

**BEFORE THE FILM CERTIFICATION APPELLATE TRIBUNAL**

Tuesday, 16<sup>th</sup> May, 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: MS. SNEHA JAIN, ADVOCATE**  
**MR. YATINDER GARG, ADVOCATE**

**IN THE MATTER OF:**

**STAR INDIA PVT. LTD. .... APPELLANT**  
**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 ENGLISH FILM "THE HATEFUL EIGHT"

**ORDER**

1. Appellant has preferred this appeal under Section 5-C of the Cinematograph Act, 1952 aggrieved by the order of the Central Board of Film Certification refusing 'U/UA' certification to the film titled 'The Hateful Eight'. The impugned order dated 11/3/2012 passed by the CBFC declined certification for unrestricted 'U/UA' category to the film 'The Hateful Eight' (English), holding as under: -

"Theme, visuals, gory presentation, killing and violence and especially last chapter, where hanging, blood visuals etc. have been shown which is not suitable for 'U/UA', hence refused under guidelines 2(d), 2(vii), 2(ix), 2(vii), 2(xii) and 3(1)."

*MS*

2. We have viewed the film and also heard the Learned Counsel for the appellant. Counsel submitted that the film has already been granted 'A' certification for theatrical release as a feature film. Counsel has succinctly brought out that the film is a Western mystery thriller by the famous writer-director Mr. Quentin Jerome Tarantino. It is a picture recapitulating the period following the American civil war. In the said era, there were professionals known as Bounty Hunters, who as an occupation captured and brought outlaws alive or dead. The violence as shown in the film is integral to the theme and germane and relevant to the factual presentation to depict the reality of the said era. Several scenes depicting multiple murders, death and violence cannot be categorized as pointless violence but have to be considered from the perspective of contextual representation and its picturization.

3. The appellant urged that they have made voluntary cuts in the movie when it was presented to the CBFC for getting 'U/UA' certification. It was further stated that the appellant was willing to abide by any further cuts which the Tribunal may feel are necessary and warranted for UA certification.


5. Counsel for Appellant submitted that the impugned order was vitiated by non-application of mind in as much as it mentions guideline no. 2(d) while in fact there is no such guideline. Besides, the guideline 2(vii) relates to human sensibilities been offended by vulgarity, obscenity or depravity and 2(ix) that there was no violation of guideline 2(vii) and 2(ix) directly. Further, there was nothing in the movie which had any semblance to violation of guideline 2(xii) i.e. "visuals or words contemptuous of racial, religious or other groups are not presented". There is ~~no~~ merit in the above submission. MS

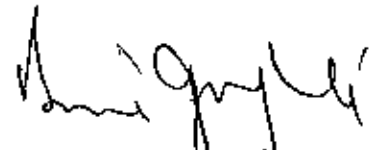
5. Having viewed the film and considered the submissions made, we are of the view that the film can be granted 'UA' certification with parental caution subject to the following further cuts:

1. Scene from 12.30.12.15 to 12.31.27.15 be deleted.
2. Scene from 12.32.01 to 12.32.05 be deleted.
3. The dialogues namely 'It was a nice dance' and 'that shown was pretty' appearing at 12.33.27 and 12.33.30 should be muted.

MS

3. The appeal is disposed of with the direction for issuance of UA certification with parental caution subject to the above additional cuts. Copy of the order be furnished to the parties forthwith.

  
(SHEKHAR IYER)  
MEMBER, FCAT

  
(BINA GUPTA)  
MEMBER, FCAT

  
(SHAZIA ILMI)  
MEMBER, FCAT

  
(POONAM DHILLON)  
MEMBER, FCAT

  
(JUSTICE MANMOHAN SARIN)  
CHAIRPERSON (FCAT)