courtkutchehry.com

Company : CourtKutchehry
Website : www.courtkutchehry.com
Printed For :
Date : 14/09/2026

(2011) 04 BOM CK 0138

In the Bombay High Court

Case No : Writ Petition No. 210 of 2011

Mr. Savio Rodrigues. APPELLANT

Vs

Union Of India and Others RESPONDENT

Date of Decision : 18-04-2011

Acts Referred:

Citation : (2011) 04 BOM CK 0138

Hon'ble Judges : S.C. Dharmadhikari, J;F.M. Reis, J

Bench : Division Bench

Advocate : W. Coutinho, for the Appellant; C.A. Ferreira, Assistant Solicitor General for Respondent No. 1. Mr. S.S. Kantak, Advocate General with Mr. A. Kamat, Additional Govt. Advocate for Respondent No. 2. Mr. Phiroze Palkhiwala, Xerxes Ranina and Mr. Nigel Da Costa Frias, Advocates for Respondents Nos.4 and 5., for the Respondent

Judgement

S.C. Dharmadhikari, J.—The petition is purportedly filed in public interest and seeks the following relief:

(a) This Hon''ble Court be pleased to call for the private viewing of the said film to ascertain the contents of the same which depict Goa and Goans in a criminal light and that this Hon''ble Court he pleased to issue a writ of Mandamus or a writ in the nature of Mandamus or any other appropriate writ, order or direction, commanding the respondents not to screen the said film ''Dum Maro Dum'' which is scheduled to be screened on 22/04/2011 throughout the world.

In para 4 of the petition, it is stated that the movie has evoked strong sentiments because the trailer shown on television and online media depicts Goa as a destination and hub of sex, drugs, cocaine, heroin and murder. The movie will have world wide release. It will affect millions of minds which are going to watch the same and they will believe that the Goan culture is one of easy virtue, promiscuity, drugs and crime.

2. In para 5 of the petition, it is alleged that the movie in the very beginning

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/mr-savio-rodrigues-appellant-hash-…

starts with the dialogue which means Goa is a paradise, but it also has snakes that bite. In other words, this means Goa has criminal minded elements.

3. In para 6, it is alleged that from the trailer it is clear that the said movie is offensive and it will hurt the emotions of the people of Goa and will disturb the peace and tranquility of the State. It is on this basis that it is alleged that the movie will evoke negative emotions and is not palatable to the culture of Goans. The petition is thus focusing that the visual shown in the trailer would depict Goa in a light as to stir up negative emotions and general public will be adversely affected because Goa and Goan culture will be reflected as nothing but consisting of drugs, mafia and sex.

4. In the entire petition, there is no averment that the petitioner has seen the movie or has read the script or story of the movie and that would therefore create the impact allegedly created by a promo or a trailer thereof. There is a reference to the newspaper report which enables the petitioner to believe that although all the fictional characters are shown, the overall message will be harmful to the society.

5. All that is annexed to the petition is a compact disc of the promo/Trailer/ Advertisement material.

6. An affidavit in reply has been filed by the producer and the distributor and in para 3 & 5 thereof they have stated as under :

3. The Respondents would like to set out hereunder, a brief synopsis of the film "DUM MARO DUM" ("Film"). The Film is a fictitious story about a drug mafia in Goa and its links with various foreign elements. The story is essentially about how a minister in Goa directs an honest police officer to eradicate the drug mafia. This police officer, along with other policemen, takes the help of local people in Goa to fight against the dug mafia. The general theme and plot of the Film is the public sentiment to fight against corruption, crime and drugs. The protagonists succeed in their ultimate objective. Therefore, the negative elements prevalent in Goa are destroyed and Goa continues to be a proverbial "heaven on earth". The Respondents respectfully submit that various media have published and broadcast innumerable reports about criminal elements in Goa. These include reports of murders, sexual crimes, drug-related offences, alleged police and political involvement in crime, etc. In fact, the petitioner Mr. Savio Rodrigues has himself repeatedly written about these events and disseminated this information to the public. The Respondents Film deals with only a couple of these issues that have been widely reported. Therefore, for the Petitioners to object to the Film, is totally baseless and frivolous as these issues have been reported, highlighted, debated and dealt with in various media on innumerable occasions by various parties including the Petitioner himself.

5. With regard to unnumbered paragraph 1 the Respondents are unaware as to the nationality and domicile of the Petitioners. The Respondents assert that the Petitioners have filed this Petition in order to gain publicity for themselves and for

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/mr-savio-rodrigues-appellant-hash-…

their business and deny that the Petition has been filed purely in the public interest.

7. It is the case of the film makers that apart from not showing Goa in a negative light they wanted to highlight the fact that the natural beauty and the Tourist attraction that Goa provides should not be in any manner diminished or affected adversely by portraying Goa and Goans in a negative light. They have said that the film depicts that such activities as are stated in the petition would ultimately spoil the image and they should be avoided at all costs. We were shown the promo/trailer on the last occasion. It was stated on behalf of the producer and the distributor by Mr. Palkhiwala that the objectionable sentence has been deleted from the promo and the deleted/corrected version was also shown to us. However, on instructions, Mr. Palkhiwala makes a statement today that the objectionable portion which allegedly shows some star/actor in the movie making statement that in "Goa liquor is cheaper but cheaper than liquor are women". He states, on instructions, that this sentence which was found to be objectionable has been deleted from all National promos and advertisements. However, as far as the international promo is concerned, before any deletion could be effected that promo or advertisement had been released.

8. Mr. Palkhiwala asserts that the entire movie is based on fiction and there is nothing objectionable or adversely affecting Public Interest. The film must be viewed in entirety and as a whole. There is nothing objectionable therein or hurting the sentiments of Goa or Goans in particular. He further states, on instructions, that film has been certified for viewership by the censor board, and it has been granted" A "certificate .

9. After perusing the petition and the affidavit in reply, to which there is no rejoinder, we do not feel that there is any reason to disbelieve the statements made on affidavit which clarify that the entire story is based in Goa and depicts the victory of civil society in its fight against the mafia and, hence, the film cannot be considered to be objectionable. There is a specific statement made therein that the film does not promote use of drugs and sex or harms the image of Goa and any reference to criminal elements is to show the evil elements in bad light and would not affect tourism in Goa.

10. In the result, going by the settled tests which have to be applied in such cases, we are of the view that no relief can be granted in this petition. Petition is accordingly dismissed. Needless to state that the apprehension of the State Government that our observations would mean that the State cannot exercise its power in larger public interest after release of the film is not well founded. The petition is based only on the contents of the promos and trailer. The affidavit also clarifies that what is stated to be part of the trailer is not in the least objectionable, but going by the public sentiments, the objectionable sentence and reference has been deleted. All this is with reference to the promo and when the affidavit lists that the film viewed as a whole would not in any manner depict Goa and Goans in negative light acceptance of that stand on affidavit would only

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/mr-savio-rodrigues-appellant-hash-…

mean that this Court is reluctant to interfere at this stage when what is projected and argued is only on the contents of the promos/advertisements and without making any reference to the story or script or contents of the cinematographic film in question.

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/mr-savio-rodrigues-appellant-hash-…