.06.29	Deleted the visuals of Reshma getting up	0.03
3.	00.07.49	Deleted the visuals of love making at pool between Reshma & Aryan	0.20
4.	00.09.14	Deleted the visuals of love making between Rajveer & girl	0.13
5.	00.09.34	Deleted the visuals of girl in night dress	0.03
6.	00.35.00	Delete the visual of song & dance "Ashiq banaya aapne"(Replaced with re edited song & dance 1.28 sec.)	2.34
7.	00.13.50	Deleted the visual with word "You strip live for me"	0.02
8.	00.13.59	Deleted the visual siwth dialogue "Paise kamane ke liye kapde..hoon"	0.02
9.	00.18.19	Deleted the visuals with dialogue "Pahle bister pe litana chate the"	0.03
10.	00.28.41	Deleted the visuals with dialogue "Board room ho...satisfy me"	0.05
11.	00.34.51	Deleted the visuals of cleavage	0.02
12.	00.38.10	Deleted the song & dance "Tum mere ho"(Replaced with re edited song & dance: 2.17 sec.)	3.33
13.	00.51.04	Deleted the 2 nd antra of song & dance "Tum mere ho"	0.43
14.	00.52.45	Deleted the v0.02isuals with dialogue "Maine kal raat...guzari hai"	0.02
15.	00.57.24	Deleted the dialogue with visuals "Bloody keep"	0.02
16.	01.01.21	Deleted the visuals of "Interval & anti smoking disclaimer"	1.14
17.	01.12.24	Deleted the visuals & dialogue "So what I selpt with you...sirf 2 hai"	0.08
18.	01.15.05	Deleted the visual & dialogue "Jism se khelen"	0.02
19.	01.18.44	Deleted the song & dance of song "Badnamiyaan 2 nd antra"	1.52

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20.	01.43.11	Deleted the visual & dialogue "Hamesha mere jism ko chaha"	0.02
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Total Deletion 10.04

Total replacement 2.22

3. The Appellant submits that the CBFC despite voluntary cuts done as noticed above, vide the impugned order dated 31st May, 2018 refused to grant UA Certification holding "*concept, theme, overall presentation, exposure of body of female character, language, visuals of murders are not suitable for UA certificates. It violate guidelines 2(ix) 2(vii) and 2(iv) read with 3(1).*"
4. Appellant contended that the theme and concept of the film is based on the struggle of a sister to take revenge for the murder of her brother, shot by the two sons of a powerful business tycoon with influence and having political ambition. Incident happened when the deceased intervened to stop misbehavior by the son of the Politician with a young girl. The sister is joined in the struggle by her deceased brother's beloved.
5. It is contended that there is no unnecessary violence or gruesome cruelty shown in the film. A large number of similar other films and even serials are shown on TV channels having far more violence and exposure. There is no undue exposure of female body except to the extent as warranted for portrayal of characters and the scenes being shown. There is no abusive dialogue or vulgarity in the movie.
6. During the hearing of the appeal on 9th of July 2018, the attention of the appellant was drawn to the scenes of aggravated, gruesome and prolonged violence eg. three bullets being pumped into Ashwin. Appellant offered to submit further voluntary cuts excising and reducing the duration of such scenes. Vide his letter of 11.07.2018, Appellant has offered the following cuts:-

1. Deleted the bullet firing Scene:	Deleted
TC-01:22:26:00 to TC 01:22:28:00	0.02 sec
2. Deleted fight sequence of Brothers:	
TC-01:40:42:00 to TC-01:40:48:00	0.06 sec

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TC-01:41:03:00 to TC-01:41:23:00	0.20 sec
3. Deleted Torturing / Beating of Girl Scene:	
TC-01:52:56:00 to TC-01:52:57:00	0.01 sec
TC-01:53:05:0 to TC-01:53:13:00	0.08 sec
TC-01:53:16:00 to TC-01:53:17:00	0.01 sec
Total Deleted	0.38 sec

7. We are of the view that having considered the voluntary cuts as offered at page 143 of the paper book and further cuts and excisions as offered vide Appellant's letter of 11.07.2018 and keeping in mind the currently prevailing norms in the society where there is growing recognition among adolescents of the facts of life, the movie can be granted U/A certification with parental caution for satellite viewing subject to the voluntary and additional cuts as noted above. Ordered accordingly.



(POONAM DHILLON)
MEMBER, FCAT



(SHAZIA ILMI)
MEMBER, FCAT



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