

(1997) 09 KAR CK 0080
In the Karnataka High Court
Case No : Writ Petition No. 17540 of 1997

N.P. Amruthesh

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

Date of Decision : 04-09-1997

Acts Referred:

Cinematograph Act, 1952 — Section 3, 4, 5 B
Constitution of India, 1950 — Article 19, 226, 51A

Citation : (1999) 1 ALD(Cri) 148 : (1998) ILR (Kar) 2885 : (1998) 2 KarLJ 716

Hon'ble Judges : Hari Nath Tilhari, J

Bench : Single Bench

Advocate : Sri Mahantesh Hosmath and Sri Ravivarma Kumar, for the Appellant;
Sri G.S. Visweswara, Sri K. Raghavendra Rao, Sri Devadas, Sri Badawadge and
Sri S.M. Hegde Kadve, for the Respondent

Judgement

1. By this petition under Article 226 of the Constitution, the petitioner who is an Advocate of this Court and who being public spirited, always raised voice against the acts of insult or acts having tendency to insult or disgrace the things of National importance, such as National Flag, National Anthem, or the Institutions like Court i.e., judiciary or Judicature established under the Constitution, is seeking direction of the Court for deletion of such things which have tendency to degrade or disgrace things of National importance, dignity of the Court or dignity of women or the like and has prayed for issuance of writ or direction in the nature of prohibition or writ of mandamus prohibiting or directing the respondents not to exhibit as well directing them to remove the scenes which have tendency of degrading the status of National Flag and National Anthem or of judicial system or the dignity of woman, which according to the petitioner have been shown in the film Jackie Chan. He has also prayed for a direction to the Censor Board to withdraw permission for exhibition of the film "Jackie Chan", either in Kannada or in Tamil or Telugu or in any other language in the film theatre, in any part of the Country, including the States of Karnataka, Tamil Nadu and Andhra Pradesh and for further direction to the respondents, not to grant

subsidy on such films, which have such tendency of insulting the Nation or National Flag, National Anthem or the Judicial System of this Country or which have tendency to affect adversely the dignity of women or morals of society especially adolescents.

2. The petitioner has asserted in the writ petition that this film "Jackie Chan" has been produced by the same set of persons who had earlier produced the film "Police Story" in Kannada and the petitioner had to file Writ Petition No. 27366 of 1996, challenging the exhibition of the film named as "Police Story", which had a tendency of disgracing, degrading, misleading and undermining the status of the judicial system in that film and in that case the third respondent had filed written apology by affidavit. The said petition filed in respect of the film "Police Story" is yet a matter pending before this Court for final decision. Petitioner's case is that the petitioner has objection to the film "Jackie Chan", with regard to scenes which are insulting or which have tendency to insult the Nation, the National Flag, National Anthem, Judicial System and also to insult the Member of the Bar or Advocates by describing the lawyer as a phoot Lawyer, as well as against the scene of rude violence, cruelty, gang war and also scenes having tendency of degrading the dignity of woman including the scene of kicking. The petitioner claims that he has been interested in seeking relief for curbing the indecent way of exhibiting or showing the working of judicial system, or administration or justice as well as curbing the insult made to woman or to National Flag or to National Anthem. The petitioner has asserted that the petitioner had seen the film at Geethanjali Theatre at Malleswaram, on 3rd July, 1997 and when the petitioner had seen the film "Jackie Chan", on 3-7-1997, there was a scene in which National Flag was shown to be hoisted and when it was hoisted by the person shown or depicted as Chief Minister/Governor and National Anthem was being sung, the character Singarappa, who was playing the role of Ex. Chief Minister and who had lost the seat of Chief Minister's post was shown to be sitting on chair and he had been shown not to have stood up when the National Flag was hoisted and National Anthem was being sung and was shown to have acted in the manner exhibiting dishonour and disrespect to the National Flag and National Anthem. Petitioner's case is that in that scene it was also shown that the Inspector of Police or character playing the role of Inspector of Police by name Simha, came there and asked the Ex. Chief Minister Singarappa to stand up and give respect to the National Flag and National Anthem, but the Ex. Chief Minister, Singarappa is shown to have exhibited disrespect for the National Flag by uttering the expressions like what is there in the National Flag, it is only a piece of cloth which may be akin to a piece of cloth used by men for covering their modesty and why should I respect the cloth, particularly when I am perturbed about my post of Chief Minister. Petitioner's case is that Singarappa, the character shown as Ex. Chief Minister, uses the expression, describing, the National Flag as "Puttugosi". The petitioner has produced the dialogue of the said character acting as Ex. Chief Minister in the film and it is quoted as under:

The petitioner's further case is that in the scene a disrespect has been shown to

Khadi, which had played an important role in the course of freedom movement and which is used in the National Flag. Petitioner's case is that Gandhi introduced Khadi and cottage industry, to make the ordinary village people self sufficient as a means to provide something to village workers as a source of livelihood, to be self sufficient particularly during off seasons when harvesting has been done, so that they could stand up against the tyranny of imperialism and to fight for the independence of the Nation. Petitioner's case is that Khadi had been compared with napkin cloth. Petitioner's further case is that this disrespect to Khadi is also a disrespect to a thing of National Importance. Petitioner as mentioned earlier has alleged that scenes degrading and denigrating women's status have been shown including kicking of the stomach of pregnant woman, which has the tendency of hitting the sentiments of women, in addition to other scenes. Petitioner has also taken an objection to the use of petitioner's name in that film and the character bearing his name being described as phoot lawyer earning money by selling truth, justice and law, everything. Petitioner's case is that his name has been specifically used to damage the dignity of the Bar, including the petitioner, when the lawyer is shown to have been described as phoot lawyer. Petitioner as such has averred in the petition that in view of such scenes which have a tendency of degrading or disgracing the things of National importance, Khadi, the uniting thread of freedom movement, judiciary and the Judicial system, the Advocates or the Bar, which is part of the Institution of the Court, particularly when conducting the cases, as well as petitioner, because of the ill will borne by the respondents in view of pending litigation relating to Police Story filed by the petitioner, the petitioner felt aggrieved, disgusted with such scenes which had tendency of playing mockery or having tendency of degrading things of National importance as mentioned above, including the woman, petitioner has been constrained to approach this Court with this public interest litigation, as he had no other efficacious remedy and has impleaded in addition to other respondents, the Director etc., the Regional Officer of the Central Board of Film Certification and the State of Karnataka, Department of Home. The petitioner's further case is that the Censor Board has not acted with due care in issuing certificate to such a film or film containing such scenes, which are even too derogatory of the position of the Court in addition being derogatory to the National Flag, National Anthem, and the women as well as of the Bar.

3. This petition was filed on 5-7-1997 and was put up for orders on July 7, 1997. This Court issued notice to the respondents and directed them to file counter-affidavit by or before 15th of July, 1997. The respondents were also directed to furnish the English translation of the manuscript, particularly the objectionable portions as well as of the original manuscript and also a copy of the film cassette which has been released for exhibition and examination by the Court to verify the correctness. The Court also ordered prohibition of exhibition, distribution etc., of the film, Jackie Chan, till further orders.

4. On notice being served, the respondents 3 to 5 in the writ petition, filed their

counter statement supported by an affidavit and also along with that the application for vacation of the interim order. On 16-7-1997, the petitioner filed his affidavit along with Annexure-E to the writ petition, containing the dialogues. In the counter-affidavit filed by respondents 3 to 5, it has been stated that the allegations in the writ petition that there is a character assassination is false and that it is false to say that the film may mislead the public. In Paragraph 2 it has been further stated that judicial system is not deprecated in the film, in fact the theme of the movie is that rule of law is supreme and nobody is above law. Respondents 3 to 5 denied the allegation that insult to National Flag and National Anthem or to Judicial system or to dignity of woman has been shown. Respondent has denied that he is the dialogue writer. It has been admitted that Writ Petition No. 27366 of 1996 with relation to "Police Story filed by the present petitioner is already pending. In the counter-affidavit, it has been stated that the allegations in Paragraph 3 of the writ petition, that respondent 3 has played a mischief with the Court is patently false. The case of the respondents has been that in fact in the movie an emphasis has been made to convey the message to the public that every citizen of the Country owes a duty to honour and respect the National Flag, National Anthem, however high position a man holds in the Society. The respondents have further asserted that it is wrong to say that the petitioner has been insulted as phoot lawyer and cunning natured lawyer therein. The case of the respondents is that the petitioner could not have identified himself with the fictitious character created in the movie. The violence and cruelty shown in the movie is only to depict the present state of the society in which we are living and the same has been depicted. The respondents have further asserted that in fact the depiction is shown and made as to the anti-social elements who in the society have become a menace to the society at large and to the political system in particular. On this basis, the opposite party has stated that the allegations made in Para 5 of the writ petition are untenable. The case of the respondents further is that so far as National Flag and National Anthem are concerned, the particular expression referred to in Para 7(a) of the writ petition has been censored and the same is not exhibited in the film and that if entire episode relating to the National Flag and Ex. Chief Minister depicted therein is taken into consideration, it clearly indicates that the object of the movie is to convey to every citizen, it is his duty to be patriotic and duty to honour the National Flag and National Anthem and the entire scene or dialogue between the character named as Singarappa the Ex. Chief Minister, in the movie and the Police Officer by name Simha, clearly conveys the message to the public that howsoever high a person in the society he has a duty to be patriotic and to honour the National Flag and National Anthem and in fact the Police Officer in the movie emphatically tells the Ex. Chief Minister that, if leaders were to disrespect the National Flag and the National Anthem, the common man would be clearly misled.

5. In Paragraph 6 of the counter-affidavit with reference to Para 8 of the writ petition, it has been stated that in the dialogue with reference to Khadi in the

movie clearly indicates the honour shown to Khadi cloth and to the ideals visualised by the Father of Nation, the late Mahatma Gandhi. It has further been stated that the scene referred to in Paragraph 9 of the writ petition relating to Goondas having entered the Maternity Hospital where the heroine is taken for delivery i.e., labour room, kicking the stomach of full pregnant woman has been censored and is not available in the movie. The respondents denied that any insult has been intended to be caused to the petitioner by use of name Amrutesh by any stretch of imagination. The character depicted as Advocate-Amruthesh is a fictitious person in the movie, the respondents have stated. In Paragraph 8 of the counter-affidavit, the respondents have further stated that the allegation that there are dialogues which are offensive to the judicial system is false. The respondents have tried to explain the purpose of the movie that if any person is there to disrespect the National Flag and National Anthem, the law will take its own course and the law enforcing authorities will deal with them in accordance with law. The respondents have further asserted that the allegation that the movie would give a false impression to the public that the underworld anti-social elements and the political persons are higher than the judicial system is false. The theme of the movie is that rule of law must prevail and nobody is above law.

6. In Paragraph 11, it has further been stated that the movie is a critique on the existing political system and it depicts how there is a very close reference and very close links between the persons who hold high political posts and the anti-social elements. It also portrays the traits and characteristics of the persons who come to power with the active support of the criminal elements. The theme is in tune with the current public thinking. The characteristics of a person who has close links with the anti-social elements are well portrayed so as to impress upon the members of the public and to caution them of the disastrous effect of such persons coming to political power. In fact there is a very deep contemplation as to the present political system and as to how these anti-social elements can be kept away from portals of political power. In Paragraph 12 of the counter-affidavit the respondents 3 to 5 have averred "the movie describes the qualities of these persons who hold high political post and how they have scant respect to the National Flag, it also impresses upon the public mind the disastrous consequences on the common man, if these persons who do not have any respect are allowed to come to power". The opposite parties assert that the petitioner has failed to give the true and complete account of the theme depicted in the picture with regard to the National Flag and the National Anthem, as mentioned earlier. In Para 13 again they tried to assert that effort has been made depicting how law is Supreme, even though there are certain defects in the existing system, the answer is not to take the law into ones own hands and if they venture to take the law into their own hands, the law will take its own course and they will have to face the consequences. The message conveyed to the public is that the rule of law must prevail ultimately.

7. In Para 15 of the counter-affidavit, it has been stated that the movie was released on 20th June, 1997 in several theatres and have been booked for

exhibiting the movie and the petitioner had filed the writ petition, after the movie has been released, when the movie was being exhibited in several theatres in the entire State. Respondents 3 to 5 have asserted that respondent 2 has issued the certificate after complying with the various provisions of law and after satisfying itself that the film is fit for exhibition. Respondents 3 to 5 have further stated that respondent 2 had ordered certain deletions in the movie and the same have been carried out. It is their further case that the petitioner is making use of certain uncensored portions of the movie to cast aspersions on these respondents. The respondents have furnished the video cassette of the film, in the afternoon of 16-7-1997 and it was seen in in-camera proceedings in the Committee Room of the High Court on 16-7-1997.

8. In the rejoinder affidavit to the counter-affidavit, the petitioner has reaffirmed the allegations made in writ petition to the effect that the movie in question misleads public with regard to the honour to the National Flag and National Anthem and dignity of woman and also lowered and had tendency to lower the image of judiciary in the eyes of people. The petitioner in rejoinder has asserted that though respondents submit that the theme of the movie is that rule of law is supreme and nobody is above law, but at the same time under the guise of that caption, respondents 3 to 5 have done the reverse, without applying their mind in a proper way, ignoring the Article 51-A of the Constitution of India and without applying the guidelines given by the Central Government in 1991, u/s 5-B(2) of Cinematograph Act, which is reproduced in the main writ petition. In Paragraph 4, it has been stated that respondents 3 to 5 have not produced any material document to claim that they have deleted some of the objectionable scenes and dialogues in the movie. The petitioner has asserted that he is and has been ready to produce the dialogues recorded in Audio Cassette, by him when the petitioner has seen that picture on July 3, 1997 in Geethanjali Theatre, as mentioned in Paragraph 7 of the writ petition also. In the rejoinder also it was stated that this Court may be pleased to accept this as material evidence (Audio Cassette), which is the main clue for this purpose and which contains the dialogues which have been reproduced on paper as Annexure-E to the writ petition. Annexure-F contains in Kannada the objectionable dialogues as recorded in the video cassette.

9. Respondents 3 to 5 on 16th of July, filed a memo, along with the story of the film in question, copy of the Censor Certificate issued by the Central Board of Film Certification, the particulars of Excisions and modifications directed by Central Board of Film Certification and the English translations of the dialogues with regard to the objections raised by the petitioner in the writ petition; (a) the scene relating to the National Anthem and National Flag; (b) the dialogues relating to the Khadi cloth; and (c) the scene relating to the kicking of a pregnant woman. English translation of the dialogue taking place in the Court had not been produced with this memo. Manuscript (in entirety) in Kannada and the English translation thereof has been furnished to the Court. On 22-7-1997, respondents 3, 4 and 5 filed an affidavit that in the movie in question a fictitious

character by name "Amruthesh" has been shown to have done the role of an Advocate and at the time they produced the movie in question, they never thought that any Member of the Bar who bears a similar name would identify himself with the fictitious character and would object for the same. They stated that they never intended to use the name of the petitioner. It has again been asserted that they have got highest respect for the Courts of law and its administration of justice and to respect the feelings of Amruthesh, they had undertaken by affidavit dated 22-7-1997, that they will delete the name of Amruthesh, in the film in question wherever it occurs.

10. In the course of hearing of the case on 23rd July, 1997, an affidavit sworn by Sri K. Manju, respondent 5, in the above case had been filed. K. Manju, has stated that he is one of the producers of Kannada film "Jackie Chan". In Paragraph 2 of that affidavit, it has been stated that some of the portions of the dialogues are deleted by the respondents as per the directions of the Censor Board. In the affidavit it has been stated "Further the expressions occurring in the movie namely "Anyayada Theerpugalannu Koduthha" and "Adharmavannu Palisutha Iddiri" have been deleted even before the exhibition of the movie, though specific objections in this regard were not there in the certificate issued by the Censor Board. These dialogues are not being shown in the film that was exhibited after the clearance from the Censor Board". The dialogues which are referred to above and which per se would have been contemptuous of the Court.

11. On behalf of the petitioner the case had been argued by Sri Mahantesh Hosmath and Sri Ravivarma Kumar. I have heard the petitioner's Counsel as well as Sri G.S. Visweswara and Sri K. Raghavendra Rao for respondents 3 to 5; Sri Badawadge for respondents 7 to 10 and Sri S.M. Hegde Kadve for respondent 6. I have also heard Smt. Bharathi Nagesh, learned Government Counsel appearing for respondent 1 and Sri N. Devadas, learned Central Government Standing Counsel representing the Censor Board-respondent 2. The petitioner has also been required and permitted to produce the Audio Cassette referred in the petition and the cassette was played in the presence of Counsel for the petitioner and Smt. Bharathi Nagesh, Sri N. Devadas, learned Standing Counsel for the Central Government representing the Censor Board and the Counsel for respondents 3 to 5 namely Sri Raghavendra Rao, in order to verify the contents and to examine whether the remarks alleged and stated to have been recorded on 3rd of July, 1997, did contain those portions objected by the petitioner, which were no doubt contained in the manuscript furnished by the respondents.

12. On behalf of the petitioner, it has been contended on the lines of the petition and rejoinder that the film "Jackie Chan" did contain objectionable portions, (dialogues and scenes) degrading and disgracing the National Tricolor, the National Anthem, the dignity of woman and also scenes and dialogues scandalising the Court and the judicial system having a tendency to convey the feelings of disrespect towards all these things and Institutions of National importance and run counter to the basic principles of fundamental duties

enshrined under Article 51-A of the Constitution and the film either requires to be directed not to be exhibited or at least objectionable portions should be directed to be deleted and cut from the film, before its being released or shown any further. A serious objection has also been taken by the petitioner for degrading of the petitioner as a phoot lawyer and not only the petitioner but the Bar as a whole. Petitioner's Counsel further submitted that it was the duty of the Censor Board to have looked to these aspects also and to have itself directed the deletion of such portions which had a tendency to degrade, dishonour National Institutions, such as Courts or judicature, National Flag, National Anthem, and Khadi which has been closely linked with the freedom movement of the Country and which conveyed the message of purity, simplicity and self-dependence to the people to attain and maintain the freedom, and dignity. The learned Counsel for the petitioner assert that the Censor Board has failed in its duty in not directing the material cuts to be made in the film, which had a tendency to dishonour or create the feelings of dishonour towards National Institution of judicature, the rule of law which is the backbone has maintained democracy.

13. These contentions of the petitioner's Counsel have hotly been contested on behalf of respondents 3 to 5 by Sri Raghavendra Rao, who has dealt with the matter relating to the honour of National Flag, National Anthem, Khadi and the question of dignity of woman. While the question relating to the Court scene which according to the petitioner were contemptuous of the Court and have a tendency to lower or shatter the faith of the people from the system of administration of justice and rule of law, had been met by Sri G.S. Visweswara, who has specifically appeared on July 23, 1997 and July 24, 1997. Sri G.S. Visweswara hotly contested the petitioner's case that remarks contained in the script and said to be contemptuous can be termed to be contemptuous, and with respect to certain other remarks contained in the dialogues he said those remarks are akin to remarks that have been made by the Supreme Court and Privy Council, in many cases that "Perjury is the order of the day in Indian Courts" and learned Counsel emphatically repeated this expression or Sentence" in the Court in spite of being asked not to use such terms or expression which may have a tendency of scandalising the Court itself. Learned Counsel Sri G.S. Visweswara, emphatically said that this is a judicially recognised fact from the days of Privy Council as well as by the Supreme Court and in spite of being cautioned that it may amount to scandalising the Court by the Counsel himself, but I feel sorry to mention that he emphatically said that this should be examined and decided by the Court that such remarks as made by him that "Perjury is the order of the day in the Indian Courts" amounts to contempt and if it does not amount to contempt, then whatever the character has said in the film may not amount to be contemptuous of the Court. Sri Visweswara further stated that the remarks that "perjury is the order of the day in the Indian Courts" is his own belief and so he asserts that if it is found to amount to contempt of Court he is and will be prepared to bear the consequences. He submitted that he is ventilating the cause and so he required a decision on that question, in a louder

voice in the Court, though for his louder voice he expressed sorry and unconditional apology, but he emphatically said for above expressions or terms he has used he stands by to them that "perjury is the order of the day in the Indian Courts" and if this is not contempt, then whatever had been said in the dialogue has also not been contemptuous of the Court. I will deal with this aspect of the matter and the contentions of the learned Counsel for the parties later.

14. Learned Central Government Standing Counsel, Sri Devadas, very fairly conceded that in regard to certain aspect of the matter, it appears the Censor Board should have directed the cut of some scenes, particularly the scenes depicting the Courts and especially relating to remarks made therein and such remarks which ought not to have been there but no doubt the remarks scandalising the judicial fabric i.e., Courts and judiciary appear not to have been censored or cut, instead appear to have been taken lightly by the Board or due to some misconception by respondent 2. That guidelines in this regard are needed that Court may be pleased to lay down. Learned Government Counsel Smt. Bharathi Nagesh submitted that so far as the scenes taken in the entirety in the context of the film and the theme may not be conveying the message and may not have the tendency to convey the message as petitioner or petitioner's Counsel presume or believe. That in the context of the theme of the film, the dialogues relating to Khadi, the scene connected with the National Flag being not honoured and the contemptuous behavior of Ex. Chief Minister Singarappa, in the context of the scene and the message being conveyed by the Sub-Inspector Simha, in the film might have some relevance, but may not be taken as conveying the message to the people that the persons at the helm of affairs can be permitted to act in a manner derogatory of the National Flag and National Anthem, Khadi, but the Court scenes and some aspects relating thereto and some scenes relating to the women which are generally depicted at times in the film appear to be derogatory of the position and dignity of the women and they require Court's attention and direction that utmost possible restraint must be observed in depicting those scenes, no doubt without in any manner affecting the theme or message which producer of film or film intends to convey to the people.

15. I have applied my mind to the contentions of the learned Counsel for the parties. Before I proceed to deal with the contentions item-wise, it will be proper and appropriate to have an idea of the relevant provisions of law which prescribe the yardsticks with reference to exhibition of Cinematograph films and their Certification for their purpose.

16. Article 19 of the Constitution of India no doubt provides that every person has been conferred fundamental rights of freedom of speech and expression. But that right of freedom of speech and the expression is not absolute. This is subject to the law imposing reasonable restrictions on the exercise of said right in the interest of sovereignty and integrity of India, security of State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of Court, defamation or incitement to an offence. There appears an

implied further restriction which emanates from reading Part III of the Constitution along with Parts IV and IV-A of the Constitution, as well as Preamble of the Constitution. Rights carry duty and obligation towards the Nation its honour and the Constitution, under which we derive fundamental rights and when Constitution directs and provides for the fundamental duties of the Citizens under the Constitution, it has to be read as the necessary corollary to fundamental rights by necessary implication that the fundamental rights cannot be exercised in violation or in utter breach of the fundamental duties enshrining in Part IV-A, nor can be a person claiming fundamental rights nor in the name of fundamental light be allowed to act against the basic tenets and principles enshrined and enacted by the Preamble of the Constitution, read along with Parts III, IV, and Part IV-A of the Constitution as these do form the essential part of Constitution, and have to be harmoniously read to make each of these effective and not to be allowed or rendered to become infructuous or superfluous.

17. Keeping basic preamble and these basic principles in view, it is necessary and it would be proper and appropriate to have a look to certain provisions of Cinematograph Act, 1952. Cinematograph Act had been enacted to make the provisions for Certification of Cinematograph Films, for exhibition and for regulating exhibition thereof by means of Cinematograph. Part II of the Cinematograph Act, hereinafter referred to as Act 37 of 1952, provides for Certification of Films for public exhibition. Section 3 of the Act provides for a Board of Film Certification. Section 4 of the Act makes provision that if a person desires to exhibit any film, he shall make an application to the Board for Certification in respect thereof in the manner prescribed, and the Board may after examining the film in the manner prescribed certify the film, either for public exhibition, or for public exhibition restricted to adults or may sanction the film for public exhibition restricted to the members of any profession, any class or persons having regard to the nature, content, theme of the film. It also appears to empower the Board to direct the applicant to carry out such excisions or modifications in the film, as it thinks necessary, under any of the clauses (i), (ii), (ii-a) of the Act. Sub-section (2) no doubt provides that while taking action under the proviso to clause (i), as well as under other clauses, no action shall be taken by the Board, except after giving opportunity to the applicant for representing his views in the matter. Section 5 of the Act provides for Advisory Board and the persons qualified to judge the effect of films on the public. Section 5-A of the Act, deals with the certifications of films and provides for certificate either "U or "UA", or "A" or "S" certification as the case may be being issued. It also provides that where a certificate is granted or an order refusing certificate is passed, it shall be published in the Gazette. Section 5B of the Act of 1952, provides the principles and guidance for certifying the films. It will be appropriate to quote this section in extenso. Section 5B reads as under:

"5-B. Principles for guidance in certifying films.--(1) A film shall not be certified for public exhibition if, in the opinion of the authority competent to grant the certificate, the film or any part of it is against the sovereignty and integrity of

India, the security of the State, friendly relations with foreign States, public order, decency or morality, or involves defamation or contempt of Court or is likely to incite the commission of any offence.

(2) Subject to the provisions contained in sub-section (1), the Central Government may issue such directions as it may think fit setting out the principle which shall guide the authority competent to grant certificates under this Act in sanctioning films for public exhibition".

18. A reading of the section makes a mandatory negative provision that the film shall not be certified for public exhibition, if, in the opinion of the authorities competent to grant certificate:--

(a) the film or any part of it is against the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or involves defamation or contempt of Court or is likely to incite the commission of any offence.

These are the broad guiding outlines that have been provided. u/s 5B of the Act, sovereignty and integrity of India, appears to mean as India constituted with its sovereign power under the Constitution of India, with ideals of democracy, socialism, secularism, the high values of life including the sense of responsibility and duty and particularly the duties imposed on a citizen. Section 5C deals with appeals. Section 16 of the Act of 1952, empowers the Central Government to frame the rules, prescribing the terms and conditions and subject to which certification of Cinematograph may be granted and providing for regulation of cinematograph exhibition for public safety and to prescribe the time within which and the conditions subject to which an appeal may be preferred.

19. Rules have been framed under the Act. That rule 22(3) of the Rules, provides that the film to be examined by the Examining Committee shall be in its final form with the background music and all sound effects duly recorded on the film itself. Sub-rule (8) of Rule 22 provides -- "The Examining Committee shall examine the film having regard to the principles for guidance in certifying films specified in Section 5B(1) and the guidelines issued by Government u/s 5-B(2). Rule 23 provides that on the receipt of the record referred to in sub-rule (12) of Rule 22, the Chairman shall, unless the provisions of sub-rule (1) of Rule 24 are attracted, direct the Regional Officer concerned to take further action on behalf of the Board in conformity with the recommendation of the Examining Committee either unanimous or by majority. Rule 24 makes provision for revising committee, constituted for the purpose of revising the film, examination of record being made by the Chairman, either on his own motion or on the request from the applicant. Sub-rule (7) of Rule 24 provides that the Revising Committee shall examine the film at the applicant's expense, on such date, at such place and at such time as the Chairman may determine. Sub-rule (8) of Rule 24 provides for the purpose of examination by a Revising Committee.-

(a) the applicant shall present the same clear unaltered print of the film which was

shown to the Examining Committee and he shall make no change whatsoever in it and he shall furnish the necessary declaration in writing in that behalf; and he shall furnish the necessary declaration in writing in this behalf.

How many copies the applicant will be required to furnish is indicated in sub-rule (8) of Rule 24. Rule 33 of Cinematograph Rules, 1983, deals with alteration of film after issue of certificate. Sub-rule (1) of Rule 33 reads as under:

"33. Alteration of film after issue of certificate.--(1) When a film is altered by excision, addition, colouring or otherwise after it has been certified under these rules, it shall not be exhibited unless the portion or portions excised, coloured or otherwise altered, have been reported to the Board in Form III in the Second Schedule and the Board has endorsed the particulars of the alteration or alterations on the certificate".

This rule per se reveals that once the film has been certified under the rules, the said film cannot be altered and film if altered, by excision, addition or colouring or otherwise, is not to be exhibited, unless the portions excised, added, or coloured or otherwise altered, have been reported to the Board in Form III. Sub-rule (2) provides for examination of the reel or reels or portions altered and sub-rule (4) of Rule 33 provides that pending examination of the altered film under this rule, the applicant shall not exhibit the film, incorporating the proposed alteration. Sub-rule (5) of Rule 33, provides, after the examination of the film or any portion thereof, as the case may be, the Chairman shall unless for reasons to be recorded in writing, declines permission for alteration, he shall make suitable endorsement.

20. A perusal of the above rules thus reveals, as mentioned earlier that without endorsement by the Board, of alterations by way of excision, addition or otherwise, on the certificate and suitable endorsement made thereof in the certificate granted in relation to the film, the film once certified is not to be altered etc., nor altered film is to be exhibited. This is also to be kept in view and may have to be referred at a later stage. Motion pictures as they have instant appeal and on account of its versatility, realism, has to be given a different treatment and it has to be taken to be different from that of other forms of arts and expression. The motion picture is able to stir up emotions more deeply than any other product of art. Its effect particularly on children and adolescents is very great since their immaturity makes them more willingly suspend their disbelief than mature men and women. They also remember the action in the picture and try to emulate or imitate what they have seen. A person reading a book or other writing or hearing a speech or viewing a painting or sculpture is not so deeply stirred as by seeing a motion picture.

21. In the case of *S. Rangarajan v P. Jagjivan Ram and Others*, delivering the judgment on behalf of the Court, Hon^{ble} Justice K. Jagannatha Shetty, had been pleased to lay down some broad guiding principles as well. After having made reference to the other earlier Supreme Court decisions, His Lordship observes in

Para 21 as under:

"We affirm and reiterate this principle. The standard to be applied by the Board or Courts for judging the film should be that of an ordinary man of common sense and prudence and not that of an out of the ordinary or hypersensitive man. We, however, wish to add a word more. The Censor Board should exercise considerable circumspection on movies affecting the morality or decency of our people and cultural heritage of the country. The moral values in particular, should not be allowed to be sacrificed in the guise of social change or cultural assimilation. Our country has had the distinction of giving birth to a galaxy of great sages and thinkers. The great thinkers and sages through their life and conduct provided principles to people to follow the path of right conduct. There have been continuous efforts at rediscovery and reiteration of those principles. Adi guru Shankaracharya, Ramanujacharya, Madhwacharya, Chaitanya Maha Prabhu, Swami Ram Krishan Pararnahansa, Guru Nanak, Sant Kabir and Mahatma Gandhi, have all enlightened our path. If one prefers to go yet further back, he will find "Tirukkural" the ethical code from Tiruvalluvar teaching which is "a great human morality and wisdom". Besides, we have the concept of "Dharma" (righteousness in every aspect) a unique contribution of Indian civilization to humanity of the world. These are the bedrock of our civilization and should not be allowed to be shaken by unethical standards. We do not, however, mean that the censors should have an orthodox or conservative outlook. Far from it they must be responsive to social change and they must go with the current climate. All we wish to state is that the censors which will have a markedly deleterious effect to lower the moral standards of those who see it". In the case of Ramesh Dalal Vs. Union of India (UOI) and Others, , Hon"ble Sabyasachi Mukharji, laid down the standard of judging the effect of the words or expressions used in the movie and observed and quoted with approval the following observations of justice Vivian Bose J., as he then was, in the Nagpur High Court, in the case of Bhagwathi Charan Shukla v Provincial Government, which reads as under:

". . . .That the effect of the words must be judged from the standards of reasonable, strong-minded, firm and courageous men, and not those of weak and vacillating minds, nor of those who scent danger in every hostile point of view. This in our opinion, is the correct approach in judging the effect of exhibition of a film or of reading a book. It is the standard of ordinary reasonable man, or as they say in English law. . .".

It appears, keeping this in view, under the Cinematograph Act and Rules, such certifications have been classified as "U" or "UA" or "A" or "S", as the case may be. These are certain basic principles of law which have to be kept in view.

22. It may be mentioned here that the Central Board of Film Certification, has issued its certificate "U" with regard to "Jackie Chan" film and it is mentioned therein, after examination of the film by the members of the Examining Committee, mentioned below and on the recommendations of the Examining

Committee, the Board hereby certifies that the film is fit for unrestricted public exhibition subject to excisions and modifications listed in Part II on the reverse. The particulars of excisions and modifications have been made part II of the certificate. Excisions and modifications indicated and directed by the Central Board of Film Certification are mentioned herewith:

Declared length ? 4556.34 Mtrs. in 15 ReelsCute: Feet/Frs.

1. Reel 1 -

Reduce violence like, blood oozing etc., by 30%, Guidelines 2(iv) (Reduced and length retained 14.00 ft.) 7.15

2. Reel 2 -

Describing National Flag as "putogosi batte" to be deleted in audio at three places. Guidelines 2(xiii) Deleted.

Sound only

3. Reels 2 and 14

The word "Soolemagne" to be deleted in audio wherever occurs. Guidelines 2(vii) Deleted

Sound only

4. Reel 4

The word "ninakkan" to be deleted in audio Guidelines 2(vii) Deleted

Sound only

5. Reel 5

The words "neenu hakiro Khadi muttaada 3 dina hengasaru upayogiso batteginta keelo, kelu mindri guttida soolemagana" to be deleted in audio Guidelines. 2(vii) Deleted

Sound only

6. Reel 5

Name "Jayalalitha" to be deleted in audio. Guidelines. 2(xviii)

Sound only

7. Reel 7

(a) The words "ammanna mathu meera baradooanta aa hennanna hannagi hanchi kondru, adakke jananu niathadlilla, aa janardha-nanu mathadalilla to be deleted in audio. Guidelines 2(vii). Deleted

Sound only

(b) The whole episode of five men torturing the girl and killing to be reduced to a flash. Guidelines. 2(iv). (Reduced and length retained 3.00 ft.)

8. Reel 8

Throwing cap on judges table, visual to be deleted. Guidelines. 2(xviii) Deleted

4.10

9. Reel 7

Words "Sadashivanagar and Vyalikaval" to be deleted in audio. Guidelines. 2(xviii) Deleted

Sound only

10. Reels 7 and 8

"Ninnayin" and "chootiya" words to be deleted. Guidelines 2(iv) Deleted

Sound only

11. Reel 9

Cutting of tongue to be reduced to a flash. Guidelines 2(iv) (Reduced and length retained 1.00 ft.)

1.05

12. Reel 9

Jayalalitha, Karunanidhi and Rajnikant words to be deleted in audio. Guidelines 2 (xviii) Deleted

Sound only

13. Reel 12

The words "Yaro nanna samanu ethkandavre" to be deleted. Guidelines 2(vii). Deleted.

Sound only

14. Reel 12

(a) Kicking stomach of pregnant lady to be deleted. Guidelines 2(iv) Deleted

2.06

(b) Nursing home violence on wheel table to be reduced by 50% (Reduced and length retained 29.04 ft.)

29.04

15. Reel 13

The words "CM thika noytada" to be deleted, in audio. Guidelines. 2(vii) Deleted

Sound only

16. Reel 13

The words "Kerala and Maharashtra to be deleted, in audio. Guidelines. 2 (xviii)
Deleted only

Sound only

Total cuts 51.06 ft.

or 15.65 Mtrs.

Final length of the film after cuts

Bangalore

Sd/-

Date: May 15, 1997.

Regional Officer, for Chairman, Central Board of Film Certification.

23. After the Certification, this film "Jackie Chan" has been released and exhibited with effect from June 20, 1997 and according to the petitioner, the petitioner had seen this film in the Geethanjali Theatre as mentioned in the petition on 3rd of July, 1997 and according to the allegations made in the petition and rejoinder affidavit, the petitioner did record the dialogues in his Audio cassette, which he has produced in the Court, while respondents have produced their cassette.

24. According to respondents 3 to 5, the story of the film in question reads as under. I may narrate the basic story as presented before the Court.

THE STORY OF "JACKIE CHAN"

The film "Jackie Chan" the subject-matter of present writ petition is based upon a fictitious story of three youngsters who are honest, principled and law abiding citizens. Certain circumstances to which they were exposed in their lives, two of them take the law into their own hands to seek revenge. The film also depicts the sorry state of affairs of the present political system.

The three youngsters are named as Rana, Pratap and Simha. Pratap is a character who is leading a very happy family life with his father and the only sister. He had abundant love and affection towards his father and the only sister. The sister of Pratap is married with a person who is rowdy and an anti-social element. All his four brothers are also anti-social elements and they are notorious. On the very first day, of her marriage, Lakshmi the sister of Pratap had to face a horrifying situation, wherein all the brothers of her husband commit the acts of violence and all the five brothers are inferentially shown to be committing the act of rape on her one by one against her wishes, resulting in her death. Lakshmi could communicate the horrifying situation to her brother Pratap

over telephone before her death. Pratap could not save her, since by the time he reached the residence of Lakshmi, she was dead and her body was taken by her husband and his brothers to the cremation ground. Pratap reaches the cremation ground and picks up the body of his sister from the funeral pyre and he carries the dead body of his sister in his hands and goes to the jurisdictional Police station and requests the Station Officer to receive a complaint against the offenders. The Station House Officer knowing the persons who are the offenders and being afraid of them, "he does not receive the complaint and sends Pratap away saying that he does not have jurisdiction. Pratap approaches another Police Station and makes a similar request to the Station House Officer to receive his complaint and to take action against the offenders and to render justice to him. The Station House Officer of that Police Station also refuses to receive the complaint on the ground that he has no jurisdiction. Pratap gets enraged for the attitude of the law enforcing authorities and he becomes highly emotional for the injustice caused to his family and he assaults the Station House Officer and threatens him with dire consequences, if the offenders are not arrested. The Station House Officer being mortally afraid goes to the offenders and requests them to get arrested and he assures them that it is only to save his life from Pratap, he is taking them into custody and he assures them that he will not take any action against them. Ultimately, the husband of Lakshmi accompanies the Station House Officer and he was put in prison. At that juncture another Police Officer namely the character Rana enters the scene and makes the husband of Lakshmi to speak out the truth about the death of Lakshmi and he also records his statement in a cassette, and he also makes him to write the statement admitting the guilt of the offenders. The character Rana assures Pratap that he would see that justice is done to him and the offenders are given proper punishment.

The trial of the offenders was taken up and there is a Court scene in the movie in this regard. Rana brings it to the notice of the Court that the husband of Lakshmi himself has given a statement regarding the offence and he has recorded the same in a cassette and he also brings it to the notice of the Court that the husband of Lakshmi has also written a statement in his own hand. The defence lawyer pleads before the Court that the Police Officer i.e., Rana is telling a falsehood and he submits before the Court that the accused are innocent and the question of the husband of Lakshmi giving a statement either in writing or orally does not arise since he is a handicapped person and he can neither speak nor write and he also produces medical evidence in this regard. The Court was satisfied with the defence put forward by the defence Counsel and gives a verdict of acquittal and also directs that action should be taken against Rana for his false accusation against the accused. The character Rana gets upset for not getting convicted and subjected to the punishment the offenders even though they have really committed the offence. He could not compromise with this situation wherein the actual offenders were let off scot-free. Ultimately, he tenders resignation from his job and he starts giving training to the Karnataka Police in

Martial Arts to serve the society. He also helps Pratap to learn these arts which would enable him to take revenge against the offenders.

After the verdict of acquittal, the husband of Lakshmi and his other brothers are depicted to take revenge against Pratap for having dragged them to the Court. They assault him brutally and they set fire to his father and also to his fiancée in his presence. Pratap strongly determines to take revenge against these offenders for ruining his life. Since he could not get justice either in the hands of law enforcing authorities or before the Court, he takes the law into his own hands to punish the offenders. Rana also helps him since he could not get justice to him in the Court of law. The portrayal of characters of Rana and Pratap is in this backdrop, wherein the law abiding citizens were compelled to take the law into their own hands, in view of the compelling circumstances which they had to face in their lives.

Yet another character around whom the story revolves is that of Simha, who is portrayed as a very bold Police Officer. He is a character who would discharge his duties fearlessly and without caring for any consequences. He is portrayed as a person who is not afraid of even the powerful politicians in the Society. On one occasion Mr. Simha is depicted to have taken encounter with an Ex. Chief Minister, the character being one Singarappa, for the disregard shown by him to the National Anthem and the National Flag. He exchanges heated words with him in this episode and makes it very clear that he is not afraid of the consequences. Mr. Simha, in due discharge of his duties also gets hold of certain incriminating documents of Sri Singarappa and on this count he takes him into custody. Sri Singarappa, to avenge this act of insult, sends his anti-social criminal associates and elements to kill the wife of Simha who was pregnant. The movie also further depicts that the anti-social elements show, to have been kicking the stomach of the pregnant lady and turn down the stretcher on which she was being taken to the labour room. The movie further depicts the present state of political system. Mr. Singarappa, who lost his power as the Chief Minister of the State, takes the aid of the character of Mr. Stollan who is a leader of the anti-social elements. Mr. Singarappa, with the aid of Mr. Stollan, kidnaps the Chief Minister of the State and also all his cabinet colleagues and they were detained in a secluded place. Mr. Stollan compels the Chief Minister of the State i.e., the character of Satyamurthy to order the release of Mr. Singarappa. Ultimately, Rana, Pratap and Simha rescue the Chief Minister and other cabinet colleagues from their detention. Ultimately, the Chief Minister i.e., the character Satyamurthy orders arrest of Mr. Rana and Mr. Pratap for having taken law into their own hands.

25. This is the story as per the synopsis of the story furnished by respondents 3 to 5. The case of the respondents is that their intention and object have been to glorify the National Flag and the National Anthem and the dignity of woman and rule of law on one hand and on the other to present before the people, to enlighten them with the deteriorating order of affairs in the society and the political scenario, with an idea and purpose to arouse the feelings of the common

man for making and for forcing the making of necessary amends in the social and political order of day which reveals downward trends of values in life social, political and otherwise.

26. After placing this story, I may mention that the Court in the presence of the parties Counsel has seen the film as per cassette, presented by the respondents, as also heard dialogues tape recorded in the audio cassette, as per affidavit recorded by the petitioner on 3rd of July, 1997, and deposited in the Court by the petitioner. It is not to be forgotten that some times no doubt it becomes to a certain extent necessary to portray something which is evil to the Society in order to bring before the audience its evil effect on our life on one hand and to make them realise the importance of what that is good. It is also some times necessary to depict and present, the present state of affairs, as it is, keeping pace with the standard of people, of a particular age or group with their character, with their language expressions and talk, to depict the society in order to suggest the importance of better character, better life and to present the noble ideals, which are required to be adopted, followed and adhered in the Society, in a way to tell the importance of day, night is also to be depicted, but no doubt certain precaution is required. Even in depicting the stories of Ramayana or Mahabharatha or freedom movement the darker side is also placed. Here it would be appropriate to make reference to the observations made by this Court in the case of N.P. Amrutesh and another Vs. State of Karnataka and others, , which reads as under:

"29. It may be taken note of that to realise the bliss or pleasure of light of the day, one has to realise and to pass, for some times through the dark holes or through the darkness of the night. Day has to come after night has gone. If there are miseries, happiness, pleasantness have also to come. Unless a person realises the results or knows about the results of evil acts and the consequences thereof, he may not be able to realise the good things, such as justice-social, political and economical and to exhibit that, both the sides have to be brought to the notice along with their consequences and enlightenment as to how can good or justice prevail over evil or injustice and this had been done.

30. We may take the story of "Ramayan" Ram's importance and importance of his deeds enhanced why? Because he had to face the king we may call Rakshasa Raj -- Ravan, who though was very learned of his time, was known as pandit, a great demon no doubt and he had been or at time was depicted and shown to be exploiter of the weaker and Ram had been shown as one who protected the poor, weaker and exploited one and then there had also been shown to be a fight between just and unjust, between exploiter and the exploited or the one raising voice against exploitation. If both pictures would not have been depicted, perhaps the story of Ram and that of Anjaneya Bhagwan Maruthinandan who worked with Rama in struggle and battled against the exploiter would not have been immemorial and would not have attained the place in our life as part of our cultural heritage as it has got. That even today it is being remembered and after

getting our independence when we have adopted our new constitution, framers of the constitution adopted Rama as one of the National and constitutional heroes of unification of India, Indian culture and depicted the portrait of Rama on the original Constitution, he being shown as coming on Pushpak with Seetha and Lakshman, after having conquered over the king of Lanka Ravan (See Chapter III of Original Constitution bearing signature of members of Constituent Assembly).

31. So we have to see the story involved and examine it in the context of its basic theme and various aspects harmoniously.....".

27. Vices are also to be exhibited in order to bring out the brighter side of the day or brighter side of the virtues which play the role in the society. Every thing that exists in this world is full of vices and virtues. When darker side is shown its consequences are to be shown. No doubt to what extent it should be exhibited is a matter for the film producers to decide keeping in view to the minimum possible to be shown, without in anyway affecting the communication of the theme and ideals behind the Cinematograph concerned or picture concerned. The film has to be judged in its entirety from the point of view of its overall impact. It must be judged in the light of the period depicted and the contemporary standards of people to whom it may relate, but it must not deprave the morality of the audience. Human sensibilities are not offended by vulgarity, obscenity or depravity, that scenes degrading or denigrating women are not presented and scenes of sexual violence against woman are avoided to the possible extent, that if such scenes are germane to the theme, they have to be reduced to a minimum and not particularised. Where the theme has social relevance or relevance from that point of view, such as national or otherwise it may have to be allowed to be exhibited -- Bobby Art International, etc. Vs. Om Pal Singh Hoon and others, . Keeping these principles in view, I proceed to examine the objections raised by the petitioner with reference to this film.

28. National Flag, National Anthem and Khadi:

(A) National Flag and National Anthem:--A scene exhibited in the film relates to the hoisting of the National Tri-color Flag by the character depicting the Governor of the State. The National Flag is hoisted by the character depicted as Governor and the National Anthem is being sung, people are shown to be standing giving salute to the National Flag, but amongst the audience is a character by name Singarappa, depicted as Ex. Chief Minister who has lost his office in the Elections, is shown to be sitting on the chair keeping his legs thereon. He is shown not to have stood up in the honour of National Flag and Anthem on National Flag's being hoisted with the National Anthem is being sung. The character in the film Simha the Sub-Inspector is shown to have rushed to Singarappa the Ex. Chief Minister after seeing him sitting on the chair and interrogates him and asks him to stand up in respect of National Flag and National Anthem and thereafter the Ex. Chief Minister is shown to have uttered words derogatory to the honour of the National Flag and the National Anthem. It is better to reproduce herewith the dialogue between Singarappa the Ex. Chief Minister and Simha the Police

Inspector. The dialogue which is in Kannada is hereinafter produced in Kannada, as well as in Roman along with English translation. Here I may refer to Reel No. 2 in which the scene relating to hoisting of National Flag is there, with reference to Sl. No. 176 onwards. This will show that when the Flag is being hoisted, Singarappa the character depicting Ex. Chief Minister is shown to be sitting keeping his legs on the chair. He does not stand up when the National Flag is hoisted and National Anthem is sung. The character Simha the Sub-Inspector is shown to moving towards Singarappa. Singarappa is shown to be thinking or in an agitated and pensive mood. Then Simha the Sub-Inspector is shown to speak:

Yee rajyada ex C.M. aagi neeway heege maadodhu thappu.

As the ex C.M., what you are doing is not right.

Then Simha moves towards the Ex. Chief Minister and says:

Hello, nimmanne. Hello, you:

195 823.01 Sug of Simha

National Anthem

National Anthem

Nadibekadre Yeddu ninthu gourava kodabeku annodhu marthubitra

Have you forgotten that one should stand up and show respect when the National Anthem is played?

196 837.8 M.S. of both

Yoo nanna deesane badtagi konthirovaga innoo diku dese illade haradthiro putgosi battege addeddu maryade kodabeka;

Hey, when my nation itself has changed should I stand up and give respect to this piece of loin cloth which keeps flattering still without any goal.

197 890.8 C.S. of Simha and Singarappa:

Yenande? Putagosina? Satya, Shanthi, Thyagada Sankethavagiros kesari, bili, hasiru bannada National Flagna putagosi aantha heluvasthu dhiryavenoo soolemagne;

What did you say? A loin cloth? You son of a prostitute, how dare you call the saffron, white and green National Flag a loin cloth, which is the symbol of Truth, Peace and Sacrifice.

Nanee rajayada majee mukhya mantri;

I am the Ex. Chief Minister of the State.

Adakke kyakarisi ugithirodu boolimagne, nimmagalige niukya mantri seetu undu kelagiddagathane; illade yero teekegalanna neevu maadi thorisodu.

That is why I am spitting on you, you son of a It is only when you are sitting on the Chief Minister seat that you keep making some foolish comments

Haddu meeri mathadthidiya yedara parinama nettege iiralla, bevarsinanmagne.

You are talking beyond your limits, you son of a watch out of the consequence".

Yee bastard:

You bastard;

198 941.01 Top angle shot of both.

Simha: Rashtra, Rashtra geethege, Rashtra dhwajakke maryede kodthe eero neenu yeno madthiya? ee khakine thane kithukollodu! ha. . . .ee khaki nanna maimelleillade iddru ninnanahaha thayigandarge, yekkadadalli hodiyo gandasthana nanagide.

What are you going to do. You disrespect the Nation, National Flag and National Anthem? After all you can snatch away this Khaki alone!

Yes, even if this khaki dress is not on my body, I have the manliness to stop you immoral bastards with chappals!

Yee hogalo,

You, get out.

Yee.

You.....

Governor: Mr. Simha what is this?

Hindina kaladalli ee Flag harsida koodle prathiyobba bharathiyanu yeddu ninthu selute madtha National Anthem haadoonu!

Formerly, as soon as the National Flag hoisted every Indian would get up and salute, would sing National Anthem.

199 970.8 Sug of Simha

Aadre eegina kaladalli jana salute madodanna maratu bit-tidhare. Lee suvar nanna magne eevathu heltha eedhine kelu ninnanatha oobbaru bharathada oondondhu moolele huttekondru sakul nale jana a dwajakke yeddu ninthu maryede kododanne marethu bidtha barthare kano.

But of late, the people have even forgotten to salute, you swine listen today, even if one single person like you is born in the corners of India, tomorrow the people will forget to stand up and show respect to the National Flag.

200 979.11 C.S. of Governor.

cool down!

me. Simha cool down!

201 974.15 C.S. of Simha!

202 M.S. of all

Neeobba nishtavantha Police Adhikari.

You are a sincere Police Officer.

Nimmanthahavara seeve namma rajyada janathege agathyavagi beku. Intha Sanna putta manushara mathige yake thale kedisikothera.

Services of people like you is very much needed for the people of our country. Why do you lose your head over such words to petty people like these?

Yenandri? sanna putta janagala, nenne tanaka rajyada mukhya mantriyagidda nanu majiyada koodle kindal madtha iddirai ree mukhya manthrigale ee maji yennontha thoristhinree.

What did you say, petty people?

Are you ignoring me who was the Chief Minister until yesterday? Mr. Chief Minister, I will show you what this Ex. Chief Minister...".

29. It may be mentioned here as well appears from Part II of Censor Board Certificate, that the expression "Puttagosi" by which National Flag is shown to have been described by the character Singarappa Ex. Chief Minister has been directed to be deleted in the Audio cassette of the case and it may be mentioned here that "puttagosi" in Hindi means "Langoti" or a dress which is used to cover the chastity of male, deleted and it may indicate as if the Ex. Chief Minister has described the National Flag, after deletion of the expression "Puttagosi", as nothing more than a piece cloth which keeps on flattering still without any aim or goal.

30. These are the scenes and dialogues which relate to National Flag and National Anthem. The scenes appears to depict and portray certain political characters or persons and who in their ego and frustration according to the story writer or the dialogue writer, even go to the extent of forgetting their allegiance to the Constitution and to their duty to respect National Flag and National Anthem which is the duty even very clearly depicted and stated and has been described as the fundamental duty under Article 51-A(1) of the Constitution of India. No doubt apart from the incorporation of Article 51-A the National Flag and National Anthem are the things very important in a Nation's life. These are the symbols and very important symbols of Nation's honour, the depiction of the sovereignty of the Nation and emblem of unity of the country and its honour. It represents the culture and cultural ethos and sovereignty of the Nation and our Tricolor. It will be appropriate to quote in this context the following words of the great National Leader Pandit Jawaharlal Nehru from his Address in the

Constituent Assembly, while introducing the resolution for adoption of National Flag as under:

"I remember and many in this house will remember how we looked up to this flag not only with pride and enthusiasm but with a tingling in our veins: also how, when we were sometimes down and out, then again the sight of this flag gave us courage to go on".

".....We thought of a design beautiful to look at. We thought of a Flag which would in its combination and in its separate parts would somehow represent the spirit of the Nation, the tradition of the Nation, that mixed spirit and tradition which has grown up through thousands of years in India. So we devised this Flag. Perhaps I am partial but I do think that it is a very beautiful Flag to look at purely from the point of view of artistry and it has come to symbolise many other beautiful things, things of spirit, things of mind, that give value to individual's life and to the Nation's life, for a nation does not live merely by material things, although they are highly important....".

31. Depicting the ethos and message from the National Flag and its importance, Dr. S. Radhakrishnan (later on the President of India) in the Constituent Assembly has said:

"The Flag links up the past and the present. It is the legacy bequeathed to us by the architects of our liberty. Those who fought under this Flag are mainly responsible for the arrival of this great day of Independence for India. . . . What is essential today is to equip ourselves with new strength and with new character if those difficulties are to be overcome and if the country is to achieve the great ideal of unity and liberty which it fought for".

"White means the path of light. There is darkness even at noon as some people have urged, but it is necessary for us to dissipate the clouds of darkness and control our conduct by the ideal light, the light of truth, of transparent simplicity which is illustrated by the colour of white."

We cannot attain purity, we cannot gain our goal of truth, unless we walk in the path of virtue. The Ashoka's wheel represents to us the wheel of the law, the wheel of the Dharma. Truth can be gained only by the pursuit of the path of Dharma, by the practice of virtue, Truth, Satya, Dharma, virtue, these ought to be the controlling principles of all those who work under this Flag. It also tells us that the Dharma is something which is perpetually moving.This wheel is a rotating thing, which is a perpetually revolving thing, indicates to us that there is a death in stagnation. There is life in movement. Our Dharma is Sanatana, eternal, not in the sense that it is a fixed deposit but in the sense that it is perpetually changing. Its uninterrupted continuity is its Sanatana character. So even with regard to our social conditions it is essential for us to move forward".

Dr. Radhakrishnan further points out what Tricolor Flag tells us:

". . . .This Flag tells us "Be ever alert, be ever on the move, go forward, work

for a free, flexible, compassionate, decent, democratic society in which Christians, Sikhs, Muslims, Hindus, Buddhists will all find a safe shelter".

I may quote the anguish of the Nightingale of India Smt. Sarojini Naidu, one of leading personalities of the Freedom Movement of India, (Later on the 1st Governor of U.P.,) when she spoke in the Constituent Assembly:

"Many many times in the course of my long life, in my travels abroad-- for I am vagabond by nature and by destiny, I have suffered the most terrible moments of anguish in free countries, because India possessed no flag. A few of those moments I would like to recall".

32. Smt. Sarojini Naidu's message about the National Flag indicates this National Flag stands for "Remember under this Flag there is no prince and there is no peasant, there is no rich and there is no poor. There is no privilege; there is only duty and responsibility and sacrifice".

This National Flag carries with itself the basic ideals and the principles and it gives the message to us of courage, spirit, sacrifice, peace, truth and chivalry green revolution and hope of masses. This Court in an earlier decision in the case of N.P. Amrutesh, supra, had the occasion to highlight the importance of National Flag and this Court observed in Paragraph 52 as under:

"Really the National Tricolor Flag represents the sovereignty of the Nation, i.e., India, its culture, its cultural heritage and its unity and independence, and all that for which our Divine Mother India -- Bharatmata i.e., our Nation stood or stands".

33. This is that Flag for which we have pined. Prior to our independence men and women had given their lives for the attainment of independence, sovereignty of the Country. This National Flag represents the sovereignty and integrity of India, our Country and values we cherished although as a Nation and which values did inspire us in our Freedom Movement, and people to live and die for the cause of our Mother Land. Dishonour to the National Flag may be tantamount to dishonouring sovereignty, integrity of the Country, its ethical, cultural, social and moral values, for which our Nation and People stood for and also stand and the values enshrined in the Constitution. In the picture "Jackie Chan", a person of the stature of Ex. Chief Minister is shown to have shown disrespect and dishonour to the National Flag. I am unable to swallow and do not express any view on it. But, as story writer depicts if there is or are persons of the stature of Chief Minister past or present, or any other who swears by the Constitution, shows disrespect to the National Flag or National Anthem etc., and thereby disrespects the Constitution, he betrays the Constitution, because oath of allegiance to the Constitution which carries with itself the oath to be true to the Fundamental duties enshrined in Article 51-A of the Constitution as well including the fundamental duty to respect the National Flag and Anthem. The one such person who if at all on this land of Ours running from Himalayas to Cape Komrin (Kanyakumari) called Bharat, dishonours the National Flag or the National

Anthem by acts or omissions, by gesture or words, then he betrays the oath he takes under the Constitution. The one who betrays the Constitution may be said not to be entitled to any rights or office thereunder. Even if time comes it may have to be decided.

34. The producer of the film "Jackie Chan" has portrayed such a character in his picture. If there is any such person definitely he will deserve condemnation of the whole Nation and apart from that may incur disqualification to hold any Constitutional Office, because of betrayal of the oath of the Constitution may tacitly amount to fraud with the Constitution and betrayal against the sovereignty of the Nation and of all the values stands our nation and its National Flag. No reason whether he is a person frustrated or not, it is immaterial. In this picture, he has been shown to describe the flag, after deletion of the word "putagosi", as piece of cloth which keeps flattering still without goal. Really this dialogue in the scene depicts such persons who enter into the political scene and field and succeed in usurping high political offices otherwise than by adhering or knowing the Constitutional and National creeds and values and their ethos and at times by use of unethical means. The film I may say so, depicts is not the dishonour to the National Flag, nor appeal's to intend to depict that, but really it appears that the picture and its producers have tried to depict such persons who on losing election, loose mental equilibrium, loose their sense of patriotism and who fail to realise the importance of the National Flag. During this period of 50 years of our Independence, if such persons are there as the film tries to depict, they may be said to be dishonour to the Nation itself. The character Simha's dialogue at footage 840 in Reel No. 2, really appears to be an attempt to convey the message behind the National Flag, when he refers to the colours, saffron, white and green as symbols of truth, peace and sacrifice. I may again quote here the significance of these colours with reference to the explanation given by Dr. Radhakrishna, the Philosopher President of India. Describing the importance of the colours Dr. Radhakrishnan, in the constituent Assembly said:

"White means path of light. There is darkness even at noon as some people have urged, but it is necessary for us to dissipate these clouds of darkness and control our conduct by the ideal light, the light of truth, of transparent simplicity which is illustrated by the colour of white.....".

The red, the orange, the bhagwa colour represents the spirit of renunciation. It is said:

"Sarva tyaga rajadharmesu drsta All forms of renunciation are to be embodied in Raja Dharma, Philosophers must be kings. Our leaders must be disinterested. They must be dedicated spirits. They must be people who are imbued with the spirit of renunciation which that saffron colour has transmitted to us from the beginning, of our history. That stands for the fact that the world belongs not to the wealthy, not to the prosperous but to the meek and the humble, the dedicated and the detached. That spirit of detachment, that spirit of renunciation is represented by the orange or the saffron colour and Mahatma Gandhi has

embodied it for us in his life and the Congress has worked under his guidance and with this message. If we are not imbued with that spirit of renunciation in these difficult days, we will again go under.

The green is there - our relation to the soil, our relation to the plant life here on which all other life depends. We must build our paradise here on this green earth. If we are to succeed in this enterprise, we must be guided by truth (white), practice virtue (wheel), adopt the method of self-control and renunciation (saffron). This Flag tells us "Be ever alert, be ever on the move, go forward, work for a free, flexible society in which Christians, Sikhs, Muslims, Hindus, Buddhists will all find a safe shelter".

35. Dr. Mohammad Saadulla in the Constituent Assembly also indicated the importance of these colours which this Flag represents and the philosophy and idea it represents.-

".....The saffron, as is well known, is the colour of all those people who live the spiritual life not only among Hindus but also among Muslims. Therefore, the saffron colour should remind us that we should keep ourselves on that high place of renunciation, which has been the realm of our Sadhus and saints, Pirg and Pandits.....

Next I come to the white portion. White both among Hindus and Muslims is the emblem of purity. I congratulate the High Command of the Indian National Congress that by a bold stroke of imagination they took up the white cap as the symbol of their creed. The presence of the white portion in this Flag should remind every one who takes it up that we must be pure not only in word but also in deed. Purity should be the motto of our life, individually as well as in connection with the State.

Lastly, green reminds me of the fact that it was the emblem of the Flag which was raised by Bahadur Shah in 1857. But it has more than a sentimental or symbolical value to us Muslims because green was the colour of the Flag of the Muslims from the time of the great Prophet of Arabia thirteen centuries ago".

Dharmachakra of Ashoka reminds us of the condition of the people at the time of that Buddhist Emperor of India. He ruled not for his personal aggrandisement but for the contentment, peace and prosperity of the people under his charge. This emblem now embodied in our National Flag ought to remind every administrator and every citizen of the federation of India that we should forget the past and look to the future and try to carry on the tradition of that Buddhist Emperor Ashoka..... This Chakra was a religious emblem and we cannot dissociate our social life from our religious environments".

36. This great message which this National Flag gives in addition to its being symbol of sovereignty and Unity of India, the message that there is no privilege, there is only duty, responsibility and sacrifice. The picture "Jackie Chan" depicts and aims to depict the evil effects, criminalisation of politics or say of nexus

between politics and crime on social and national life and conduct of a person having relations or nexus with the world of crime and appears to be acting with the feeling of self obsession and feeling of aggrandisement of power on one hand and of frustration arising from loss of office and who has forgotten the message of great ideals and values which this Nation stood for and the message which our National Flag and Anthem and the Constitution convey to us. The film appears to convey the message of importance of National Flag and our fundamental duty to honour it. The dialogue of the character Simha that it stands for truth, peace and sacrifice, which message of the Flag had been, from the early days of National Flag, conveyed to people by Nightingale of India, Smt. Sarojini Naidu, when she spoke "There is no prince and there is no peasant, there is no rich and there is no poor. There is no privilege, there is only duty and responsibility and sacrifice". The message is to the people of the Country and in particular there is a message to and for the people at the helm of affairs of the State and Country, be they related to or holding high offices in Political Wing, Legislative Wing, the Judicial Wing or Administrative side.

37. Thus looking to it, and in the context of above theme and in the context of the dialogues it does not appear that there is any such thing which may be said to be derogatory to the National Flag or National Anthem. Really the object and purpose appears to be intended to communicate the message that one must have respect for the National Flag and each one must honour the National Flag and National Anthem. By acts --mental, physical and emotional and even spiritual or ethical, one must honour the Nation, its National Flag, the National Anthem and its sovereignty by following and adhering the message that National Flag communicates and the ideals for which our Tricolor does stand, as disclosed and revealed by the great men of India, like Sri Pandit Jawaharlal Nehru, Dr. Rajendra Prasad, Dr. S. Radhakrishnan, Smt. Sarojini Naidu etc., in the Constituent Assembly. No doubt there is one thing which if it would not have been in the dialogues would have improved the stature of the picture in this regard, namely, the conduct of the Governor in trying to hush-up the matter when he says to the Sub-Inspector, why do you loose your head to such words of petty people like these and he asks the Sub-Inspector to cool down. This scene no doubt has a tendency to give an inkling that if a person commits acts of National dishonour he may be ignored, ignoring of such persons may give an impression to the people that even if they do the acts of National dishonour, their actions may be ignored and even if there is a dutiful officer, he may be made not to take any action. Such a scene does not appear to be in keeping pace with the theme of the picture, with reference to the National Flag. It would have been better if the Governor would have asked the Police Officer that instead of having too much words with such petty persons, he may act or take action according to law. Any way I wish it may not communicate the message, of which apprehension has been depicted in the picture by the following dialogue:

"But of late, the people have even forgotten to salute, you swine listen today, even if one single person like you is born in the corners of India, tomorrow the

people will forget to stand up and show respect to the National Flag". This apprehension may be a genuine one that if such persons are there, they may pollute the whole atmosphere. This message is a message of caution to the persons in authority and to do needful in the matter, by both ways, namely by education and by educating, inculcating, even as creed, in our children and people the feelings of patriotism, nationalism, respect for and importance of National Flag, the duty to honour the National Flag, National Anthem, the sovereignty of the Country. In other words I may say there is need to lay emphasis on the enforcement of the fundamental duty by legislation as well as by education and the Government of the State and Union need consider this aspect of the matter. This really intends to communicate a note of caution to person or authorities to do the needful by way of Legislation and education.

38. Thus, considered in my opinion this episode relating to National Flag and National Anthem does not have the tendency to dishonour the National Flag, but it communicates a message to honour the National Flag and National Anthem and to inculcate the feelings of patriotism, and values for our cultural heritage and all those values for which this National Flag stands and which are represented by it, by making modification, amends in education and policy of education introducing the lessons of patriotism and nationalism as well as improving our present conduct if it is not keeping pace with the standards and ideals for which this Nation and National Flag do stand.

39. Khadi: Khadi represents the symbol of unity of Indian humanity. It had a link with the Freedom Movement. It represents ideals of Swadeshi, Swavalamban and Swaraj. The last and final one swaraj was possible to be achieved and is possible to be maintained intact, if there is intact in us in spirit and deed the feeling spirit and ideals of Swadeshi and Swavlamban. In the words of Mahatma Gandhi "it connotes the beginning of economic freedom and equality of all the country. . . . It means a wholesale Swadeshi mentality, a determination to find all the necessities of life in India and that too through the labour and intellect of the villagers".

In "Constructive Programme", Mahatma Gandhi further observes -- "Khadi to me is the symbol of unity of Indian humanity, of its economic freedom and equality and, therefore, ultimately, in the poetic expression of Jawaharlal Nehru, "the livery of India"s freedom".

40. These are by itself sufficient enough to indicate and exhibit so as to make every one know about the importance of Khadi, and its message in the context of our National life. Khadi has also been associated with the National Flag, in the sense that we adopted only Khadi made of cotton or silk for being used in the preparation of our National Flag, to express this concept as indicated by Mahatma Gandhi, for generations to come. Khadi represents independence and work to our men during free hours.

41. The Counsel for the petitioner contended that in the picture there are

dialogues degrading Khadi and thus degenerating the thread that it did bear on the theme of the Indian culture and the spirit of freedom movement. Let us take note of the dialogues as to whether there is anything which degenerates Khadi. The portion that has been alleged to be degenerating appear to have been deleted under the directions of Censor Board. Even if that expression would have been there and had not been deleted, the context and the mode of dialogues in my opinion does not carry anything such as degenerating Khadi, instead it appears to condemn those who behave in a manner or act in a manner that runs counter to the ideology of the great saint and leader of India -- Mahatma Gandhi, who innovated Khadi and Spinning Wheel Movement, a glorious notion as indicated above. The dialogue is nothing but a sarcastic and critical remarks against those persons who tried to make misuse of Khadi. Misuse in the sense that they do not try to adhere to the basic principles in life which he behind Khadi and try to take undue advantage and benefit of position or try to take benefits otherwise than by means of ethical and moral values or who try to exploit others in the name of or under the guise of Khadi and those who by their ill-deeds or misdeeds degrade or degenerate the value and honour of Khadi. It has been indicated that behind Khadi, there have been great ideals of Swavalamban and Swadeshi and simplicity of life, dedication in the Freedom Movement and which has encouraged the people to follow the principles of simple living and high thinking on one hand and on the other to stand against exploitation of persons and Nations by one. It will be profitable to quote these dialogues:

27 221.14 M.S. of both

Singari: Neenu yeshtu hoskakidhru jigane hagee rak-tha heeri hyage inathumbikobekuntha nanage innu chennagi gottu because pavithravada Khadi dharisiro rajakarini.

However much you finished off the bugs, I know very well how to develop my body by sucking blood like a leach, because I am a Politician wearing sacred Khadi.

28 252.00 M.S. to C.S., both move towards to camera.

Yenu helde, pavithravada Khadina. . . .Thoo, kalmele kalu hakkondtu thanna mana much-chikollokoskara onthonthe yelegalanna dhoti thayarisida mahathma Gandhi hakthaeedralla Khadi, adu, adu pavithravada Khadi.

What did you say, sacred Khadi? What dhoti Mahatma Gandhi made by taking one yarn after other to protect hi other, that is Khadi, that was sacred Khadi.

29 279.11 S.S. to M.S. of both.

Simha: Reshmello, silkallo thayarisida ee Khadi hakkondtu Contessa Carnalli hoogi A.C. Room-nalli kooro neenu hakiro Khadi muttada 3 dina hengasaru upayogiso battegintha keelu. Kelu mindriguttida soole magane.

The Khadi worn by you was this Khadi made out of silk, travel in Contessa Car, sitting in A.C. room is cheaper cheaper than the cloth used for 3 days by women who are in periods you bastard.

42. The dialogue of Simha at Footage 252, clearly appears to be an attempt to indicate what sacred Khadi is and what are the noble ideals behind it and they indicate that persons and men in politics such as depicted in character of Singarappa and behaving like that as shown to be having nexus or alliance with the criminals underworld have degenerated the sacredness of Khadi. Thus, considered in my opinion there is nothing in these dialogues that may be said to be degenerating Khadi and the contentions of the petitioner's Counsel in this regard is based on misconception.

43. The grievance of the learned Counsel for the petitioner has been that in this picture there are certain scenes relating to ladies, "women" denigrating and degrading their dignity and it refers to scene where one character Lakshmi sister of character Pratap is shown to have been married to an young boy and when she is taken to the house of her husband, he and his four brothers are depicted to be claiming as her five husbands and they call themselves pancha pandavas and express their desire to commit sexual assault or to have sexual relations with her, which she refuses and a stage is shown when she goes and she is in her room and thrown on the bed and thereafter impliedly it is shown that the five brothers standing in a queue at the door of the room enter one by one and commit sexual assault on her. No doubt it may be made clear that actual scene of sexual assault has not been shown, but the scene gives clear impression that rape or sexual assault was committed on her by all the five --one going in and coming out and the other going in and coming out from the room and lastly the lady having been shown to have died. The question is whether such a scene can be said to be derogatory to the dignity of woman. No doubt such a scene may be disgusting. If we look in the context of the theme of the picture and the message it wanted to give us that one may feel that the custom of polyandry (a woman being married to more than one husband or as being treated as being wife of more than one person at a time), would be careful for that lady. It appears to have shown the condemnation of such persons who behave in such a manner and it appears the intention behind the scene is to arouse feelings of common man against such customs and against such people who satisfy their lust by committing gang rapes or how brutal they are and society must condemn them and demand for severe deterrent punishment. If that is the theme, as it appears to me, then it cannot be said to be something being shown against the dignity of woman and particularly when actual scene of such rape has not been depicted.

44. There is another scene about which a complaint has been made, that is the wife of Simha being ill-treated in the Hospital when she was admitted with full pregnancy, by certain goondas or persons with criminal mentality at the instance of Ex. Chief Minister Singarappa. No doubt there was a scene of a lady's abdomen being kicked, but that scene of kicking has been deleted under the

directions of the Censor Board, The scene that is contained is that the Roudy or goonda elements work under the shelter of the politicians such as namely Singarappa Ex. C.M., do such brutal acts in the society, whereby the message is tried to be communicated that we have to arouse the feelings against such persons who indulge in such acts or encourage such persons who indulge in such acts and particularly those who give shelter to such persons, the condemnation thereof is intended to be shown. I have no doubt that the scene has been depicted, that the frustrated politician -- the Ex. Chief Minister having nexus and alliance with crime world and men of criminal character, behaviour in order to take revenge, gets all these things done to take revenge against the honest Police Officer and to demoralise the honest Police Officer, with the object to limelight the evil effects alliance of politics and crime and make common man to be cautious against criminalisation of politics or political shelter being given to crime and underworld of crime and criminals and to stand against it which story writer and film director thinks or believes to be prevailing today. It matters not if his views are correct or not about prevalence of nexus between crime and politics.

45. It appears that the intent and the object behind the scene appears to portray the traits and characters of persons like the character in the film Singarappa, who come to power with the active support of the criminal elements and such persons having close links with the anti-social elements have been attempted to be portrayed, so as to impress upon the public and to caution them about the disastrous effects of such persons coming to political power. These scenes, might have been an attempt and a move in the process of impressing upon the people the curses of combination of politics and crime. The theme is potential in its entirety from the point of view of its over all impact. It has to be judged in the light of the period depicted and the contemporary standards of the people to whom it relates and intends to expose.

46. In Bobby Art International's case, supra, it has been laid by the Hon'ble Supreme Court as under:

"The film must be judged in its entirety from the point of its overall impact. It must also be judged in the light of the period depicted and contemporary standards of the people to whom it relates by it must not deprave the morality of the audience. Clause 2 requires that the human sensibilities are not offended by vulgarity, obscenity or depravity, and the scenes degrading or denigrating women are not presented and scenes of sexual violence against women are avoided, but if such scenes are germane to the theme, they be reduced to a minimum and not particularised".

Their Lordships further observed in Paragraph 21, as under:

"The guidelines are broad standards. They cannot be read as one would read a statute. Within the breadth of their parameters the certification authorities have discretion. . . . Where the theme is of social relevance, it must be allowed to prevail. Such a theme does not offend human sensibilities nor extol the

degradation or denigration of women. It is to this end that sub-clause (ix) of Clause 2 permits scenes of sexual violence against women, reduced to minimum and without details, if relevant to the theme. What that minimum and lack of details should be left to the good sense of the certification authorities, to be determined in the light of the relevance of the social theme of the film".

The theme of the picture appearing to be a social theme with the object to generate the feelings of caution in people against such commission of crime and it appears such characters are seen in real life, in society and it is quite possible that the viewers may at times come across such characters and situations in real life and they may have to face them in life. These scenes are not to be taken into consideration as ideals, but in the context of the theme, and thus considering the theme and scenes appearing to be germane to the theme and object of the theme may not be said to be offending the dignity of women as their object appears to create or to denigrate a smooth repulsion against such situation and to make one ponder how to get rid of such a situation in real life. When I so observe I find support from the basic principles laid down in this regard in Bobby Art International's case, supra.

47- A complaint or grievance has been that in the scenes some vulgar expressions have been used or descriptions have been given which may be of not proper taste, but it has to be judged in the context of the standard of people to whom it relates. The persons of criminal mentality are expected to express themselves in those terms and by those expressions. Many expressions have been got deleted by the Censor Board and that there is no need for any direction for deletion of the above scene or expressions used therein, which to certain extent it may be said to be vulgar and not of proper taste, as they have been used to depict their character and without getting those characters using those phrases, those characters may not be depicted as such in my opinion, neither there is need for further deletion of either the scene relating to women or those expressions which may not be in the proper taste of common man and have not been deleted from the scene. It must be taken note of that efforts must be made to see that such scenes which are germane to the theme, as those relating to sex, violence or degenerating of women are always to be reduced to the minimum possible and the Censor Board must take note of it. Sex offences or scenes degenerating women should not be allowed to be exhibited, only with the commercial object. They may be permitted only to the extent they are germane to the theme to the minimum possible. Thus in my opinion the contention regarding the scenes relating to women and the contention that there are some expressions which are vulgar or of not proper taste, does not merit much.

48. I may here quote the observations from the decision of the Supreme Court in the case of K.A. Abbas Vs. The Union of India (UOI) and Another, :

"Our standards must be so framed that we are not reduced to a level where the protection of the least capable and the most depraved amongst us determines what the morally healthy cannot view or read. The standards that we set for our

censors must make a substantial allowance in favour of freedom thus leaving a vast area for creative art to interpret life and society with some of its foibles along with what is good. We must not look upon such human relationships as banned in toto and for ever from human thought and must give scope for talent to put them before society. The requirements of art and literature includes within themselves a comprehensive view of social life and not only in its ideal form and line is to be drawn where the average moral man begins to feel embarrassed or disgusted at a naked portrayal of life without redeeming touch of art or social value. It should be our concern, however, to prevent the use of sex designed to play a commercial role by making its own appeal".

49. Keeping these yardsticks in view, in my opinion the scenes relating to women and cruelty cannot be said to have crossed the yardstick.

Scenes relating to Court or with reference to Court:

50. It has been contended on behalf of the petitioner's Counsel that certain scenes and dialogues in the movie have tendency of scandalising the Court or lowering the dignity of the Court and they should not have been allowed to be retained or being exhibited and the Censor Board should have directed the deletion thereof, which it failed to do. Learned Counsel contended that the dialogues even go to indicate as if referring to this Court i.e., the High Court, though no doubt expression High Court has not been used, but the way the description has been intentionally given it refers to the High Court and as if things of that nature are being done therein and there appears to be condemnation of the Bar, which forms essential part of the Court. In this regard learned Counsel made reference to certain dialogues of the character Rana in Reel No. 8, namely dialogue at Sl. No. 65 bearing footage No. 657, dialogue at Sl. No. 68, Footage Nos. 7207 to 7273, footage No. 69.15, contained at pages 127 and 128, in particular of the manuscript. Learned Counsel contended that the dialogue at Sl. No. 68 of Reel No. 8, particularly at page 128 of the script, clearly indicates that there is reference to the High Court, when the character says as to what we are doing here, we who have placed the four faced lion which is the symbol of Satya, Nyaya, Neethi and Dharma, on the top of Vidhana Soudha, right in front of this Court. Learned Counsel contended that a reading of entire dialogue refers to nothing but this Court, means this High Court in front of which, on the Vidhana Soudha top, Ashoka Pillar with four lions, which according to the character are the symbols of Truth, Justice, Neethi and Dharma Stands and we are here in this Court, what are we doing. There is no other Court-in front of Vidhana Soudha, having on its top the Ashoka Pillar, with four lions, except the High Court of judicature in the Karnataka, namely the High Court of Karnataka. So without naming the High Court, people are made to think that sarcastic remarks that are contained in the dialogue refer to this Court and then learned Counsel contended the character Rana says that here in the Court we make people tell lies, where they are supposed to speak truth and unjust decisions or unjust judgments are given, instead of just ones and wrong

questions are put in place of right answers and further more contemptuous remarks the learned Counsel submitted, is contained in Kannada language, which means, the learned Counsel said, that you the judges sitting are expected to give just decisions on the basis that all are equal before the Court, but you have been following adhering injustice, you are doing Adharma. Learned Counsel contended that such remarks which are contained in the dialogue of character Inspector Rana really have a tendency of scandalising the Court -- this Court as well as the whole system of judicature.

51. It has been contended by Sri G.S. Visweswara, on behalf of the respondents, that if the dialogues are contemptuous, then whether it is a contempt of this High Court or subordinate judiciary, they deserve condemnation and deletion. Sri Visweswara contended that so far expressions in Kannada script is contained to the effect has been deleted from the film, and the complete dialogue is and it is contended that the expression has been deleted after the Censor Board had approved the film containing that remarks and these remarks have been deleted by the respondents themselves without being objected to by the Censor Board, subsequent to its certification by the Censor Board, but before exhibition of the film. He contended that had those remarks been there, the said remarks would amount to be contemptuous remarks. Counsel for the petitioner had also pointed out the dialogue at Sl. No. 73, also to be contemptuous, which bears Footage No. 691.15, and that Rana the S.I. says:

"Dharmavagi nyayalayada mundhe yellaru ondentha theermana thogo bekada neeve adharmana palistha iidhira".

Learned Counsel for the respondents Sri G.S. Visweswara contended that the last portion of the dialogue definitely may be contemptuous. But the learned Counsel contended that in the film exhibited after the certification by the Censor Board, the respondents themselves have deleted the expression "Adharmana palistha iidhira". The entire dialogue if it is read, learned Counsel contended, no doubt may be contemptuous, which means that here in this Court you are expected to do Dharma and Justice, taking all to be equal before the Court, but here you have been doing Adharma, that is you have been following or doing which is not upright and is not just, but you are following injustice and doing injustice.

52. It was also contended by the petitioner's Counsel that the dialogue at Sl. No. 70, with Footage 676.09, which is in Kannada "Sathya helisbekada jagadalli asathya helistha", which means at a place where people are supposed to speak truth, people are made to tell lies". This contention of the petitioner's Counsel was hotly contested by learned Counsel for the respondents Sri G.S. Visweswara and so hotly that he had gone to the extent of suggesting that it is of the same nature as a statement of fact that perjury is the order of the day in Indian Courts". Sri Visweswara was thrice cautioned and asked not to repeat those words and which he repeated thrice, saying that this is not only the conviction of the character or of the story writer or the film producer, but it is and has been his own conviction that "perjury is the order of the day in Indian Courts" and it has

been so observed by the Privy Council and the Supreme Court in many cases. So the dialogue of this character Sub-Inspector that "at place where people are required to and expected to speak truth, they are compelled and made to speak lies and untruth; according to Sri Visweswara was neither unjustified nor wrong. Sri G.S. Visweswara did not place any Privy Council or Supreme Court decision. Making such remarks which learned Counsel Sri G.S. Visweswara himself has made, in my opinion had a tendency of adversely affecting the image of judiciary, in the eye of common man, which I have quoted earlier and in repeating which he did not desist in spite of being asked not to repeat and in spite of being cautioned of the serious consequences. Such expressions may have effect on the common man and his mind and of adversely affecting the image of judiciary and Court and faith of common man in the justice imparted or to be imparted by Courts.

53. Learned Counsel for the petitioner also contended that the description of Lawyers after making reference to the name of the petitioner as "phoot lawyer" or as lawyers working for bribe or things like that has been, most contemptuous of the Counsels while conducting the cases as part of the Court and also contemptuous and defamatory of the petitioner whose name has been misused in the picture and people could gather that it refers to his name, because in the earlier part of the dialogue reference has been made to this Court (High Court) by using the expression that the Ashoka Pillar on Vidhana Soudha in front of this Court representing Satya, Nyaya, etc., on 23-7-1997, it may be mentioned Sri K. Manju has filed an affidavit as mentioned earlier. The material portion of Paragraph 2 reads as under:

"It is submitted that some portions or dialogues were deleted by us as per the directions of the Censor Board. Further the expressions occurring in the movie namely, "Anyayada theerpugalannu koduthha", and "Adarmavannu palisutha iddiri", have been deleted even before the exhibition of the movie, though specific objections in this regard were not there in the certificate issued by the censor Board. These dialogues are not being shown in the film that was exhibited after the clearance from the Censor Board".

54. This affidavit per se reveals that after the certification of the film or the movie by the Censor Board for exhibition under "U" certificate, according to the respondents, they deleted these two expressions referred to above and they did exist and were contained when the movie was certified for exhibition and granted "U" certificate. Whether these dialogues have been really removed before the exhibition of the picture or not is another question to be considered and whether this statement on affidavit that these dialogues were removed from the movie before its exhibition is correct, I will consider it later. But it is a rather sorry state of affairs to mention that the Censor Board at times leniently and in a casual manner certifies the films containing remarks or scenes having tendency of scandalising the Court, having tendency of adversely affecting the mind of people and having tendency to mar the confidence of people from Courts and justice

imparted, especially when the provisions of the Act expressly require, as per Section 5-B of the Act, which has been quoted earlier, that scenes having tendency to demoralise or having tendency to perpetuate the contempt of the Court or scandalisation of the Court should not be allowed.

55. It appears that the Censor Board at times including in this film, has failed to discharge its obligation which only gives an inkling to the fact that it becomes a party to contemptuous remarks and scenes exhibited, to exhibition of pictures or scenes and the remarks which have tendency to undermine the confidence of people or which have tendency to shatter the confidence of people, in administration of justice by Courts and judicature. The Court may take a serious view of such failure on the part of the Censor Board in future. This is something which cannot be ignored and Censor Board needs be cautioned of its failure. The Censor Board is required to be more cautious and vigilant when issuing certificate for exhibition. Petitioner's Counsel invited my attention to respondents affidavit dated 23-7-1997 and he has pointed out that the allegation in this affidavit to the effect that the dialogues "Anyayada theerpugalannu kodutta, Adharmavannu palistha iddiri", have been deleted and scored off, before the film being released for exhibition, is not correct. In the affidavit, no date has been indicated, as to when deletion of these expressions have been done. The affidavit lacks in the material particulars. Petitioner's Counsel has produced the audio cassette which the petitioner has stated to have recorded on 3rd of July, 1997 when he was witnessing the picture in Geethanjali Theatre, Malleswaram. That audio cassette was also played in the Court in the presence of the Counsel for the petitioner and respondents, including the two Government Counsels and Sri Raghavendra Rao, Counsel for the respondents, specifically to verify the picture as exhibited on 3-7-1997 and it did contain those remarks as asserted in the petition as the cassette produced by the respondents did not contain the two remarks alleged. The audio cassette furnished by the petitioner and recorded on 3-7-1997, when it was played in Court in the presence of Court and Counsels for the parties, including Sri Raghavendra Rao, contained objectionable remarks and part of dialogue. Sri Raghavendra Rao, Counsel for the respondents admitted that as per the audio cassette recorded on 3-7-1997 of the film, and particularly all those objectionable portions, exhibited these two remarks, referred to above and alleged to have been deleted, have not been deleted from the film. No doubt the cassette that had been produced on 1.6th of July, 1997, especially does not contain these two remarks or expressions, and but it creates a doubt in my mind if the cassette produced on 16-7-1997 did represent the true state of affairs with respect to this allegation that these two expressions referred to above have been deleted, which expression mean that Adharma and Anyaya is being done in this Court, that is injustice and unjust decisions are being rendered in this Court or in the Court where justice is expected to be done, and the audio cassette provided by the petitioner is to be preferred to the film cassette furnished by the respondents 3 to 7, for the further reasons herein after. No doubt these remarks were not deleted till certification or these objectionable expressions with

reference to Court scene had not been deleted till the certification by the Censor Board. The case of the respondents is that they have been deleted afterwards, without indicating the date whether it is before the release of the film. While the petitioner's audio cassette reveals that on 3-7-1997, when the petitioner as per allegations made on affidavit in the writ petition and rejoinder, that these two expressions "Anyayada theerpugalannu kodutta", "Adarmavannu palisutha iddiri", which means that no just and upright decisions are given, no justice is being done etc., in the Courts are contained therein. Rule 33, of the Cinematograph (Certification) Rules, 1983, framed under the Act, 37/52, which I have quoted and referred to earlier provides that if after certification, any alteration is made either by excision, addition or colouring or otherwise, after the film has been certified under the Rules, then the film with alterations is not to be exhibited and shall not be exhibited, unless the portion or portions excised or added, coloured or otherwise altered have been reported to the Board and the Board has endorsed the particulars of alteration or alterations on the Certificate. It does not appear from the affidavit that before release of the film, if it be taken for a moment that they altered portions by deletions of these objectionable words, the alteration was reported to the Board and that the Board has endorsed the particulars of alteration in the certificate.

56. I may mention it here that the Court scene is contained in Reel No. 8 in Part II of the Certificate issued by the Censor Board of Film Certification. Only two alterations have been proposed and directed, which are noted as Cut No. 8 and Cut No. 7 and Cut No. 8 with reference to Reel No. 8 is "throwing of cap on the Judge's table", visual to be deleted and with note "Deleted". Cut No. 10, relates to Reel Nos. 7 and 8 "Ninnayin" and "Chootiya" words have been directed to be deleted with reference to guidelines 2(vii) and then note is there "Deleted". There is no reference to this scene nor it does show that after the deletion or cut of the two expressions "Anyayada Theerpugalannu Koduthlia" and "Adarmavannu palisutha iddiri", same was reported to the Board and the Board endorsed that. But no doubt the respondents admits the film had been released on 20-6-1997. I am unable to accept the statement made on affidavit by K. Manju dated 23-7-1997, that these two expressions "Anyayada theerpugalannu koduthha" and "Adarmavannu palisutha iddiri", have been deleted even before the release of the film and the real state of affairs appears to be that the film was exhibited as certified by the Censor Board and it contained the remarks as are contained in the dialogues in Kannada at page 128 of the manuscript and as are revealed in the Audio cassette recorded on 3-7-1997 by the petitioner and kept i.e., placed on record.

57. This leads to the conclusion that the respondents have filed a false affidavit that they had deleted the said expressions referred to above, from the film, before its exhibition. Filing of false affidavit or producing the perjured documents in the proceedings of the Court is nothing but contempt of Court. It has to be taken note of that the Courts are always cautious to situation when perjured document is filed or false affidavit is filed. No doubt these dialogues contained in

Reel No. 8 at Page 128, have been made by a character who is shown as frustrated S.I., on the acquittal of certain accused characters, shown in the film for want of proper evidence and for order of the Court directing disciplinary action being taken against the concerned officer for having tortured a handicapped person, but that cannot be justification for this dialogue being introduced, which are contained at, Sl. Nos. 68 to 73 in particular at Sl. No. 69, which communicate to the common people, the notion that in the Courts nothing is done but people are made to tell lies, though they are supposed to speak the truth; that in the Courts Adharma is being done and where the Judges are expected to give just decisions, keeping in view that all the people are equal before the Court, judges are following and doing injustice and are giving unjust decisions.

58. These remarks have a tendency to mar and adversely affect the confidence of people in the Court and judicature, administration of justice and the remarks contained at Sl. No. 81, taking in that context is only indicative of all this judicature, its appliances, namely the law books, lawyers in black coat, witnesses produced by the parties and the witness box, they are nothing but drama, which has been set up and created by the politicians for their own ends. This last remarks also have got a tendency of adversely affecting the confidence of the people as if the Courts and law and law books etc., are nothing but creation of politicians with their own oblique objectives and such a remark has also got a tendency to scandalise the Court. Such utterances, dialogues or comments on the Courts by those who deal with the Courts or judicature or depicting the Court or those who in the real life deal with the judicature, as such as per Sl. No. 81 may have tendency to shatter the faith of people from the Court or judicature or the Courts. No doubt confidence is, and may be earned from the people by those forming instrumentalities of the Court, or of judicature, by their conduct, that is by their fearlessness, insight and straight-forwardness, patient hearing and by their quick and learned decisions.

59. It is as well the duty of all those at the helm of affairs of the Country as well as those who are involved in producing and certifying for exhibition of films containing Court scenes and in exhibiting films that their actions, expressions and words should not be such as may give or convey wrong impression to the people at large, that persons at the helm of affairs of the Country are trying to make the Courts lose their independence or want it to be wedded to the policy of party in power and not be basic philosophy of the Constitution. Judges and Courts act in accordance with the oath administered to them under the Constitution. One should be cautious that such a wrong message should not go to the people, as has been exhibited in the film that the Courts and all the set-up is nothing but a set-up created by the senior politicians for their ends, because if once the confidence of the people is lost from the judicature that is the Courts of law and justice administered by the Courts, that will be a Dooms Day, for our democratic set-up. So it is responsibility of all, whether politicians, the literary figures, whether members of Bar or even judiciary to be very cautious in their

actions and dealings in order to save this great back bone of Indian Democracy.

60. In my opinion, the dialogues that I have referred to above, have a tendency of scandalising the Court and judicial system and in particular, in my opinion the dialogue at Sl. Nos. 70, 71 and 73 in toto, deserve to be deleted. The latter part of dialogue at Sl. No. 81 at page 130 namely "all drama your honour, just drama, these are all set ups created by our politicians "require to be deleted and cut from the film. The arguments have been advanced that the intention was to point out certain deficiencies in the system, I do not agree. There are other methods, which could have been adopted. If really the author is of the opinion that there are certain deficiencies in the system, there the criticism is no doubt a welcome, but not the one which exceeds the limits of fair criticism and if there exist certain deficiencies in the procedure of the Courts, there are other methods by way of suggestion or like, which could have been adopted by those who have got true concern with the removal of deficiencies, if there are any in the system. So that the arguments that the dialogues were intended to invite the attention for reformation, does not appear to be just and acceptable.

61. The name of the petitioner with reference to the Institution of the Court indicating High Court, has got tendency to raise finger against the petitioner and may have tendency of maligning his position. Petitioner's case has been that it has been done with malicious intention, because of the earlier writ petitions filed by him. The respondents have filed the affidavit to the effect that the respondents will delete the name of the petitioner wherever it has been used in the film, though it has not been used with that intention, but it is a coincidence, with name of the character that the name of lawyer in the film and the petitioner are same, that is Amrutesh. But in the affidavit which has been filed on 22-7-1997, the respondents have very clearly averred and undertaken to delete the name of Amrutesh in the film in question, wherever it occurs. The averments in Paragraph 5 is "We hereby submit that we will delete the name "Amrutesh" in the film in question wherever it occurs". After this undertaking was given in Affidavit on 22-7-1997, there is no need to go in detail regarding the use of the name of Amrutesh, except issuing a direction to the respondents 3 to 8, for deletion of the name "Amrutesh", wherever it occurs in the film.

62. Having thus considered as above, I am of the opinion and I find as under:

(A) That the film Jackie Chan, appears to be having sociopolitical objective and message to convey by depicting the present day state of affairs, which in the opinion of the author of the story and the film producer is prevalent in society and particularly in the context of nexus between the crime and politics and its adverse effect on society, the public life, dignity of women and administration. Administration including the effect on even honest and devoted officials in the discharge of their duties. Whether this conviction or belief of the author of the story of the film is correct or not, there is no need to express any opinion nor I do express.

(B) In the above context of the theme of the story and the picture, the scene depicting National Tricolor Flag hoisting ceremony and the conduct of the character Singarappa the Ex. Chief Minister who is shown to have nexus with the crime and criminals or mafia underworld and alliance with the persons having criminal character and behaviour of Singarappa the character and his utterances with respect to National Flag in a way dishonouring the National Flag, National Anthem and the Khadi, really depicts such characters in real life who hanker for the high offices and who lack sense of duty towards nation, the high values for which this Nation did and does stand and which are represented by our National Flag and National Anthem, that is sovereignty, integrity of this Country and the cultural values for which this Nation always stood and aims to caution the common man of the evil effects that may overflow, if such persons are allowed to catch hold of the helm of affairs of the State or the Country.

(C) The picture further appears to give the message to the people those of great values for which our National Emblem that is Ashoka Pillar stands or those great things and values for which our National Flag and National Anthem do stand for, namely the sovereignty and integrity of India, its cultural values and that it is the fundamental duty of every citizen howsoever high he may be to honour the symbols of National sovereignty, national integration, the honour of the Nation and all those values for which the symbols do stand. As such these scenes relating to National Flag, Khadi etc., in no way appear to be derogatory of the honour of either the National Flag or National Emblem etc. The characters are only depicting the falling standards in society, with an object to make people think or ponder how to improve ourselves.

(D) The scenes relating to the women, depicts the behaviour - towards the women - of the criminal elements in society, having protection of persons of the status of the character Singarappa the Ex. Chief Minister in the scene, in the context of the theme of the picture cannot be said to be derogatory of the dignity of the women nor vulgar expressions used in the scene can be said to go beyond the scope of limits, as when such characters have to be depicted to arouse certain feeling with reference to the said characters, it may become necessary to show such scenes and the use of such language or utterances by such criminal characters, who have got or who according to the story writer or the producer of the film, work under the shelter provided to them by persons such as the character namely Singarappa, depicted as the Ex. Chief Minister. In view of the theme of the picture and the message it wants to convey to the society to make people cautious of such persons or characters, there is no need to give any direction for deletion of the scene in this context.

(E) As regards the scenes relating to depiction of Court, trial of the criminals in the Court and the utterances made during the course by the honest dutiful officer characterised in the picture by character Simha, no doubt represent the frustration of the honest officer, when for one reason or the other, may be for some deficiency in our law or procedure or the like, he fails to get those persons

or criminal characters convicted and punished. But the depiction of frustration of such officer has been shown and indicated by user of such expression which may not only indicate frustration but which may have tendency to communicate such a message to the common man that their faith in the administration of justice imparted by the Courts may be shattered or frustrated and such depiction exceeds the limit of fair comment of deficiency if any, of the law or the procedure and in particular the dialogues in Reel No. 8 at Sl. Nos. 71 and 73 and to some extent those contained in the last portion of dialogue at Sl. No. 81 of Reel No. 8, at pages 128 to 130 of the manuscript, are such that they require to be deleted and cut from the scene:

(F) That the name of Sri Amrutesh, an Advocate of this Court, namely the petitioner has been utilised in describing the lawyer conducting the case as "phoot lawyer". Without making further comments on this aspect, as the respondents have themselves realised their mistake in making use of petitioner's name and have given an undertaking to delete it, as same appears to be improper as well, there is need to delete the name of petitioner-Amrutesh, from the film, wherever it is used;

(G) Sri K. Manju, who is respondent 5 in the petition has filed the affidavit on 23-7-1997. He prime facie appears to have filed the affidavit with false allegations to the effect that the expressions "Anyayada Theerpugalannu Kodutha" and "Adarmavannu Palisutha Iddiri" have been deleted before the release of the picture Jackie Chan and he appears to have filed a perjured document, namely, perjured cassette before the Court in which these expressions no doubt have been removed, but this removal appears to have been done some times after exhibition of the film, as well as after filing of the writ petition, as appears from its comparison with Audio cassette recorded by the petitioner on 3-7-1997, when he was witnessing the picture and the circumstances considered in detail in Paragraphs 50 to 52 of this judgment. Courts have always deprecated such conduct and filing of such false affidavit or perjured document and at times it has been held to amount to contempt of Court and such situation needs to be dealt with strong hand and it appears necessary to issue show-cause notice to Sri K. Manju-respondent 5 in the writ petition to show cause why this Court may not proceed against him for contempt of the Court;

(H) Learned Counsel appearing for the respondents (including respondent 5) Sri G.S. Visweswara in his arguments in spite of being cautioned, emphatically used the following expressions "perjury is the order of the day in Indian Courts". Sri Visweswara was asked not to repeat such words in the course of arguments, but he as mentioned earlier emphatically said it was his belief and it has been so laid by the Privy Council and the Supreme Court, he is using the expressions and again used the expression "Perjury is the order of the day in Indian Courts", which expression appears to me prima facie to be derogatory of the whole judicial system, which includes our judiciary and the Courts and which may have

the impact of shattering the faith of the people in Courts and judiciary, deserves condemnation, particularly when he failed to place any case in which the Court may be said to have used such expressions at all. It appears necessary that a notice be issued to Sri G.S. Visweswara, an Advocate of this Court to show cause why this Court may not proceed for contempt of Court action against him in making utterances as above, in spite of being asked not to use such expressions, as he appears to have transgressed the limits of privilege of the Counsel arguing.

63. Thus considered, the writ petition has to be allowed ma be in part. It is hereby ordered as under:

(A) Let the writ of mandamus be issued to the respondents to delete and cut from Reel No. 8, the dialogues of Rana which are indicated at Sl. Nos. 70, 71, 73 in toto, which read as under:

70. 673.09

Rana :

Rana: By making the people tell lies where they are supposed to speak the truth.

71. 681.01

Rana :

Rana: By giving unjust judgments instead of just ones.

73.691.15

Rana :

You who is expected to give just decision on the basis that all are equal before the Court, you have been doing and following injustice.

as well as the last sentence of dialogue at Sl. No. 81 of Rana, where he says "All drama your honour, just a drama, these are created by our senior politicians that is all" These dialogues have been referred with reference to the manuscript furnished by the respondents themselves. These dialogues are contained at page Nos. 128 and 130. They should also delete as undertaken as per affidavit dated 22-7-1997, the name of Sri Amruthesb, an Advocate of this Court wherever it is used in the film;

(B) Let after the deletion, the procedure as mentioned in Rule 33 of Cinematograph Certification Rules, be followed and alterations be got endorsed by the Board in the certificate issued by the Board itself.

(C) Let a mandamus be issued to the Censor Board, as well to strictly follow the provisions of law and guidelines provided by Section 5-B of the Act and particularly with reference to the matters relating to Courts, having tendency of causing contempt of Court or having tendency of scandalising the Court, be not allowed to be exhibited, and not to act in leisurely way by ignoring such scenes.

(D) The film shall not be exhibited until the above directions are complied with and alterations are done and endorsed in the certificate issued by the Censor Board, as per Rule 33;

(E) Let a notice be also issued to Sri K. Manju who is respondent 5 in this petition and who has filed affidavit dated 23-7-1997, as to why this Court may not proceed against him for having committed contempt of Court by having filed a false affidavit, which prima facie appears to be false with reference to the two expressions "Anyayada Theerpugalannu Koduthha" and "Adarmavannu Palisutha Iddiri", alleged to have been deleted before the release of the picture, and for filing perjured document, namely the perjured cassette from where no doubt those expressions have been removed, but really dialogues containing these words do appear to have been exhibited after release as appears from the audio cassette recorded on 3rd of July, 1997, by the petitioner and furnished to the Court. What was the need for him to make such a false affidavit. As regards contemptuous dialogues and scenes, this Court would have also issued notice to ones who played or performed the role of Rana and this Court may issue notice if the directions given in this order above are not complied with;

(F) Let a notice also be issued to Sri G.S. Visweswara, an Advocate of this Court who has repeated thrice in the course of arguments "Perjury is the order of day in Indian Courts". Why action for contempt be not taken against him under law for making such remarks, scandalising the Courts and making a statement, which has tendency of marring the confidence or adversely affecting the confidence of people from our judiciary and the Courts administering justice;

(G) The persons to whom the Contempt Notices have been issued, are directed to put in appearance and to file the counter-affidavit by October 20, 1997.

64. The copy of the Affidavit dated 23-7-1997, sworn by Sri K. Manju respondent 5 in the writ petition be sent along with notice and a copy of exact extract of dialogue of Rana, as recorded in the video cassette provided by the respondent containing dialogues at Sl. Nos. 70, 71, 73 in Reel No. 8, as well as recorded in Audio Cassette furnished by the petitioner, be furnished along with the notice.

65. I may make it clear that the dialogue from the two cassettes be scribed on the paper and be sent to respondent 5.

66. The writ petition is finally disposed of as above with the direction that the film shall not be released for exhibition and be not exhibited till the directions at A and B and D, issued herein have been complied with and its compliance has been reported to this Court by filing the affidavit and copy of the endorsement of the Censor Board, along with the affidavit. Cost made easy.