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**BEFORE THE FILM CERTIFICATION APPELLATE TRIBUNAL**

Thursday, 19<sup>th</sup> January, 2017

**Present: CHIEF JUSTICE(RETD.) MANMOHAN SARIN,  
CHAIRPERSON, FCAT**

**MS. BINA GUPTA, MEMBER, FCAT**

**SHRI SHEKHAR IYER, MEMBER, FCAT**

**MS. POONAM DHILLON, MEMBER, FCAT**

**FOR THE APPELLANT: SHRI ANUJ MALHOTRA,  
ADVOCATE**

**RESPONDENT: MR. RAJENDRA BHATT, REGIONAL  
OFFICER, CBFC, DELHI**

**IN THE MATTER OF:**

**BALAJI MOTION PICTURES LTD & ..... APPELLANT  
ANR**

**VERSUS**

**CENTRAL BOARD OF FILM ..... RESPONDENT  
CERTIFICATION, MUMBAI**

APPEAL UNDER SECTION 5C OF THE CINEMATOGRAPH ACT, 1952 (37 OF 1952) AGAINST THE DECISION OF CENTRAL BOARD OF FILM CERTIFICATION (CBFC) IN RESPECT OF HINDI FEATURE FILM "KYA KOOL HAIN HUM 3"

**ORDER**

1. The appellant has already been granted 'A' certification for theatrical release of the film 'Kya Kool Hain Hum 3'. Besides having been granted 'U/UA' certificate for satellite exhibition of the earlier films 'Kya Kool Hain Hum' & 'Kya Super Kool Hain Hum'. The appellant is aggrieved by the impugned order dated 23.09.2016, passed by the Central Board of Film Certification, declining unrestricted category 'U/UA' certificate to the film 'Kya Kool Hain Hum 3' for satellite exhibition.

2. The reason given by the Board for refusal of 'U/UA' certification for satellite exhibition is "there are too much double meaning dialogues, cleavages and adult content and is not suitable for 'U/UA' in view of the guidelines 2(vii), 2(viii), 2(ix) and 2(xviii). Hence refused".

Contd...2/-

MS.

3. The appellant is seeking setting aside of the impugned order dated 23.09.2016 by which the film has been declined 'U/UA' certificate for Satellite Exhibition. The appellant contends that the film is thematically a situational comedy in a light hearted manner without having any explicit scenes of sex or rape and violence, drugs etc. The appellant accepted the cuts recommended by CBFC while granting 'A' certificate for its theatrical release appearing at page 23-24 of the appeal paper book numbering 1-32. There were 42 voluntary deletions and cuts accepted by the appellant at the time of re-revised application which appear at page 24 and 25 of the appeal paper book. Therefore, the appellant has submitted voluntary deletions numbering 65 at page 25 to 27 of the appeal paper book.

4. The abstract of cuts and deletions as given by Appellant are as under:-

Total Deletions at the time of Examination: 6:31 MM:SS  
Total Replacement at the time of Examination : 3:58 MM:SS  
Total Deletions at the time of Re-Revised Application: 3:37 MM:SS  
Total Replacement at the time of Re-Revised Application: 2:17 MM:SS  
Total Addition at the time of Re-Revised Application: 1:11 MM:SS  
Total Deletions at the time of Revised Application: 6:18 MM:SS  
Total Replacement at the time of Revised Application: 2:41 MM:SS

Actual Duration of the time after the aforesaid deletions and replacements will be 125:03 MM:SS in 1 Cassette(s).

5. The appellant had placed reliance on a number of films which have been granted 'U'/UA' certificate namely "Masti", "Grand Masti", "Pyar Ka Panchnama", "Pyar Ka Panchnama 2" etc. It is urged that these are films having themes which are adult oriented having implied adult humor, which is even taken as sexual innuendos and double meaning but have been granted 'U'/UA' certificate.

5.1 In view the appellant placing reliance of the number of films having theme which are adult oriented, having adult humour, sexual innuendo and double meaning dialogues having been granted 'U/UA' certificate for satellite exhibition, the appellant was called upon to provide DVDs of the said film namely Masti, Grand Masti, Pyar Ka Panchnama, Pyar Ka Panchnama 2 etc. The appellant appeared on 9<sup>th</sup> January, 2017 and submitted that he is unable to tender the DVDs. Further, he was not pressing the ground of parity with the said films.

5.2 The appellant submitted that it was not averse to deleting any other scenes, visuals and audios which were considered objectionable by the Tribunal for the purposes of satellite exhibition.


6. While considering the question of grant of certificate for satellite exhibition, even though the appellant may not be specifically pressing the ground of parity with the films cited, the Tribunal itself is bound to follow uniformity and consistency in its approach and for that purpose take into view the contemporary standards prevalent in the society and apply them. It is noted that appellant itself, in addition to the cuts imposed by the Examining Committee and the Revising Committee of the Central Board of Film Certification (CBFC) has offered number of voluntary cuts to make the film acceptable for satellite telecast. Further, he has shown willingness and given consent to remove such further scenes, dialogues and visuals which the Tribunal may find objectionable. This demonstrates an effort in removing portions of the film that can be labeled as sex explicit and, therefore, unsuitable for satellite viewing. We are of the view that in addition to the voluntary cuts already made by the appellant, the following deletions/excisions be carried out.

- a) Delete the dialogue at 01:30:00 "Ye Jina Bhi ----- to ---- Devil Ke Niche" at page 73 of the appeal paper book.
- b) Mute the word 'soft toy' in the song appearing 7 lines after 02:08:08 at pages 98 & 99 of the appeal paper book.
- c) Delete the visual and dialogue at 02:13:21 "Karjatya : Main Aap Ke Liye Aur Kanhaiya Ke Liye Kheer Nikal Rha Tha -----to ---- Nikal Ke Lata Hun" at page 101 of the appeal paper book.

7. Upon the above deletions being made, it is directed that 'V/UA' certificate for satellite exhibition under parental guidance may be issued. Copy of the orders be furnished to both the parties forthwith.

  
(POONAM DHILLON)  
MEMBER, FCAT

  
(BINA GURTA)  
MEMBER, FCAT

  
(SHEKHAR IYER)  
MEMBER, FCAT

  
(JUSTICE MANMOHAN SARIN)  
CHAIRPERSON(FCAT)