

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-08-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 31016 of 2025

and WMP No. 34757 of 2025

Vetri Maaran

Petitioner(s)

Vs

1. The Chairman
Central Board Of Film Certification,
Films Division Complex,
Phase-I Building, 9th Floor,
Dr. G.Deshmukh Marg,
Mumbai - 400 026.

2.The Regional Officer,
Central Board of Film Certification,
Shastri Bhavan,
No. 35, Haddows Road,
Chennai -600 006.

Respondent(s)

PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to quash the recommendations of Revising Committee dated 13.06.2025 served by Respondent No.2 herein in

No.CA031109202400081 and direct the Respondent No. 1 to issue appropriate certification for the movie "Manushi" within the time stipulated by this Court.

For Petitioner(s): Mr.B.M.Subash
For Respondent(s): Mr.A.Kumaraguru
Senior Panel Counsel

ORDER

1. This writ petition, under Article 226 of the Constitution, calls into question the recommendations of the Revising Committee (the Committee) of the Central Board of Film Certification (CBFC) dated 13.06.2025, directing the petitioner to excision/modify visuals, dialogues, scenes etc., and for a consequential direction to the 1st respondent to issue appropriate certification for the movie "Manushi".
2. On an earlier occasion, the petitioner had approached this Court and filed W.P.No.18036 of 2025 for a direction to the 2nd respondent to consider and pass orders on the representation dated 29.03.2025, wherein, the petitioner had requested for re-examining the movie "Manushi". This writ petition was disposed of by an order dated 17.06.2025. The background of this case and the developments that took place can be properly appreciated by extracting the earlier order hereunder:

2. When the writ petition came up for hearing on 04.06.2025, this Court passed the following orders:

“ This writ petition has been filed seeking issuance of a writ of mandamus directing the second respondent to consider the representation made by the petitioner on 29.03.2025 and to issue a speaking order after re~examining the movie -Manushi- with an expert in the field.

2. Heard Mr.B.M.Subash, learned counsel for petitioner and Mr.A.Kumaraguru, learned counsel for respondents.

3. The certificate sought for by the petitioner has been refused by assigning the following reasons:

“The film is evaluated in its overall aspects. As a whole the portrayal of the movie is against the integrity of the State, contemptuous of certain Community group and defaming policies of the Government. Further the movie also stereotypes people from certain places, displays North South divide and many scenes are against the interest of the Country. Hence the Committee unanimously recommended “Refusal“ ofCertificate.”

4. Initially, such refusal was made by the Examining Committee and thereafter, it was confirmed by the Revising Committee.

5. Learned counsel appearing on behalf of the respondents submitted that if the petitioner makes necessary modification/editing by curing all those defects that were pointed out in the refusal order passed by the Screening

Committee and the film is re-submitted, the same will be considered by the respondents. For this purpose, learned counsel relied upon the communication dated 21.04.2025 made to the petitioner by the second respondent.

6. The reasons for refusal to grant certificate for the film is broadly under five heads and they are

(1)the movie is against the integrity of the State;

(2)the movie is contemptuous of certain community group;

(3)the movie defames policies of the Government;

(4)the movie also stereotypes people from certain places, which displays North South divide and;

(5)many scenes are against the interest of the country.

7. The Revising Committee would have come to such a conclusion by taking note of certain scenes and considering certain dialogues and the manner in which a particular issue is projected in the movie. Therefore, these conclusions arrived at by the Revising Committee is not subjective and such conclusions are based on facts, which are objective and which are discernible from various scenes in the movie. Therefore, if at all the petitioner has to edit scenes, dialogues etc., he must be informed about the objectionable portions in the film and only then, the petitioner can take a decision to edit those objectionable portions. If that is not spelt out in the refusal order passed by the Revising Committee, the movie maker will be groping in darkness without knowing as to which scenes and dialogues will have to be edited.

8. *In view of the above, the second respondent must intimate the petitioner the objectionable portions/dialogues in the movie and the scenes in which it is portrayed. In the alternative, the petitioner can be permitted to view the movie along with the officials and such objectionable portions/scenes can be pointed out then and there to enable the petitioner to edit the same. Only if this process is followed, it will give a reasonable opportunity for the movie maker to make necessary editing in the movie and remove the objectionable portions.*

9. *Learned counsel for the respondents shall take instructions in this regard and report before this Court.*

Post this writ petition under the caption -for orders- on 11.06.2025.”

3. *The writ petition was thereafter listed for hearing on 11.06.2025 and the following order came to be passed by this Court:*

Pursuant to the earlier orders passed by this Court on 04.06.2025, the matter has been listed for hearing today.

2. *A counter affidavit has been filed by the respondents. The relevant portions are extracted hereunder:~*

“12. I submit that later, the applicant vide his representation dated 29.03.2025, after a lapse of five months, had expressed his willingness to edit the objectionable scenes and dialogues and requested

copies of Form VIII filed by the individual members. Hence, this office vide letter dated 21.04.2025 had informed the applicant that the Form VIII requested by him is confidential as per Rule 23(5) of Cinematograph (Certification) Rules, 2024 and could not be shared. The applicant was informed that the film shall be edited in such a way that it eliminates the reasons for refusal, decision of the revising committee and submit the revised version.

13. I submit that the list of modifications/excisions is not filed and only reasons for "Refusal" is given in respect of the films which are "Refused" Certification.

14. I submit that as per Rule 23(8) & 25(7) of the Cinematograph (Certification) Rules, 2024, the applicant shall not be allowed to be present inside the preview theatre while the officials of CBFC are examining the film. However, the applicant will be heard after examination of the film before the Committee finalises its decision.

15. I submit that the Committees of the Board (both Examining Committee and the Revising Committee) had made the recommendations for this film after detailed discussion and as per the guidelines laid down under the Cinematograph Act and Rules.

16. I submit that as per the order dated 04.06.2025 passed by the Hon-ble High Court directing the board to intimate the petitioner about the

objectionable portions/dialogues in the film and the scenes in which it is portrayed, the Board has decided to re-examine the film by the Revising Committee on 11.06.2025 and the petitioner had also been informed of the same.”

3. The learned counsel appearing on behalf of the respondents submitted that the Revising Committee is going to view the film today and the petitioner will be informed about the decision to be taken by the Revising Committee. The learned counsel further submitted that the petitioner will not be allowed to be present inside the preview theatre and to substantiate the same, the learned counsel relied upon Rule 23(8) of the Rules. If the petitioner is willing to edit/modify/remove any of the objectionable portions pointed out by the Revising Committee in the movie, the petitioner will be given an opportunity to do so. If any objection is raised, the objectionable portions will be pointed out in Form VIII and it will be informed to the petitioner within three days.

4. In the light of the above developments, this Court wants to wait for the decision to be taken by the Revising Committee and also the response of the petitioner. Post this writ petition under the same caption on 17.06.2025.”

4. When the writ petition was taken up for hearing today, the learned Standing Counsel appearing on behalf of the respondents submitted that the Central Board of Film Certification had already provided the petitioner with all the details regarding the

objectionable portions/dialogues/scenes in the movie and the relevant materials were also placed before this Court.

5. The petitioner was also informed that if he is willing to edit the objectionable content and resubmit the edited version of the film, it could be considered. However, the learned counsel for the petitioner submitted that the petitioner has objections with respect to the objectionable portions of the film that was pointed out by the Board.

6. In the considered view of this Court, the legality or otherwise of the objections raised by the Revising Committee, as communicated to the petitioner by the Central Board of Film Certification, cannot be examined in this writ petition. If the petitioner is aggrieved, it is left open to the petitioner to challenge the same in the manner known to law.

3. Pursuant to the above order, the recommendations of the Revising Committee were put to challenge in the present writ petition.

4. When the writ petition came up for hearing on 19.08.2025, this Court passed the following order:

Mr.A.Kumaraguru, learned Senior Panel Counsel, takes notice for respondents.

2. Considering the nature of grievance expressed and going by the total number of scenes/dialogues that have been directed to be removed as objectionable, I deem it fit to view this movie to satisfy myself on the justification for insisting objectionable portions to be removed from the movie. Necessary arrangement shall be made to

view the movie in the preview theatre at Music College on 24.08.2025 at 2.30 p.m. The committee members, who are available, shall also be present at the time of viewing the movie.

5. The writ petition was again posted for hearing under the caption 'For Clarification' on 21.08.2025 and the following order came to be passed by this Court:

The matter has been listed under the caption 'for clarification' today, since the learned Senior Panel Counsel appearing for the respondents made a mention to the effect that initially the Revising Committee had refused the certificate and thereafter, pursuant to the directions issued by this Court, informed the petitioner about the objectionable portions that will have to be removed from the movie. Hence, such refusal can be challenged only by way of filing an appeal under Section 5-C(a) of the Cinematograph Act, 1952.

2. It is seen that initially the certificate was refused by the Revising Committee without providing any particulars to the petitioner. When the earlier writ petition in W.P.No.18036 of 2025 came up for hearing on 04.06.2025, this Court made it clear that the Revising Committee must intimate the petitioner about the objectionable portions/dialogues in the movie and give an opportunity to the petitioner to make necessary editing and remove the objectionable portions. Pursuant to this order, the impugned proceedings dated 13.06.2025 came to be issued. In the impugned proceedings, the petitioner was

informed that the film can be certified for public exhibition, if the objectionable content is edited. Accordingly, 37 objections were listed. The petitioner is aggrieved by the same.

3. Presently, this Court is only looking at the 37 objections that are raised by the Revising Committee. Hence the tenor of the earlier order passed by the Revising Committee dated 24.10.2024, has now changed by virtue of the latest order dated 13.06.2025. Hence, this Court can always look into these objectionable portions in order to decide as to whether these portions are relevant and material for the movie and whether they interfere with the fundamental rights of the petitioner under Section 19(1)(a) or it falls within the exception under Article 19(2) of the Constitution. This exercise can be done only in a writ petition. Therefore, the peculiar facts and circumstances of this case enables this Court to deal with the present writ petition. This order should not be misconstrued as if in every case, where there is refusal to grant the certificate or where there are any other contingencies provided under Section 5- C of the Cinematograph Act, the writ petition will be entertainable. Obviously, in all those cases, only an appeal will lie before the High Court by way of civil miscellaneous appeal. This clarification will sufficiently take care of the interest of the respondents. Hence, the directions issued in the earlier order dated 19.08.2025 shall be acted upon.”

6. Pursuant to the above orders, this Court viewed the movie together with the Committee Members at the Music College on 24.08.2025.
7. *Manushi* is a poignant cinematic reflection on how ordinary lives can be torn apart when systemic prejudices and state machinery collide in moments of political suspicion. At its heart, the film narrates the story of a humble father and his young daughter, who find themselves ensnared in a police dragnet merely because they leased part of their modest property to three women—later branded as extremists.
8. What begins as a gesture of goodwill spirals into a nightmare, as layers of suspicion, ideological bias, and caste prejudice converge against innocent lives. The film masterfully explores the dark underbelly of power, exposing how the instruments of law and order, when driven by assumptions and pressure, can silence reason and trample upon justice.
9. One of the most striking aspects of *Manushi* lies in its dialogues—intense, philosophical, and alive with questioning. The film dares to open conversations about God and science, faith and ideology, language and identity, probing the very foundations of how societies construct belief and justice. Through these debates, it compels viewers to look beyond official narratives and confront the deeper question: who pays the price when

prejudice is legitimized by power?

10. Yet, *Manushi* is not merely a critique of institutions—it is a story of human endurance. The father and daughter’s suffering, painted with sensitivity and restraint, transforms the film into a mirror where viewers cannot escape questioning their own complacency amidst systemic injustices.
11. With its layered storytelling, charged performances, and unflinching gaze at truth, *Manushi* resonates as both a social critique and a human story. It is more than a film—it is an urgent reminder that justice, when compromised by ideology and prejudice, destroys not only individuals, but the very soul of society.
12. This is yet another case which calls into question the limits of censorship of motion pictures and the resultant tension between the fundamental right to free speech and expression guaranteed under Article 19(1)(a) and the constitutionally permissible restrictions which the State may impose under Article 19(2) of the Constitution. The related question that arises concerns the appropriate degree of scrutiny which this Court must undertake while judicially reviewing the recommendations of the Reviewing Committee of the CBFC.

THE STATUTORY SCHEME

13. Before examining the aforesaid questions, it is necessary to briefly notice the statutory basis for censorship of motion pictures in India. The motion picture era began in India in 1912 when Dadasaheb Phalke produced and directed the first Indian full length silent movie “Raja Harishchandra”. With the exponential growth of movies and theatres in the various Presidency towns the Indian Imperial Legislature enacted the Cinematograph Act, 1918. Section 3 of the Act was as follows:

“[N]o person shall give an exhibition by means of a cinematograph elsewhere than in a place licensed under this Act, or otherwise than in compliance with any conditions and restrictions imposed by such license.”

Section 5 of the Act further provided that in the absence of prior certification by the proper authority, no film could be publicly exhibited in India. Towards this end, Section 7 empowered the provincial governments to set up authorities to examine and certify films destined for public exhibition. The then British government established Board of Censors in Bombay, Calcutta, Madras, and Rangoon in 1920. As regards the principles governing censorship, the Act did not prescribe a uniform standard and the Censor Board was left to draw inspiration from the 43 rules framed by T.P O’Connor, the 2nd President of the British Board of Censors in 1916. These rules largely reflected the Victorian orthodoxy of the day as it banned

content which brought into contempt the institution of marriage or suggested abnormal sexual relations or lowering the sacredness of family ties, or exhibited indecorous dress, absolute nudity, (except infants or small children) or statues of nude figures in suggestive positions.

14. In 1949, the Cinematograph (Amendment) Act, 1949 was passed creating two categories of censorship certificate in place of the previous "suitable for public exhibition" classification. The two categories were an "A" certificate which restricted the film to adults above the age of eighteen years; and a "U" certificate which meant the film was "*suitable for unrestricted public exhibition*". The Cinematograph (Second Amendment) Act, 1949 soon followed bringing into existence the Central Board of Film Censors. Within a short time, the whole of the Cinematograph Act, 1918 was repealed and a new legislation i.e., the Cinematograph Act, 1952 was enacted in its place.

15. At this juncture it is important to notice that the Cinematograph Act, 1952 is obviously a post-constitutional legislation. On and from 26.01.1950, the Constitution guaranteed to every Indian citizen a fundamental right to freedom of speech and expression. Section 5 provides for constitution of advisory panels for film certification in the regional levels. Section 5-A lays out the procedure for certification of films. Section 5-B sets out the

principles which must be followed while certifying films and reads as under:

“5B. 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 interests 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.

(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 principles which shall guide the authority competent to grant certificates under this Act in sanctioning films for public exhibition.

Section 5-B was originally enacted in 1959 and underwent an amendment in 1983. Section 5-B (1) is obviously a statutory incorporation of the restrictions set out in Article 19(2) of the Constitution.

16. In 1968, the Government set up an ‘Enquiry Committee on Film Censorship’ under the Chairmanship of Justice G.D Khosla, a former Chief Justice of the Punjab High Court. The report of this Committee is an exhaustive survey on film censorship and for the present purpose it is necessary to set out two passages on the approach to censorship which are directly relevant for the purposes of this case. They read as follows:

“4.22 The most sensible and the most rational way of dealing with the question is to declare that no film must transgress the reasonable restriction clause of the Constitution and that the film must be judged as a whole: with this exception that a certain sequence in it, if it is not relevant to the story and is found to have been introduced for the sole purpose of selling indecency and making a film commercially more successful, or if there is anything in the film which clearly transgresses the provisions of penal law or falls within the ambit of the various subjects enumerated in Article 19(2) of the Constitution, may be judged by itself and deleted from the film. This is done in all countries where rules of censorship, whether imposed by the State or by voluntary bodies are in force.”

8.45 A film must be taken as a whole, evaluated as a single integrated work of art or entertainment. If, in telling the story, it is logical, relevant or necessary to depict a passionate kiss or a nude human figure, there should be no question of excluding the shot, provided the theme is handled with delicacy and feeling, aiming at aesthetic expression and avoiding all suggestion of prurience or lasciviousness.”

17. In exercise of the powers under Section 5-B (2) of the Cinematograph Act, 1952, the Government of India issued “*Guidelines For Certification Of Films For Public Exhibition*” with effect from 06.12.1991. Principle 1 sets out the objectives of film certification and reads as follows:

“The objectives of film certification will be to ensure that(a)the medium of film remains responsible and sensitive to the values and standards of society;(b)artistic expression and creative freedom are not unduly curbed;(c)certification is responsive to social change;(d)the medium of film provides clean and healthy entertainments; and(e)as far as possible, the film is of aesthetic value and cinematically of a good standard.”

To further the aforesaid objective, Principle 2 sets out 19 grounds of objections which the Board of Film Censorship should filter out from a motion picture. These objections are to be viewed wholistically and in the

backdrop of the general theme of the film as is evident from Principle 3 of the Guidelines which reads as follows:

“The Board of Film Certification shall also ensure that the film(i)is judged in its entirety from the point of view of its overall impacts; and(ii)is examined in the light of the period depicted in the film and the contemporary standards of the country and the people to which the film relates, provided that the film does not deprave the morality of the audience.”

18. Rule 23(10) of the Cinematograph Rules, 2024 enjoins the Examining Committee, constituted under Rule 23 to apply the aforesaid guidelines while certifying films as required by Section 5-B (1) of the Act. Broadly speaking, the aforesaid are the statutory parameters governing the certification of films.

JUDICIAL APPROACH TO FILM CENSORSHIP

19. One of the earliest and leading cases on film censorship is the Constitution Bench decision of the Supreme Court in ***K.A Abbas v Union of India***, AIR 1971 SC 481 which involved a challenge to the 1960 Guidelines (precursor to the 1991 Guidelines) issued under Section 5-B(2) of the Act. The petitioner was the producer of a documentary film titled ‘A Tale of Four Cities’, who petitioned the Supreme Court under Article 32 challenging the Guidelines and sought a mandamus restraining the Board from deleting of

certain shots from a documentary film.

20. Chief Justice Hidayatullah who delivered the decision of a unanimous Constitution Bench took the view that censorship, *per se*, did not offend Article 19(1)(a) of the Constitution. It was observed:

“It would appear from this that censorship of films, their classification according to age groups and their suitability for unrestricted exhibition with or without excisions is regarded as a valid exercise of power in the interests of public morality, decency etc. This is not to be construed as necessarily offending the freedom of speech and expression.”

“With this preliminary discussion we say that censorship in India (and pre-censorship is not different in quality) has full justification in the field of the exhibition of cinema firms. We need not generalize about other forms of speech and expression here for each such fundamental right has a different content and importance. The censorship imposed on the making and exhibition of films is in the interests of society. If the regulations venture into something which goes beyond this legitimate opening to restrictions, they can be questioned on the ground that a legitimate power is being abused. We hold, therefore, that censorship of films including prior restraint is justified under our Constitution.”

The Constitution Bench then considered the limits of censorship and criticized the 1960 Guidelines for want of guidelines to preserve art and promote it. It was emphasized that the guidelines failed to emphasize the importance of art to a value judgment by the censors. The learned Chief Justice goes on to observe:

*“We may now illustrate our meaning how even the items mentioned in the directions may figure in films subject either to their artistic merit or their social value over-weighing their offending character. The task of the censor is extremely delicate and his duties cannot be the subject of an exhaustive set of commands established by prior ratiocination. But direction is necessary to him so that he does not sweep within the terms of the directions vast areas of thought, speech and expression of artistic quality and social purpose and interest. 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 to and for ever from human thought and must give scope for talent to put them before society. The requirements of art and literature include within themselves a comprehensive view of social life and not only in its ideal form and the line is to be drawn where the average moral man begins to feel embarrassed or disgusted at a naked portrayal of life without the redeeming touch of art or genius or social value. If the depraved begins to see in these things more than what an average person would, in much the same way, as it is wrongly said, a Frenchman sees a woman's legs in everything, it cannot be helped. In our scheme of things ideas having redeeming social or artistic value must also have importance and protection for their growth. Sex and obscenity are not always synonymous and it is wrong to classify sex as essentially obscene or even indecent or immoral. It should be our concern, however, to prevent the use of sex designed to play a commercial role by making its own appeal. This draws in the censor's scissors. Thus audiences in India can be expected to view with equanimity the story of Oedipus son of Latius who committed patricide and incest with his mother. When the seer Tiresias exposed him, his sister Jocasta committed suicide by hanging herself and Oedipus put out his own eyes. No one after viewing these episodes would think that patricide or incest with one's own mother is permissible or suicide in such circumstances or tearing out one's own eyes is a natural consequence. And yet if one goes by the letter of the directions the film cannot be shown. Similarly, scenes depicting leprosy as a theme in a story or in a documentary are not necessarily outside the protection. If that were so Verrier Elwyn's *Phulmat of the Hills* or the same episode in Henryson's *Testament of Cressaid* (from where Verrier Elwyn borrowed the idea) would never see the light of the day. Again carnage and bloodshed may have historical value and the depiction of such scenes as the Sack of Delhi by Nadirshah may be permissible, if handled delicately and as part of an*

artistic portrayal of the confrontation with Mohammad Shah Rangila. If Nadir Shah made golgothas of skulls, must we leave them out of the story because people must be made to view a historical theme without true history? Rape in all its nakedness may be objectionable but Voltaire's Candide would be meaningless without Cunegonde's episode with the soldier and the story of Lucrece could never be depicted on the screen."

21. In ***P. Jagjivan Ram v Union of India***, AIR 1989 Mad 149, a Division Bench the Madras High Court comprising of Sathidev and Bellie, JJ restrained the certification of the Tamil film "Ore Oru Gramathilae" which allegedly was a caricature and a character assassination of Dr. B.R. Ambedkar and reflected the criticism of the Government's Reservation Policy for Backward Classes. The order of the Division Bench was, however, reversed on appeal in ***S. Rangarajan v. P. Jagjivan Ram***, (1989) 2 SCC 574. The Supreme Court observed:

"The High Court, however, was of opinion that public reaction to the film, which seeks to change the system of reservation is bound to be volatile. The High Court has also stated that people of Tamil Nadu who have suffered for centuries will not allow themselves to be deprived of the benefits extended to them on a particular basis. It seems to us that the reasoning of the High Court runs afoul of the democratic principles to which we have pledged ourselves in the Constitution. In democracy it is not necessary that everyone should sing the same song. Freedom of expression is the rule and it is generally taken for granted. Everyone has a fundamental right to form his own opinion on any issue of general concern. He can form and inform by any legitimate means.

"Movie is the legitimate and the most important medium in which issues of general concern can be treated. The producer may project his own message which the others may not approve of. But he has a right to "think out" and put the counter-appeals to reason. It is a part of a democratic give-and-

take to which no one could complain. The State cannot prevent open discussion and open expression, however hateful to its policies. As Professor Freund puts it: “The State may not punish open talk, however hateful, not for the hypocritical reason that Hyde Parks are a safety valve, but because a bit of sense may be salvaged from the odious by minds striving to be rational, and this precious bit will enter into the amalgam which we forge. [Paul A. Freund : On Understanding the Supreme Court 26 (1950)]”

As to the standard by which words and expressions in the movie are to be judged, the Court approved the following observations of Vivian Bose, J (as he then was) in ***Bhagwati Charan Shukla v. Provincial Government*** (AIR 1947 Nag 1) which reads as follows:

“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, “the man on the top of a Clampham omnibus”.

The Supreme Court reiterated that censorship in public interest could be effected only where there were a pressing need and the community interest was also endangered. In other words, freedom of expression could be suppressed only if the danger to public interest existed like a “*spark in a power keg*”.

22. In ***Bobby Art International v. Om Pal Singh Hoon***, (1996) 4 SCC 1, an attempt was made to quash the certificate of exhibition awarded to the film

“Bandit Queen” and to restrain its exhibition in India. The Supreme Court considered the scope of the guidelines for censorship (1991) and observed:

“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. The specific sub-clauses of clause 2 of the guidelines cannot outweigh the sweep of clauses 1 and 3 and, indeed, of sub-clause (ix) of clause (2). 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 a minimum and without details, if relevant to the theme. What that minimum and lack of details should be is 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.”

Emphasizing that the cuts and certification of films must be done on the basis of a wholistic overview of the film, the Court observed:

“We find that the judgment under appeal does not take due note of the theme of the film and the fact that it condemns rape and the degradation of and violence upon women by showing their effect upon a village child, transforming her to a cruel dacoit obsessed with wreaking vengeance upon a society that has caused her so much psychological and physical hurt, and that the scenes of nudity and rape and the use of expletives, so far as the Tribunal had permitted them, were in aid of the theme and intended not to arouse prurient or lascivious thoughts but revulsion against the perpetrators and pity for the victim.”

“We do not censor to protect the pervert or to assuage the susceptibilities of the over-sensitive. “Bandit Queen” tells a powerful human story and to that story the scene of Phoolan Devi's enforced naked parade is central. It helps to explain why Phoolan Devi became what she did: her rage and vendetta against the society that had heaped indignities upon her.”

As to the freedom of film makers to engage in creativity while making movies, a Division Bench of the Madras High Court has underscored the importance of that freedom in ***CBFC v. Yadavalaya Films***, 2007 (1) CTC 1, wherein it was observed:

“Artists, film makers and play writers are affirmatively entitled to allude to incidents which have taken place and to present a version of those incidents which according to them represents a balanced portrayal of social reality. The choice is entirely of the film maker. Critical appraisal is the cornerstone of democracy and the power of the film as a medium of expression lies in its ability to contribute to the appraisal.”

In ***Indibily Creative (P) Ltd. v. State of W.B.***, (2020) 12 SCC 436, the Supreme Court reiterated that artistic freedom must be given a wide degree of latitude and must not be needlessly subject to restraint beyond what is legally permissible under the law. It was held:

“The views of the writer of a play, the metre of a poet or the sketches of a cartoonist may not be palatable to those who are criticised. Those who disagree have a simple expedient : of not watching a film, not turning the pages of the book or not hearing what is not music to their ears. The Constitution does not permit those in authority who disagree to crush the freedom of others to believe, think and express. The ability to communicate “ideas” is a legitimate area of human endeavour and is not controlled by the acceptability of the views to those to whom they are addressed. When the ability to portray art in any form is subject to extra-constitutional authority, there is a grave danger that fundamental human freedoms will be imperilled by a cloud of opacity and arbitrary State behaviour.”

TEST OF DECENCY & MORALITY UNDER ARTICLE 19(2)

23. One of the grounds on which the right to freedom of speech and expression can be legitimately curtailed under Article 19(2) is on the ground of “decency or morality”. The expressions “decency” came up for consideration in ***Ramesh Yeshwant Prabhuo (Dr) v. Prabhakar Kashinath Kunte***, (1996) 1 SCC 130, where the Supreme Court quoted the following passage from ***Kneller (Publishing, Printing and Promotions) Ltd. v. Director of Public Prosecutions***, (1972) 2 All ER 898:

“... Indecency is not confined to sexual indecency; indeed it is difficult to find any limit short of saying that it includes anything which an ordinary decent man or woman would find to be shocking, disgusting and revolting....”

As regards the expression “morality”, the Supreme Court appears to have taken the view in ***K.A. Abbas v. Union of India***, (1970) 2 SCC 780 that censorship of films, their classification according to age groups and their suitability for unrestricted exhibition with or without excisions is regarded as a valid exercise of power in the interests of public morality, decency etc. In ***Maqbool Fida Husain v. Rajkumar Pandey***, 2008 SCC OnLine Del 562, Justice Sanjay Kishan Kaul has opined on the need for striking a balance and has observed as under:

“Public decency and morality is outside the purview of the protection of free speech and expression, and thus a balance should be maintained

between freedom of speech and expression and public decency and morality but the former must never come in the way of the latter and should not substantially transgress the latter.”

In approaching the aforesaid question, the learned judge has approved the following test:

“The test for judging a work should be that of an ordinary man of common sense and prudence and not an “out of the ordinary or hypersensitive man”.

In donning the perspective of the ordinary person (I shall refrain from using the term ‘ordinary man’) the Board must necessarily bear in mind the caution sounded by A.K Sikri, J in ***Indian Hotel & Restaurant Assn. (AHAR) v. State of Maharashtra, (2019) 3 SCC 429***: which is as follows:

“It needs to be borne in mind that there may be certain activities which the society perceives as immoral per se. It may include gambling (though that is also becoming a debatable issue now), prostitution, etc. It is also to be noted that standards of morality in a society change with the passage of time. A particular activity, which was treated as immoral few decades ago may not be so now. Societal norms keep changing. Social change is of two types: continuous or evolutionary and discontinuous or revolutionary [See A. Etzioni and E. Etzioni (Eds.), Social Change (1964); W. Moore, Social Change (1963), W. Moore and R. Cook (Eds.), Readings on Social Change (1967).] . The most common form of change is continuous. This day-to-day incremental change is a subtle, but dynamic, factor in social analysis. It cannot be denied that dance performances, in dignified forms, are socially acceptable and nobody takes exceptions to the same. On the other hand, obscenity is treated as immoral. Therefore, obscene dance performance may not be acceptable and the State can pass a law

prohibiting obscene dances. However, a practice which may not be immoral by societal standards cannot be thrust upon the society as immoral by the State with its own notion of morality and thereby exercise "social control". Furthermore, and in any case, any legislation of this nature has to pass the muster of constitutional provisions as well."

THE TEST OF OBSCENITY

24. Article 19(2) as well as Section 5B (1) of the Cinematograph Act, 1952 authorizes censorship on the ground of obscenity. In its Report, the Khosla Committee has commented as follows:

"Our present policy of censorship with regard to films with an erotic content has been neither logical nor constitutionally legal. It has also been unfair to and unduly constrictive of the artistic and creative impulse. In this way, an embargo has been placed on kissing, but vulgar and distasteful antics of an animal and highly lascivious kind are permitted."

The test as to what constitutes "obscenity" was laid down in **Ranjit D. Udeshi v. State of Maharashtra**, AIR 1965 SC 881 where the Supreme Court approved the following test laid down by Cockburn, CJ in **R v Hicklin**, (1868) 3 QB 360:"

"...the test of obscenity is this, whether the tendency of the matter charged as obscenity is to deprave and corrupt those whose minds are open to such immoral influences, and into whose hands a publication of this sort may fall."

In *K.A. Abbas v. Union of India*, (1970) 2 SCC 780, this test was held to be applicable to motion pictures as well.

The Hicklin test for obscenity has now been discarded by the Supreme Court in *Aveek Sarkar v. State of W.B.*, (2014) 4 SCC 257, wherein the community standard test was applied to determine what constitutes obscenity. It was observed:

“Once the matter is found to be obscene, the question may arise as to whether the impugned matter falls within any of the exceptions contained in the section. A picture of a nude/semi-nude woman, as such, cannot per se be called obscene unless it has the tendency to arouse the feeling of or revealing an overt sexual desire. The picture should be suggestive of deprave mind and designed to excite sexual passion in persons who are likely to see it, which will depend on the particular posture and the background in which the nude/semi-nude woman is depicted. Only those sex-related materials which have a tendency of “exciting lustful thoughts” can be held to be obscene, but the obscenity has to be judged from the point of view of an average person, by applying contemporary community standards.”

25. The community standards test for obscenity has been followed and applied subsequently in *Devidas Ramachandra Tuljapurkar v. State of Maharashtra*, (2015) 6 SCC 1 wherein it was held thus:

“On the studied scrutiny and analysis of the judgments, there can be no shadow of doubt that this Court has laid down various guidelines from time to time and accepted the contemporary community standards test as the parameter and also observed that the contemporary community standards

test would vary from time to time, for the perception, views, ideas and ideals can never remain static. They have to move with time and development of culture.”

It is also reflected in Principle 3(ii) of the Guidelines For Certification Of Films For Public Exhibition (1991) which requires the Board to examine that the film *“is examined in the light of the period depicted in the film and the contemporary standards of the country and the people to which the film relates, provided that the film does not deprave the morality of the audience.”*

SCOPE OF JUDICIAL REVIEW

26. Section 5C(1)(e) of the Cinematograph Act, 1952 provided for an appellate remedy to the Film Certification Appellate Tribunal (FCAT) against an order of the Board directing the applicant to carry out any excisions or modifications. The Tribunal Reforms (Rationalisation and Conditions of Service) Ordinance, 2021 has amended Section 5C and abolished the FCAT and substituted the High Court as the appellate body from any order of the Board answering the description set out in clauses (a) to (d) of Section 5C(1). This Court has, nevertheless, entertained this writ petition under Article 226 of the Constitution as a complaint is one relating to infringement of fundamental rights under Article 19(1)(a) in which case the availability of an alternative remedy under Section 5C(1)(e) cannot be bar.

This is the consistent position of law since the decision in *Whirlpool Corpn. v. Registrar of Trade Marks*, (1998) 8 SCC 1 which was reiterated in *Magadh Sugar & Energy Ltd. v. State of Bihar*, (2022) 16 SCC 428.

27. Turning to the scope of judicial review, as pointed out in *Directorate of Film Festivals v. Gaurav Ashwin Jain*, (2007) 4 SCC 737, the right of a film-maker to make and exhibit his film, is a part of his fundamental right of freedom of speech and expression under Article 19(1)(a) of the Constitution. In *Om Kumar v. Union of India* [*Om Kumar v. Union of India*, (2001) 2 SCC 386, the Supreme Court has pointed out that the proportionality test is to be applied by the Court as a primary reviewing authority in cases where there is a violation of Articles 19 and 21. The proportionality test can also be applied by the Court in reviewing a decision where the challenge to administrative action is on the ground that it was discriminatory and therefore violative of Article 14. It was clarified that the classical Wednesbury principles [*Associated Provincial Picture Houses Ltd. v. Wednesbury Corpn.*, (1948) 1 KB 223 (CA)] have to be followed when an administrative action is challenged as being arbitrary and therefore violative of Article 14 of the Constitution of India. The distinction between proportionality and Wednesbury lies in the degree of scrutiny undertaken by the Court.

28. In *Kerala State Beverages (M&M) Corpn. Ltd. v. P.P. Suresh*, (2019) 9 SCC 710, it was pointed out that in proportionality, the Court exercises primary review, and is entitled to ask the State to justify the policy and whether there was an imminent need for restricting the fundamental rights of the claimants. In secondary review under *Wednesbury*, the Court shows deference to the decision of the executive.

29. Thus, the applicable test in this case is one of proportionality and not of *Wednesbury*'s unreasonableness. As to what constitutes proportionality, the decision in *K.S. Puttaswamy (Privacy-9J.) v. Union of India*, (2017) 10 SCC 1, concludes the issue. The opinion of Justice Sanjay Kishan Kaul lays down the following aspects of proportionality:

“(i) *The action must be sanctioned by law;*

(ii) The proposed action must be necessary in a democratic society for a legitimate aim;

(iii) The extent of such interference must be proportionate to the need for such interference;

(iv) There must be procedural guarantees against abuse of such interference.”

30. There can be no quarrel that censorship in the present case is sanctioned by law and that the object of censorship is to pursue a legitimate aim as pointed out by Hidayatullah, CJ in *K.A. Abbas v. Union of India*, (1970) 2 SCC

780. Thus the first and second limbs are satisfied. Procedural guarantees against abuse exist in the form of appellate remedies under Section 5-C(1) of the Act. This satisfies the fourth limb. The real issue relates to the balancing exercise under the third limb of the proportionality test which requires the Court to ensure that the extent of interference is proportionate to the need for such restriction. This is, in effect, the old reasonableness test under Article 19 which Indian Courts have been applying since 1950. In fact, in approaching this question one can do no better than to quote Patanjali Sastri, CJ in ***State of Madras v V.G Row***, AIR 1952 SC 196:

The nature of the right alleged to have been infringed, the underlying purpose of the restrictions imposed, the extent and urgency of the evil sought to be remedied thereby, the disproportion of the imposition, the prevailing conditions at the time, should all enter into the judicial verdict. In evaluating such elusive factors and forming their own conception of what is reasonable, in all the circumstances of a given case, it is inevitable that the social philosophy and the scale of values of the Judges participating in the decision should play an important part, and the limit to their interference with legislative judgment in such cases can only be dictated by their sense of responsibility and self-restraint and the sobering reflection that the Constitution is meant not only for people of their way of thinking but for all, and that the majority of the elected representatives of the people have, in authorising the imposition of the restrictions, considered them to be reasonable.”

In the context of this case, it is necessary to qualify the above statement only to the extent that the Guidelines of 1991 followed by the Committee under Rule 23(10) of the Cinematograph Rules 2014 is not an exercise of

“legislative judgment” but an exercise of “executive judgment” which cannot enjoy the same degree of deference from the Courts. There can be no presumptions or inferences, as in the case of legislation, when it comes to restriction of fundamental rights by way of executive guidelines.

APPLICATION TO THE FACTS OF THIS CASE

31. The impugned order has directed the petitioner to effect 12 modifications and 25 excisions to the movie. The modifications are directed as they fall within the following limbs of Principle 2 of the Guidelines For Certification Of Films For Public Exhibition (1991) issued by Central Government under Section 5B(2) of the Cinematograph Act, 1952:

Principle	Nature
2(xviii)	visuals or words involving defamation of an individual or a body of individuals, or contempt of Court are not presented.
2(if)	
2(xii), 2(xiii)	visuals or words contemptuous of racial, religious or other groups are not presented; visuals or words which promote communal, obscurantist, anti-scientific and anti-national attitudes are not presented;
2(xiv), 2(xvii)	the sovereignty and integrity of India is not called in question; public order is not endangered
2(ix), 2(x)	scenes degrading or denigrating women in any manner are not presented scenes involving sexual violence against women like attempt to rape, rape or any form of molestation, or scenes of a similar nature are avoided, and if any such incident is germane to the theme, they shall be reduced to the minimum and no details are shown;
2(i)	anti-social activities such as violence are not glorified or justified

The 25 cuts directed by the Board are more or less on similar grounds.

32. This Court has viewed the movie and in the light of the legal parameters set out above. The findings of the Court on each of the 25 cuts and 12 modifications directed by the Board are as follows:

S No	INSERTION/ EXCISIONS/ MODIFICATION	LOCATION	DESCRIPTION OF EXCISION/MODIFICATION	GUIDELINES	FINDINGS
1	Excisions	General	Portrayal of Police - Defamation. The following reasons are attributed on Police for their suspicion and custodial torture of a woman. In the absence of any formidable reason, interrogated through following questions to ascertain whether she is an extremist. This gives an impression throughout the movie that the State is targeting people with certain ideology/belief/views without any reason. This may defame State and its machinery and cause disaffection towards State. (Police). (Applicable For Cut Nos.2 to 9)	2(xiii), 2(xiv), 2(xviii)	The findings given for Cut Nos. 2 to 9 sufficiently takes care of this decision taken by the committee. It is suggested hereunder that the extremist ideology need not be referred with the term "communist" and it can be referred as "extremist, naxalite, maoist", etc. In appropriate places instead of using the word "communist", it can also be addressed by using a general term "Ideology".
2	Excisions	TC 09:10 to 09:25	Remove the visuals and dialogues from IC 09:10 to 09:25 - From "Visuals of book,	2(xviii)	As the camera rotates, in a flash the Buddha statue is seen and the camera immediately moves to the books that are staked in the

S No	INSERTION/ EXCISIONS/ MODIFICATION	LOCATION	DESCRIPTION OF EXCISION/MODIFICATION	GUIDELINES	FINDINGS
			Buddha, (which are not banned books).....toOvvorubookkumadh dhaansolludhu".		book shelf. There are no dialogues in this scene except the visuals. Since, the books that are found in the book shelf creates a prejudice in the mind of the police officer, no excision is warranted.
3	Modification	General	The suspected extremist is referred as "Communist" and not as extremist/Naxalite/maoist etc. throughout the movie. This gives an impression throughout the movie that the State is targeting people with certain ideology without any reason. Modify the same.	2(xviii)	I agree with this finding. The word "communist" must be replaced as "extremist or naxalite or maoist" etc. This is in view of the fact that communism in India is no longer viewed with suspicion and the said ideology has been accepted to a great extent and in fact, governments have been formed by communist parties in a couple of states and communist parties formed part of the union cabinet in the year 1996. Therefore, the word "communist" must be removed and replaced with any of the above suggestions.
4	Excisions	TC 25:22	Remove the dialogue "Paguththarivaadhigala ithedithedi azhippen" in TC 25:22, along with visuals uttered by a Police superior officer.	2(xviii)	The word "Paguththarivaadhigalai" (பகுத்தறிவாதிகளை) be replaced by the word "Suya sinthanaiyalargal" (சுயசிந்தனையாளர்கள்).
5	Excisions	TC 26:47	Remove the dialogues "Yen poojaiyaraella..... No democracy India.....to.....Jaathiyau ruvaakkunavangadhaan Indiaavaiuruvaakkunaa nga) in TC 26:47, along with visuals.	2(xiv), 2(xviii)	In this entire dialogue, the portion which states that "Jaathiyaiuruvaakiyavarkaldh an India Vai uruvakinargal" (ஜாதியை உருவாக்கியவர்கள் தான் இந்தியாவை

S No	INSERTION/ EXCISIONS/ MODIFICATION	LOCATION	DESCRIPTION OF EXCISION/MODIFICATION	GUIDELINES	FINDINGS
					உருவாக்கினார்கள்) be removed.
6	Modification	TC 41:14	Remove the dialogue uttered by a Policeman "Un friend koduththaindhu communist puththagam" in TC 41:14.	2(xviii)	The dialogue "Aindhu communist puthakangal" can be replaced with the dialogue "Kalagathaiundakakudiyaa in dhuputhagangal" (கலகத்தை உண்டாக்கக்கூடிய ஐந்து புத்தகங்கள்).
7	Excisions	TC 01:18:01	Remove the dialogues along with visuals from "Kadavul meedhunambikkaerukka.....to....- nambaravangadhaanaa dhaaramkodukkanum" in TC 01:18:01,	2(xviii)	There is no need to excision the dialogue in this sequence since this is the stand taken by persons following atheism across the world.
8	Excisions	TC 01:18:08	Remove the dialogues along with visuals from "Nee Indiannuudanbaadueru kkka.....to... Vilaiyaattula badhilsollamudiyum" in TC 01:18:08.	2(xiii)	There is no need to excision the dialogue in this sequence since the character does not want to appreciate sports with hyper nationalism and wants to keep sports away from it.
9	Modification	TC 01:51:14	Remove the dialogues "Lenininnusonnaudane yenakkupeeyakoduthth aanunga" in TC 01:51:14. Also Remove/Modify the close up visual of worms wriggling out of wound in TC 09:00.	2(if), 2(xviii)	The removal of the dialogue recommended by the committee is upheld. The removal/modification of close up visuals is also upheld.

S No	INSERTION/ EXCISIONS/ MODIFICATION	LOCATION	DESCRIPTION OF EXCISION/MODIFICATION	GUIDELINES	FINDINGS
10	Modification	General	The following scenes/dialogues are Contemptuous of or creating disharmony among social groups. (Applicable For Cut Nos.11 to 19)	2(xii), 2(xiii)	The findings rendered for Cut Nos. 11 to 19 takes care of this decision arrived at by the committee.
11	Excisions	TC 28:01	Remove the dialogues from "Koyillapottathayirsaa dham, sakkara Pongal.... to.... Ungalakaallapottunasu kkanum...Enga veettusakkara Pongal thandhasaapiduveengal a" in TC 28:01	2(xii)	No excision is required since the movie portrays caste discrimination in the society and hence this dialogue is in sync with the object of the movie.
12	Modification	TC 53:04	Remove the dialogues from "Government employee..... to.....Pala Thalaimuraiyaerundha ariva naan yen ezhakkanum" in TC 53:04.	2(xii)	No excision is required since the movie portrays caste discrimination in the society and hence this dialogue is in sync with the object of the movie.
13	Excisions	TC 01:08:20 to 01:08:47	Remove the dialogues from "Enga yaarellaam non veg.....to.....ennikki pr adhoshamveli ya poi saapidu, uttered by Police officer" in TC 01:08:20 to 01:08:47, along with visuals.	2(xii)	The removal suggested is partly acceptable to the extent of removing the dialogue "Inaikupradhosham" (இன்னைக்குப் பிரதோஷம்).
14	Excisions	TC 01:26:35	Remove the dialogue by a Policeman "Reservationlavandha nee - Unakkuennatheriyum" in TC 01:26:35.	2(xii), 2(xiii)	No excision is required since the movie portrays caste discrimination in the society and hence this dialogue is in sync with the object of the movie.
15	Excisions	TC 01:39:25 to 01:40:30	Remove the dialogues from "Andha reservation solliezhivupaduthunee nga..... reservation than	2(xii), 2(xiii)	No excision is required since the movie portrays caste discrimination in the society and hence this dialogue is in sync with the object of the

S No	INSERTION/ EXCISIONS/ MODIFICATION	LOCATION	DESCRIPTION OF EXCISION/MODIFI CATION	GUIDELINES	FINDINGS
			naattukkeyaabaththu.... .to.....Desappattrunnae nna" in TC 01:39:25 to 01:40:30 between two Policemen, along with visuals.		movie.
16	Excisions	TC 01:42:17 to 01:42:30	Remove the dialogues from "Nandha - Desappattrunnaennann utheryuni.....to.... Prasanna unnaaditchadhulathapp eyella" in TC 0142:17100112.30 between two Policemen, along with visuals	2(xii), 2(xiii)	No excision is required since the movie portrays caste discrimination in the society and hence this dialogue is in sync with the object of the movie.
17	Modification	TC 01:46:25	Mute the word "Shanam" uttered by Police superior to emphasize a social group in TC 01:46:25.	2(xii)	The modification suggested is accepted and the word "Shanam" (சனம்) can be replaced by the word "Ovoruviniyadum" (ஒவ்வொருவினாடியும்),
18	Excisions	General	Remove "Sanskrit" in subtitle, wherever it occurs in TC 21:24, and also Remove the word "Boudhigam", which is uttered to emphasize a social group and his hatred towards Tamil language.	2(xii), 2(xiii)	The excision suggested is partly upheld to the extent of removing the word "Sanskrit" in the subtitle. The dialogues can be retained as it is.
19	Excisions	TC 46:05	Remove the dialogues "Saamiya/Swamiya...E n peraengavirupappadiye zhudhavidunga" in TC 46:05, along with visuals.	2(xii)	There is no need for removal of this word since it has a context when viewed from the entire dialogue sequence.

S No	INSERTION/ EXCISIONS/ MODIFICATION	LOCATION	DESCRIPTION OF EXCISION/MODIFICATION	GUIDELINES	FINDINGS
20	Modification	General	The following sequences are Contemptuous of Other groups. - (Applicable For Cut Nos.21 to 26)	2(xii)	The finding rendered for Cut Nos. 21 to 26 deals with this decision taken by the committee.
21	Excisions	TC 14:10	Remove the words "North India/Adivasi® in TC 14:10.	2(xii)	There is no need for removal of this word since it has a context when viewed from the entire dialogue sequence.
22	Excisions	TC 26:11	Remove the word "Fanaticism" in TC 26.11.	2(xii)	There is no need for removal of this word since it has a context when viewed from the entire dialogue sequence.
23	Excisions	TC 26:47	Remove the words "Bloody Tamil" in TC 26:47	2(xii)	The removal suggested by the committee is partly accepted and the word "Tamil" has to be removed and the word "Bloody Alone" has to be retained .
24	Excisions	TC 22:40	Remove the dialogue "Appo pasangakovilukkupoga koodaadha" in TC 22:40.	2(xii)	There is no need for removal of this word since it has a context when viewed from the entire dialogue sequence.
25	Excisions	TC 38:57 and 38:15	Remove the words "Vemula" in TC 38:57 and "Buddha" in IC 38:15.	2(xii)	The decision of the committee to remove the word "Vemula" is upheld. However, there is no need for the excision of the word "Buddha".
26	Excisions	TC 01:55:00	Remove the words "Saami Ella" in TC 01:55:00.	2(xii)	There is no need for removal of this word since it has a context when viewed from the entire dialogue sequence.
27	Modification	General	The following sequences are Inciting violence or direct action including against State: (Applicable For Cut Nos.28 and 29)	2(xiv), 2(xvii)	The finding rendered for Cut Nos. 28 and 29 deals with this decision taken by the committee.
28	Excisions	TC 01:52:39	Remove the dialogues from "Ungalkaiyyilaaydhangal kidaiththirukkindrana...	2(xiv), 2(xvii)	I uphold this decision taken by the committee and hence these dialogues must be removed.

S No	INSERTION/ EXCISIONS/ MODIFICATION	LOCATION	DESCRIPTION OF EXCISION/MODIFICATION	GUIDELINES	FINDINGS
			to.... Ungal Arasar, Arasaangaththukkuedhi raagath thiruppungal" in TC 01:52:39 in climax		
29	Excisions	TC 01:16:50	Remove the dialogues "Thiruppiadikkiravang akittadhaan Naadu/Nilam/Adhigaar amerukku" in TC 01:16:50	2(xiv), 2(xvii)	There is no need for removal of this word since it has a context when viewed from the entire dialogue sequence.
30	Excisions	TC 50:20	Remove the dialogues front "Puththagampadikkara dhunaaladhaan thuppaakkiyathookkittu thiriyaraanga.....to...s indhikka vidaadhu" in TC 50:20, along with visuals. (Defaming)	1(a), 2(xviii)	There is no need for removal of this word since it has a context when viewed from the entire dialogue sequence.
31	Modification	General	Though such torture/harassment is germane to the theme, the following scenes denigrates women and are explicit and extensive. (Applicable For Cut Nos.32 to 35)	2(ix). 2(x)	The finding rendered for Cut Nos. 32 to 35 deals with this decision taken by the committee.
32	Modification	TC 12:18 to 12:41	The dialogues "Enakkuellaadhadhuun akkuennaerukku" may be muted and the undressing visual between TC 12:18 to 12:41 may be made suggestive.	2(ix)	The modification suggested by the committee is upheld. This is in view of the fact that the women police are portrayed in a very poor light and these dialogues are not required since they do not add any significance to the movie.
33	Excisions	TC 34:12	Remove the dialogue "Yaar	2(ix)	The excision suggested by the committee is upheld.

S No	INSERTION/ EXCISIONS/ MODIFICATION	LOCATION	DESCRIPTION OF EXCISION/MODIFICATION	GUIDELINES	FINDINGS
			koodapaduththayevankoodapaduththa" in TC 34:12		This is in view of the fact that the women police are portrayed in a very poor light and these dialogues are not required since they do not add any significance to the movie.
34	Excisions	TC 01:00:49	Remove the words "Thuniyaavuththuduvn" in TC 01:00:49.	2(ix)	There is no need for removal of this word since it has a context when viewed from the entire dialogue sequence.
35	Excisions	TC 01:14:50	Reduce by 50%, the sequence of taking protagonist to toilet through pile of human feces in TC 01:14:50.	2(x)	The excision suggested by the committee is upheld.
36	Modification	TC 01:09:55.	Modify the words "Kovameyellaiya?" as the reply could be interpreted as glorifying extremist. (The protagonist explaining why she is not giving up on the extremist tenant who is wanted by Police and also explaining why she is like her mother), in TC 04:09:55. (Left Wing Extremist is justified)	2(i)	There is no need for removal of this word since it has a context when viewed from the entire dialogue sequence.
37	Excisions	General	The cuss words may be modified.	2(viii)	The cuss words should not be understood in isolation and it has to be seen in the context of the movie since it does not in any way vulgarise the dialogues per se.

The aforesaid exercise has been done keeping in mind the principles of proportionality thereby ensuring that artistic freedom is not unduly curtailed on

surmises and conjectures. Ultimately the Court must balance two competing interests, the fundamental right under Article 19(1)(a) and the legitimate state interest in censorship. The Censor Board and its committees must nevertheless exhibit a sense of broadmindedness when it comes to matters of artistic freedom for as Justice Jackson pointed out in *American Communications Assn. v. Douds*, 339 US 382 (1950):

“... Thought control is a copyright of totalitarianism, and we have no claim to it. It is not the function of our Government to keep the citizen from falling into error; it is the function of the citizen to keep the Government from falling into error. We could justify any censorship only when the censors are better shielded against error than the censored.”

33. The question ultimately boils down to this: where do we draw the line for the Censor Board’s statutory scissors? As the G.D Khosla Committee pointed out over 55 years ago:

“The most sensible and the most rational way of dealing with the question is to declare that no film must transgress the reasonable restriction clause of the Constitution and that the film must be judged as a whole: with this exception that a certain sequence in it, if it is not relevant to the story and is found to have been introduced for the sole purpose of selling indecency and making a film commercially more successful, or if there is anything in the film which clearly transgresses the provisions of penal law or falls within the ambit of the various subjects enumerated in Article 19(2) of the Constitution, may be judged by itself and deleted from the film.”

34. In the light of the above discussion, there shall be a direction to the petitioner to carry out the modifications/excisions set out in the table in

paragraph 32, supra, within a period of 2 weeks from today. Upon such modifications/excisions being carried out and resubmitted the 1st respondent shall issue an appropriate certificate under the Cinematograph Act, 1952 within a period of 2 weeks thereafter. The writ petition is disposed on the aforesaid terms with no order as to costs. Consequently, connected miscellaneous petition is closed.

29-08-2025

Index: Yes
Speaking
Internet: Yes
Neutral Citation: Yes
ssr

To

1. The Chairman
Central Board Of Film Certification,
Films Division Complex,
Phase-I Building, 9th Floor,
Dr. G.Deshmukh Marg,
Mumbai - 400 026.

2.The Regional Officer,
Central Board of Film Certification,
Shastri Bhavan,
No. 35, Haddows Road,
Chennai -600 006.

N.ANAND VENKATESH J.

SSR

WP No. 31016 of 2025

29-08-2025