

**BEFORE THE FILM CERTIFICATION APPELLATE TRIBUNAL**

20th August, 2018

**Appeal No. 13/2018**

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

IN THE MATTER OF:

**ABHAY KUMAR SINHA**

**APPELLANT**

**VERSUS**

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

**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 FILM  
"NIRAHUA SATAL RAHE (BHOJPURI)"

**FOR THE APPELLANT: Mr. Ajit Kumar Sinha (Representative)**

**FOR THE RESPONDENT: Mr. Atul Gautam, ARO, CBFC, New Delhi**

**ORDER**

**Chief Justice (Retd.) Manmohan Sarin:-**

1. This appeal is preferred by the Appellant, who is aggrieved by the order dated 14.06.2018, granting "A" certification to the film "Nirahua Satal Rahe (Bhojpuri)" by the Examining Committee. The reason given for granting "A" certification to the film is double meaning songs and adult content. Hence, granted "A" certification.
2. The Appellant before us claims to be the right holder of the movie "Nirahua Satal Rahe". The movie has been screened and viewed by us. The Appellant's

*MS*

contention is that the film is a light hearted comedy in which the heroine, who had suffered a childhood sexual assault by her teacher, develops a split personality. This is a sequel to her repelling sexual assaults of the teacher by assuming the role of a powerful and determined 'Angel'. She gathered inner strength on assuming the role of Angel and hits the teacher, who is turned out by her mother on learning of the assault. However, she suffers the childhood trauma and carries the same with her. Her behavior is alternating between assuming the role of 'Angel' and her role as 'Anjali'.

3. The story then moves forward with her marriage to a film star. There are light hearted and comical moments in which her mother i.e. mother in law of the Film star, tries to feed her husband with several aphrodisiacs for virility.
4. The Appellant while presenting the film before the Censor Authorities has made several voluntary cuts as appearing at page no. 142 of the paperbook of 7.54 minutes. There is no denying that there are dialogues which carry double meaning. However, they need to be tested on the touch stone of the currently prevalent societal norms and standards.
5. We find that the objectionable scenes by and large have been taken care of by the voluntary cuts offered. The Appellant during the hearing stated that this Tribunal may in its discretion direct such further excisions and cuts, considered necessary for grant of "UA" certification and for removal of objectionable portions.
6. We are of the view that keeping in mind the currently prevailing norms and standards, the following scenes and dialogues need to be excised/ removed:-

- i. Agla Saal tak Bachcha chahi. Ta abhi se taiyari kare ke padi na aawa (Nirahua and Anjali) the couple in the bed – appearing at 36.27 to 36.29
  - ii. Aa hath pe hath rakhi, hoth pe hoth rakhi aur pata na kahan kahan ka ka rakhi – appearing at 01.04.36 to 01.04.38
  - iii. Aur aail bani ghar mein sootal cheej jagawe khatir.– appearing at 01.05.46  
(The reference is to erection and this scene be deleted.)
  - iv. Scene where Baba sucks hair - appearing at 01.05.00 to 01.06.30
7. The scene with the dialogues, where the Baba is shown as sucking and eating hair of a girl and a boy and finding the former to be delectable and the latter to be distasteful, needs to be excised. The entire scene is repulsive and is a manifestation of depravity. It militates against the guidelines and objectives of maintaining aesthetic value and good standard in films.
8. In view of the foregoing discussion, we set aside the impugned order and direct that upon the Appellant carrying out the voluntary cuts as shown in the CD and given at page 142 of the Appeal paper book and excisions directed at serial no. (i) to (iv) above, the film be granted U/A certification with parental caution.

  
Ms. Shazia Ilmi  
(Member)

  
Chief Justice Manmohan Sarin  
(Chairperson)