

**2/16/2017-FCAT  
BEFORE THE FILM CERTIFICATION APPELLATE TRIBUNAL**

Dated, 19<sup>th</sup> July, 2017

IN THE MATTER OF:-

**SANJAY DAWRA, APPELLANT**

**VERSUS**

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

**APPEAL UNDER SECTION 5C OF THE CINEMATOGRAPH ACT, 1952 AGAINST THE DECISION OF CENTRAL BOARD OF FILM CERTIFICATION IN RESPECT OF HINDI FEATURE FILM 'INDU SARKAR'.**


**ORDER**

The appellant has moved an application dated 19<sup>th</sup> July, 2017 seeking an urgent viewing/hearing together with seeking a decision on the matter on or before 22<sup>nd</sup> July, 2017. It is further prayed that in the event the revised preponed date of screening is not communicated to the Appellant before end of today, the Appellant will be compelled to take appropriate measures as available in law. The tenor of the application leaves much to be desired.

2. Relevant facts regarding the filing of the appeal may be noticed. The Appellant is the Executive Producer of the film titled 'Indu Sarkar'. It is the Appellant's case that the Appellant had announced the date of release as 28<sup>th</sup> July, 2017, 2 months back i.e. in the month of May itself. The film is stated to be made in the backdrop of Emergency depicting the atrocities and ills of emergency as it affected the lives of the characters of the film. For reasons best known to the appellant, he chose to apply for grant of certification by the CBFC only on 30<sup>th</sup> June, 2017 even though the release date of the film was announced in the month of May, 2017. The Central Board of Film Certification acted with reasonable despatch granted 'UA' certification to the film with cuts. The Appellant is aggrieved by the cuts directed by the Board and has filed the above appeal on 17<sup>th</sup> July, 2017. Under Section 5-D of the Cinematograph Act, 1952, notice is required to be given to the CBFC giving them opportunity to have their say in support of the order passed. The Registry of the Film Certification Appellate Tribunal without any loss of time has already called for the comments of the CBFC and fixed the earliest available date, fully conscious of the urgency projected by the appellant for hearing on 27<sup>th</sup> July, 2017. Two hearings are already fixed on the 25<sup>th</sup> & 26<sup>th</sup> July, 2017. Members of the Tribunal have to assemble and one of them is to come from Mumbai. Keeping all these factors in the mind, the date of 27<sup>th</sup> July, 2017 has been given on priority and urgent basis. The Tribunal follows the schedule in which the Appeals filed by small and medium producers as also the major film producers are normally listed in

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accordance with the date of filing of the appeal. The Tribunal no doubt takes into account factors such as release date and tries to accommodate to the extent feasible the urgent request. Needless to mention that the alleged commercial loss, if any, flows from the Appellant's own acts, it does not give the Appellant the licence to demand a date of viewing of its choice as also the decision thereon upsetting the calendar and working schedule of the Tribunal. In the instant case, the Appellant has to blame itself for not approaching the CBFC within time, after fixing the date of release. The same was delayed for over a month and a half. However, the Tribunal is unable to accede to the demand as given in Para 9 saying that if screening date is not communicated to the Appellant before end of today, the Appellant will be compelled to take appropriate measures as available in law.

  
(BINA GUPTA)  
MEMBER, FCAT

  
(SHEKHAR IYER)  
MEMBER, FCAT

  
(CHIEF JUSTICE MANMOHAN SARIN)  
CHAIRPERSON, FCAT