

BEFORE THE FILM CERTIFICATION APPELLATE TRIBUNAL

Friday, 14th July, 2017

Present: CHIEF JUSTICE(RETD.) MANMOHAN SARIN, CHAIRPERSON,
FCAT
MS. BINA GUPTA, MEMBER, FCAT
SHRI SHEKHAR IYER, MEMBER, FCAT
MS. SHAZIA ILMI, MEMBER, FCAT
MS. POONAM DHILLON, MEMBER, FCAT

FOR THE APPELLANT: SHRI CHANDRAPAL R. SINGH,
APPELLANT
SHRI YUSUF BEDRE

IN THE MATTER OF:

CHANDRAPAL R. SINGH	APPELLANT
	VERSUS	
CENTRAL BOARD OF FILM CERTIFICATION(CBFC), MUMBAI	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 HINDI FEATURE FILM "**BHOURI**"

ORDER

This is an appeal preferred by Shri Chandrapal R. Singh against the order No. VIV/VV/4/2017-MUM dated 21st March, 2017 passed by the Central Board of Film Certification refusing unrestricted category 'U/UA' to the film for satellite/video release. The reason given for refusal is "the theme, double meaning dialogue and presentation of the film not suitable for U/UA under guidelines 2(viii) meaning "dual meaning words catering to baser instincts" and 2 (ix) meaning "scenes degrading or denigrating women". It may be noted that

jis

the film had earlier been granted certification as an Adult movie for its theatrical release.

2. The appeal as preferred was received on 21st June, 2017 i.e. beyond a period of 90 days from the date of the impugned order. As per Section 5-C of the Cinematograph Act, 1952 an appeal has to be preferred within 30 days from the date of the impugned order. The Tribunal may allow an appeal to be admitted within a further period of 30 days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within 30 days of the CBFC order. The instant appeal would be beyond 30 days of delay which can be condoned under the proviso. Though the appeal being barred by limitation, the FCAT nevertheless at the request of the appellant viewed the same so that in case there is merit in the appeal, the appellant could approach the Writ Court for condonation.


3. The appellant submits that he had voluntarily carried out the cuts/deletions as per Annexure I to this order in the film as submitted to CBFC while seeking 'UA' certification.

4. Upon viewing the film and hearing the appellant as well as Shri Rajendra Bhatt, Regional Officer, CBFC, Delhi, we find that the film depicts the relentless struggle and ultimate helplessness of Bhouri, a young beautiful woman married to a middle aged man in repelling the lecherous advances of men wielding power, wealth and influence who proposition her.

4.1 With her husband rendered jobless and turned out from the village, with false allegation of suffering from AIDS, Bhouri ultimately surrenders and gives in to a life of profanity, resulting in the epidemic of AIDS. The scourge of AIDS is also brought into the story with potential of not being fully understood. Considering the theme, story, picturization and the overall impact, we find the film unsuitable for 'UA' certification for satellite viewing. The appeal is even otherwise barred by limitation, with no tenable ground for late filing on 21st June, 2017, while the surgery of the child was in January, 2017

WJ


We find no reason to interfere with the impugned order. The appeal is dismissed. Copy of the order be furnished to both the parties forthwith.


(BINA GUPTA)
MEMBER, FCAT


(SHEKHAR IYER)
MEMBER, FCAT


(POONAM DHILLON)
MEMBER, FCAT


(SHAZIA ILMI)
MEMBER, FCAT


JUSTICE MANMOHAN SARIN
CHAIRPERSON, FCAT

Annexure I

Date - 11/07/2016

The Chairman
F.C.A.T
New Delhi

Re:- Our film:- "BHOURI" (HINDI)
U/A for satellite.

Respected Sir,

We the Applicant and Producer of
above mention film, like to bring in your
kind notice that we had attach the list
of Voluntary deletion which was submitted
to CBFC Mumbai, for verification.

Attended

K. Chandra
18.7.2017

Dr. K. Chandra
Secretary, F.C.A.T.
New Delhi

Thanking You
for S. VIDEO PICTURE

Chandra Singh
(Producer)



S. VIDEO PICTURES

B-1, Santosh Bungalow, 3rd Cross Lane, Lokhandwala complex, Andheri (West), Mumbai - 400053
Office: 022-3639 5609 / 2639 8423 / 2639 8426 | Mobile: +91 9821137096
Email: svideopictures@gmail.com | Website: www.svideopictures.com

LIST OF VOLUNTARY DELETION for getting U/A Certificate

SR NO.	DESCRIPTION OF OUT	LOCATION	DURATION
1	Deleted the Visual of "BASANTI RAPE SCENE"	11:21/11:31 12:14/12:35	00:10 Sec 00:21 Sec
2	Muted the word "GAAND"	18:49	Sound Only
3	Deleted the Visual of "LALA LOVE SCENE"	36:52/37:47	00:55 Sec
4	Deleted the Visual of "SEX SCENE DOCTOR WITH LADY"	46:15, 46:32	00:17 Sec
5	Muted the word "BAHNKE"	01:00:50	Sound only
6	Deleted the Item song "JHUKA LIYA"	01:24:59 01:29:02	04:01 Sec
7	Deleted the Visual of "LOVE MAKING SCENE"	01:34:47 01:35:31	00:44 Sec
8	Muted the word "Nanga"	01:36:30	Sound Only
9	Deleted the Visual of "BHOURI BACK SCENE"	01:54:33 01:54:55	00:22 Sec
10	Muted the word "RAND"	02:02:41 02:02:54	Sound Only
	Total		06:50 Sec

NEW ADDRESS-RES.

SVIDEO PICTURES 1 wing 105 Rna Cuortyad Sector 8 hdfc bank Mira Road
East thane 401107

FOR. S. VIDEO PICTURES

Attested
F. L. [Signature]
18.7.2017

Min. of Information & Public Relations
Govt. of Maharashtra
Mumbai

[Signature]
CHANDRAPAL SINGH
(Producer)