

BEFORE THE FILM CERTIFICATION APPELLATE TRIBUNAL

19thFebruary, 2018

Present: CHIEF JUSTICE(RETD.) MANMOHAN SARIN, CHAIRPERSON,
FCAT
MS. POONAM DHILLON, MEMBER, FCAT

FOR THE APPELLANT: SHRI VIKRAM SETHI

FOR THE RESPONDENT: NEMO

IN THE MATTER OF:

PVR PICTURES LTD.

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APPELLANT

VERSUS

CENTRAL BOARD OF FILM
CERTIFICATION(CBFC), MUMBAI

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RESPONDENT

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 ENGLISH FILM "LOVE ROSIE".

ORDER

This is an appeal under Section 5C of the Cinematograph Act, 1952 (37 of 1952) assailing the Order No.VFL/184/2017-MUM dated 27.11.2017, whereby the Examining Committee of the CBFC refused 'UA' certification to the English film 'Love Rosie'. The reason given for refusal is: -

" The central idea of the film revolves around complex & dark characters, which are sexually exploited offering money, the film also glorifies homosexuality & extra marital relationships, the committee was of the opinion, not suitable for granting UA".

2. Aggrieved by the aforesaid order of the Examining Committee of CBFC, the appellant has filed the present appeal.

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3. The film 'Love Rosie' had earlier been granted 'A' certificate by the CBFC dated 10.11.2014. Appellant vide its representation dated 18.12.2017 addressed to the FCAT submitted that 'Love Rosie' is a 2014 British-German romantic comedy drama film directed by Christian Ditter (de) and written by Juliette Towhidi. It is based on the novel 2004 'Where Rainbows End' by Irish author Cecelia Ahern. Appellant submitted that the film caters largely to English speaking audience. In same genre and on the subject, many Hindi & English movie have been released in 'UA' category or category conversion, being done through videos of same genre of movie. Appellant further undertook to mute any abusive or other gestures or objectionable scenes as may be found by the Tribunal. Appellant had carried out 17 cuts, which were annexed with the appeal and are annexed with this order as "**Annexure A**".

4. The film has been screened and viewed by us. We have heard Shri Vikram Sethi, Authorized Representative. Mr. Sethi submits that factually Appellant did not get a chance for personal hearing before the CBFC, even though, the impugned order passed by the CBFC records that the Appellant did not avail of the opportunity. Further the impugned order dated 27.11.2017 passed by the Regional Officer, CBFC does not indicate the option of availing the remedy of going to the Revising Committee. It only stated that an appeal can be preferred before the FCAT.

5. The first submission made by Mr. Sethi is that it appears to be a case of mistaken identity as the reasons given by the CBFC do not pertain to their film 'Love Rosie'. There is no sexual exploitation by offering money or homosexuality and extra marital relationships in the film. Mr. Sethi submitted that the film is a romantic comedy drama film.

6. Having viewed the film, we find that the impugned order is liable to be set aside on the simple ground of non-application of mind since the case does not involve the reason given in the impugned order i.e. "there are complex & dark characters, which are sexually exploited offering

WS

money, it glorifies homosexuality and extra marital relationships". None of these findings are borne out by the film, while it is true that it is a comedy having adolescent and adult sex.

7. Considering the voluntary cuts as carried out and applying contemporary prevalent standards, the movie can be granted UA certification with parental caution.

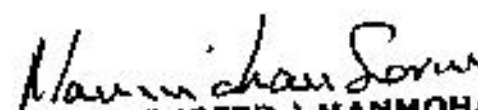
8. We also wish to record that of late, we have noticed stereo type identical orders being passed by the CBFC, as passed in this film, which are not justified by the factual position. Identical order was also passed in 'VardiwalaGunda'.

9. We hope and expect that the CBFC which comprises, eminent persons from different walks of life shall take due care and caution so that stereo type orders irrespective of the factual situation are not passed. While CBFC is not expected to write a legal judgment, it is however incumbent on it to indicate the scenes and their location, which provide the ground for rejection and the guidelines that in their opinion are violated.

10. The appeal is allowed. We direct issuance of UA certification with parental caution subject to the voluntary cuts as per Annexure A. Copy of the order be furnished to both the parties forthwith.



(POONAM DHILLON)
MEMBER, FCAT



(CHIEF JUSTICE (RETD.) MANMOHAN SARIN)
CHAIRPERSON(FCAT)

Cuts Details

: Insertion
 : Voluntary
 : 1
 : 10.33.22 13, 23.12, 47.21, 54.37,
 54.39, 1.09.45, 1.11.45, 1.12.538.05
 15.5616.08 Muted the word "FUCK"

1
 : Insertion
 : Voluntary
 : 2
 : 00.07.23 to 00.07.33 Deleted the visuals
 of man looking at the legs of
 girl. "yeah ... a stranger"

: 1



Mumbai Police

Insertion/Excisions/Modification - 1

Cuts - 1

Location - 1

Description - 1

GuideLines - 1

Insertion/Excisions/Modification - 2

Cuts - 2

Location - 2

Description - 2

GuideLines - 2

Insertion/Excisions/Modification - 3

: Insertion	Cuts - 3
Voluntary	Location - 3
: 3	Description - 3
: 00.08.26 to 00.08.34 Deleted the visuals of man talking to the girl. "what happened...no idea"	GuideLines - 3
1	Insertion/Excisions/Modification - 4
: Insertion	Cuts - 4
: Voluntary	Location - 4
: 4	Description - 4
: 00.10.12 to 00.10.16 Deleted the visuals of written "Alex says, Virgin boy is no longer" on computer screen.	GuideLines - 4
: 1	Insertion/Excisions/Modification - 5
: Insertion	Cuts - 5
: Voluntary	Location - 5
: 5	Description - 5
: 00.11.53 to 00.11.59 Deleted the visuals of girl touching her breast. "boobs are...and out"	GuideLines - 5
: 1	Insertion/Excisions/Modification - 6
: Insertion	Cuts - 6
: Voluntary	Location - 6
: 6	Description - 6
: 00.13.07 to 00.14.59 Deleted the visuals of dancing and kissing scene. "you have...oh shit"	GuideLines - 6
: 1	Insertion/Excisions/Modification - 7
: Insertion	Cuts - 7

Manish Kumar



: Voluntary

Location - 7

7

Description - 7

: 00.15.14 to 00.15.22 Deleted the visuals of woman sitting. "Rosie what's...for you"

GuideLines - 7

: 1

Insertion/Excisions/Modification - 8

: Insertion

Cuts - 8

: Voluntary

Location - 8

: 8

Description - 8

: 00.17.03 to 00.17.05 Deleted the visuals of vulgar gesture

GuideLines - 8

: 1

Insertion/Excisions/Modification - 9

: Insertion

Cuts - 9

: Voluntary

Location - 9

: 9

Description - 9

: 00.21.37 to 00.22.01 Deleted the visuals of girl talking to her friend. "you actually... so gross"

GuideLines - 9

: 1

Insertion/Excisions/Modification - 10

: Insertion

Cuts - 10

: Voluntary

Location - 10

: 10

Description - 10

: 00.23.47 to 00.24.04 Deleted the visuals of written "really well fuck Bethany! Fuck her posh parents, fuck the Hazel and fuck you" on computer screen.

GuideLines - 10

: 1

Insertion/Excisions/Modification - 11

: Insertion

Cuts - 11

: Voluntary

Location - 11

: 11

Description - 11

Mamichan


00.31.23 to 00.32.34 Deleted the visuals of girl showing her stomach to kids. "let me... name ok"	GuideLines - 11
: 1	Insertion/Excisions/Modification - 12
: Insertion	Cuts - 12
: Voluntary	Location - 12
: 12	Description - 12
00.48.48 to 00.48.52 Deleted the visuals of friend showing condom packet to the girl. "want that"	GuideLines - 12
: 1	Insertion/Excisions/Modification - 13
: Insertion	Cuts - 13
: Voluntary	Location - 13
: 13	Description - 13
: 01.02.20 to 01.02.25 Deleted the visuals of removing her top. "wait a minute"	GuideLines - 13
: 1	Insertion/Excisions/Modification - 14
: Insertion	Cuts - 14
: Voluntary	Location - 14
: 14	Description - 14
: 01.02.33 to 01.02.35 Deleted the visuals of "condom stuck... funny"	GuideLines - 14
: 1	Insertion/Excisions/Modification - 15
: Insertion	Cuts - 15
: Voluntary	Location - 15
: 15	Description - 15
: 01.06.15 to 01.06.17 Deleted the visuals of girl looking at liquid on the floor. "what what"	GuideLines - 15

Mamun Choudhury



1

: Insertion
 : Voluntary
 : 16
 : 01.35.03 to 01.35.07 Deleted the visuals
 of girl talking on phone. "Condom... locate
 it"

Insertion/Excisions/Modification - 16
 Cuts - 16
 Location - 16
 Description - 16
 GuideLines - 16

1

: Insertion
 : Voluntary
 : 17
 : 01.38.44 to 01.39.21 Deleted the visuals
 of kissing scene.

Insertion/Excisions/Modification - 17
 Cuts - 17
 Location - 17
 Description - 17
 GuideLines - 17

1

M. S. Chandra Sekhar

