

(2013) 11 MP CK 0035

In the Madhya Pradesh High Court

Case No : Writ Petition No. 20008 of 2013 and MCC No. 1395 of 2013

Amit Kumar Sahu

APPELLANT

Vs

Sensor Board of Film Certification

RESPONDENT

Date of Decision : 14-11-2013

Acts Referred:

Citation : (2013) 11 MP CK 0035

Hon'ble Judges : Krishn Kumar Lahoti, Acting C.J.; Subhash Kakade, J

Bench : Division Bench

Advocate : Vijay Pandey, Advocate for the Respondent Nos. 1 and 2/Union of India and Shri Swapnil Ganguli, Deputy Government Advocate for the Respondent Nos. 3 and 4/State, for the Respondent

Judgement

1. This Public Interest Litigation has been filed by the petitioners, who appear to be practicing advocates challenging the exhibition of the film namely "Goliyon-ki-Raasleela, Ram-Leela" on the ground that the said film has no concern with the life sketch of Lord Ram worshiped by crores of Hindus and have faith as "Maryada Purushottam". Ramleela signifies as dramatic folk re-enactment of the life of Lord Ram and in the name of Ramleela, some story which has no concern with Lord Sriram is exhibited. The film is a love story of some Ram Bhai and Leela should not be permitted to be exhibited with the name of Ramleela. It is submitted that the date of exhibition of the film is 15th of November, 2013 and exhibition of the aforesaid film may be banned. Shri Vijay Pandey, learned counsel appearing for the respondents/Union of India has submitted that in compliance of the order passed in W.P. No. 17779 of 2013 filed by Shri Anand Chawla, a representation was filed before the respondent No. 1 ? Central Board of Film Certification, Mumbai, who have considered the representation of Shri Anand Chawla and rejected it vide order dated 08/11/2013.

2. For the ready reference we quote the entire order of respondent No. 1, which reads thus:-

CENTRAL BOARD OF FILM CERTIFICATION MINISTRY OF INFORMATION AND

BROADCASTING GOVERNMENT OF INDIA

BHARAT BHAVAN, 91-E, Walkeshwar Road, Mumbai ? 400006 Dated:

08/11/13

Sub: Examination of Sanjay Leela Bhansali's film "Goliyon Ki Raasleela Ram-Leela".

The Central Board of Film Certification, (CBFC) Mumbai has received the Representation of Shri Anand Chawla, Advocate, LIG 26, first floor, Govind Bhavan Colony, Near RTO, South Civil Lines, Jabalpur. This representation was handed over by Shri Anand Chawla to CEO, CBFC, Mumbai in person. The representation states that the new film by Shri Sanjay Leela Bhansali, Ram-Leela contain visuals and dialogues, which hurt the sentiments of Hindu's, who consider Lord Ram as Maryada Purushottam. The views of Shri Chawla were also heard in person.

As directed by the Hon''ble High Court of Madhya Pradesh, Jabalpur (Writ Petition No. 17779/2013) the fact stated by Shri Anand Chawla, about the film content hurting the sentiments of Hindu believers was appraised to the Panel Members of the Examining Committee of the CBFC. The film was examined by CBFC on October 25th, 2013 by and Examining committee constituted in such a way to represent different shades of opinion. Following were the Members of the Examining Committee.

1. Mr. Vijay K. Singh, Member
2. Mr. Manoj J. Katpara, Member
3. Ms. Shweta Jadhav, Member
4. Ms. Swati Deshpande, Member
5. Smt. Vijaya Chavak, Examining Officer

In addition, a senior Board member of CBFC, who is also a Professor of Sociology was co-opted as an expert Member.

The Members of the Examining Committee found that the film by Shri Sanjay Leela Bhansali had no connection with "Ram Leela" which deals about the life of Lord Shriram and instead the film was social drama, inspired by William Shakespeare's "Romeo & Juliet". The name of the film is "Goliyon Ki Raasleela Ram-Leela", where the names of the lead characters are Ram Bhai and Leela. The only reference to "Ravan Dahan" was germane to the script of the story, and even its intention was to convey the coming together of two warring clans rather than to promote enmity. The committee found the overall portrayal of Ram to be positive, as the protagonist strives for peace rather than war.

Having observed the content of the film, the Examining Committee found that the film had no objectionable content which would hurt the sentiments of Hindus.

It granted the film "U/A" certificate, indicating parental guidance, after recommending 12 cuts, to reduce aggressive language, gestures etc.

In view of the above, it was found that the apprehension expressed by Shri Anand Chawla were unfounded, as the film contained no direct objectionable content. It is further affirmed that CBFC, applied due care and diligence in examining and certifying the film "Goliyon Ki Raasleela, Ram-Leela".

Manish Desai CEO, CBFC

3. From the perusal of the aforesaid, it appears that members of the Board of Examining Committee have considered the matter and found that this film has no connection with "Ramleela", which deals about the life of Lord Sriram, instead the film was a social drama, inspired by William Shakespeare's story "Romeo & Juliet", the name of the film is "Goliyon Ki Raasleela Ram-Leela" where the names of lead characters are Ram Bhai and Leela. The only reference in the film is about the "Ravan Dahan" which is germane to the script of the story and even its intention was to convey coming together of two warring clans, rather than to promote enmity. The committee has also recorded a finding that overall portrayal of Ram to be positive, as the protagonist strives for peace rather than war. On the aforesaid grounds, it was found by the Committee that the film has no connection which would hurt the sentiments of Hindu's and the "U/A" certificate granted by the Censor Board was affirmed.

4. From the perusal of the aforesaid order, we find that though the aforesaid Committee have examined the film exhibition in respect of its contents and have recorded a finding that the aforesaid film has no connection with life of Lord Sriram and it is social drama, inspired by William Shakespeare's "Romeo & Juliet", but has not considered the fact that the title of the film has been described as "Goliyon Ki Raasleela, Ram-Leela". The use of word "Ramleela" in the title of the film shows that it is concerned with Lord Ram, and the life sketch of Lord Sriram is the subject matter of the film, while factual position is otherwise.

5. In the aforesaid circumstances, we are prima facie of the opinion that use of word "Ram-Leela" in the title of the film has no concern with the contents of the film and it may affect the sentiments of the public seriously or adversely, who believes in Lord Sriram and may create a confusion in the mind of public, who may be inspired to see the movie by the aforesaid word "Ram-Leela". It may also hurt sentiments of a sect of persons, who believe in Lord Ram because subject matter of film is otherwise. Apart from this, use of religious word "Ram Leela" which has its own significance, could not have been used to exhibit the story based on "Romeo & Juliet".

6. Though, a prayer is made by the petitioners for issuance of a writ restraining exhibition of the film, but we are of the opinion that the permission to exhibit the film has already been granted by the Censor Board, so it would be just and proper if the exhibition of the film is permitted without use of word "Ram-Leela".

7. In the aforesaid circumstances, we direct all the respondents to permit the exhibition of the film but without using the word "Ram-Leela" in the title of the film and if the film is exhibited without using the word "Ram-Leela", the respondents shall permit exhibition of the film as has been scheduled. In case, the respondents insisted for exhibition of the film with the use of word "Ram-Leela" then exhibition of the said film shall not be permitted by the respondents till next date of hearing.

8. Issue emergent notices to the respondents. Steps during the course of the day by speed post. Respondents be served by the petitioners positively before the next date of hearing.

9. Apart from this, notice be also issued to respondent Nos. 5 to 7 of the writ petition and respondent Nos. 4 to 9 of M.C.C. No. 1395/2013.

10. Notices be also issued to the respondents by e-mail today itself, if such e-mail address is furnished by the petitioners in the Registry.

11. Be listed for hearing on 22nd of November, 2013. Certified copy as per rules today.