

BEFORE THE FILM CERTIFICATION APPELLATE TRIBUNAL

6th August , 2018

Appeal No. 11/2018

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

IN THE MATTER OF:

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|---|---------------|-------------------|
| AMBICA PAINTS LAKSHYA PRODUCTION | | 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 HINDI FILM "THE DARK SIDE OF LIFE "MUMBAI CITY".

**FOR THE APPELLANT: Rajesh Pardasani [Producer]
Tariq Khan [Director]**

FOR THE RESPONDENT: Atul Gautam, (ARO, CBFC, New Delhi)

ORDER

Chief Justice (Retd.) Manmohan Sarin:-

1. The Appellant is aggrieved by the order dated 04.05.2018 passed by the Revising Committee of the CBFC in respect of Film "**The Dark Side of Life Mumbai City**" (Hindi). By the said order, the Revising Committee granted "A" certification.

"Reasons for grant of "A" Certificate to the film subject to the following excisions/modifications:

The concept, theme, treatment and presentation are suitable for adult viewing.

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| Sr. No. | Insertion/ Excisions/ Modification | Location | Description of Excisions/ Modification | Guidelines |
|---------|------------------------------------|----------|---|------------|
| 1. | Modification | 00 | Increase the duration of second data disclaimer with Hindi voice over | 3(i) |

Kamlakar Kamble for Regional Officer

2. Prior to this, the CBFC vide an order of 07.04.2018, granted "A" certificate with the cuts and necessary modifications mentioned at serial no. 1 to 6 of the said order, which is reproduced below for facility of reference.

| Sr. No. | Insertion/Excisions/ Modification | Location | Description of Excisions/Modification | Guidelines |
|---------|-----------------------------------|----------------------|---|-------------------|
| 1. | Excisions | In the title of film | Remove the word "Mumbai" from title, as it was found misleading as the suicides due to different kinds of stress shown in the film is not specific problem of Mumbai, and a specific mention of Mumbai in title might offend people of this city. | 6 |
| 2. | Insertion | Beginning | Insert disclaimer with voice over, "The film does not intend to promote or glorify the consumption or use of drugs or narcotic substances in any manner." Also excise the scenes of sniffing of drugs including between TCR 1.07.50 to 1.08.00 and at 20.59 mins. | 2(iv) |
| 3. | Modification | Beginning | And Hindi voice-over to fiction and no-hurt disclaimer in the film. | 1(a), 2(xviii) |

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|----|--------------|------------------------|---|------------------|
| 4. | Modification | Beginning | Mention sources for data related to suicides given in the disclaimer. Also remove the sentence referring to Guru Datt's marriage and personal life. | 2(xviii) |
| 5. | Modification | 36.50, 37.20 and 50.38 | Mute words "Whore" and "bastard" wherever those occur | 1(d) |
| 6. | Excision | 39 mins | Excision the dialogue referring to MPs from Kashmir, "itne saare member....check karenge" | 2(vii), 2(xviii) |

The Appellant is aggrieved by the "A" certification and seeks "UA" certification.

3. From the foregoing, it would be noticed that while the CBFC had required a number of excisions, insertions and modifications, the Revising Committee confined the same to just one modification for grant of Adult certification. It is therefore not necessary for us to go into the cuts, excisions and modifications required by the CBFC's order dated 17.04.2018, which stands superseded by the order of the Revising Committee dated 04.05.2018.
4. The short question to be considered in appeal is the challenge to the Revising Committee reason for grant of "A" certification as *"The concept, theme, treatment and presentation are suitable for adult viewing"*.
5. The film has been viewed by Members of the Tribunal. Appellant has also been heard. The Appellant reiterated submissions made in his letter of 31.05.2018 addressed to Secretary of this Tribunal. The Appellant urged that numerous films in the past such as **"Ek Duje K Liye"**, **"Teen"**, **"3 Idiots"**, **"Ashiqui 2"** and **"Anjana Anjani"** have been granted "UA" certification, which are based on the characters of the film committing suicide by force of circumstances, non-acceptance by the parents and family. There have been films which end on a tragic note, while in others attempted suicide is averted.

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6. The Appellant explains that the film captures the pressures, difficulties and frustrations which are faced by inhabitants in the metropolis Mumbai, which is the third largest hub of suicides with many being committed by literate persons. The film while portraying different characters and their lives seeks to depict the cause of suicide for e.g. Arising from inability to achieve the goals in life, economic hardships and frustrations. Further, being betrayed in love, sexual frustrations and depression among those addicted to drugs. Poverty alone cannot be a cause of suicide as otherwise there would be no suicide among those who are affluent.
7. We find on viewing the movie that it is a well-directed movie capturing the lives and circumstances of person from different backgrounds. It recapitulates the life of a rich Share broker Sumit Badsriya, who is a widower, having a young daughter of 5 to 7 years. Father dotes on his daughter. He is a successful Share broker with investors having immense confidence in him and leading a rich and comfortable lifestyle. Suddenly the share market crumbles and he finds himself financially devastated. He sees the end of the road with no ray of hope of revival. He arranges for his daughter's admission in boarding school out of the funds kept apart for her future. It is at this stage, one of his old trusted Clients and Investor, comes to him on learning that he was planning to sell his house and office and perhaps was contemplating to end his life. He returns the property papers pledged with him as security and urges him to face the challenges in life and not to accept defeat. Further, the movie shows a chance meeting with a model, who is similarly suffering from depression, which becomes a source of comfort to each other with hope blossoming in their heart, he gets ready to face challenges in life.

Similarly, the lives of budding and struggling singer, Prince, is shown who suffers the frustrations of not getting assignments depicts having talent. Unemployment staring at him, he is given shelter by **Zulfikar**, a Muslim, portrayed as a kind hearted Samaritan who longs for a company of his son who had left and settled himself abroad. Prince finds that he does not have resources to treat his father, who is hospitalized, finding himself frustrated, he decides to kill himself but **Zulfikar** saves him and helps in the treatment of his father, giving fresh hope to him.

8. It is not necessary for us to recapitulate the lives and circumstances of others who have been projected except to notice that

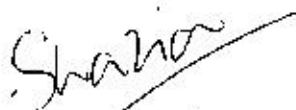
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the producers have handled subject with the sensitivity it deserves. We also do not find anything objectionable. There is no vulgarity or obscenity or cuss words in the film.

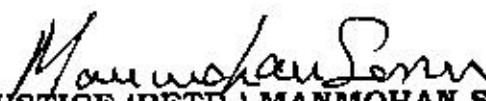
9. In view of the foregoing discussion, we are of the view the film deserves "UA" Certification with parental caution and a disclaimer and voice over as directed by the Revising Committee. In addition, we direct the inclusion of the following disclaimer/voice over.

"A large number of persons from different sections of the society find themselves in depression for a variety of reasons e.g. economic distress, failure in studies, career and/or personal reasons such as marital discard, sexual incompatibility etc. Such persons often contemplate ending their life. The film seeks to send a positive message that difficulties in life can be overcome and life is to be lived and enjoyed rather than ending it, which brings greater misery to the family."

10. We accordingly set aside the impugned order granting "A" certification and direct issuance of "UA" certification with parental caution, with disclaimers /voice overs as directed above.



(SHAZIA ILMI)
MEMBER, FCAT



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