

F.No. 2/9/2017-FCAT

**BEFORE THE FILM CERTIFICATION APPELLATE TRIBUNAL**Friday, 28<sup>th</sup> 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:** MR. ANUJ MALHOTRA,  
ADVOCATE FOR THE  
APPELLANT

**IN THE MATTER OF:**

<b>NON STOP ENTERTAINMENT PVT. LTD.</b>	.....	<b>APPELLANT</b>
	<b>VERSUS</b>	
<b>CENTRAL BOARD OF FILM CERTIFICATION (CBFC), MUMBAI</b>	.....	<b>RESPONDENT (NEMO)</b>

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 "VARTAK NAGAR"

**ORDER**

This is an appeal preferred against an order dated 24<sup>th</sup> April, 2017 by which the film titled 'Vartak Nagar' (Hindi) had been granted 'A' certification with cuts as given at Pages 31 and 32 of the appeal paper book. The Appellant had applied for 'U' or 'UA' certification. The film was screened. It has been viewed by us on 25<sup>th</sup> July, 2017.

2. The story and theme of the film 'Vartak Nagar' revolves mainly around the lives of three close friends 'Gajiya', 'Satya' and 'Raju' who are joined subsequently by 'Savio Fernandes' the fourth friend and their friendship blossomed.

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2.1 The four friends with their families live in Vartak Nagar which is dominated by the gangster 'Bala Chavan', having the patronage of the Corporator 'Bhau Saheb'. Sitaram Mills located there is owned by one Mr. Aggarwal, who has the support and protection of the Corporator and the Gangster 'Bala Chavan'. The mill is the main source of employment in Vartak Nagar. The Corporator and the Gangster come in the way of the legitimate demand of the workers led by Kunwar Singh. This leads to a strike causing immense hardship to the employees who are deprived of their livelihood thereby affecting their family life including those of the four friends.

2.2 The film captures in a sensitive manner the aspirations and travails of the friends who are passing through the age of adolescence.

3. Learned Counsel for the Appellant has urged that there is no violation of guidelines 2(iii) (a) & 2(vi) and 2(ix) as held by the CBFC in as much as there is no violence against children shown or there has been no child abuse. Further, that human sensibility is not affected by any display of obscenity, vulgarity and depravity in any manner.


4. Having considered the cuts directed by the CBFC, we are of the view that applying the prevalent contemporary standards, the same are not necessary. The setting is of 1980, some of the cuts such as Cut no. 2, 5, 6, 7, 8 and 11 are such expressions and slangs which the boys and youth of the age freely use in conversation. It is a natural process of growing up in adolescence. The scene of standing together and urinating is not abnormal. Similarly, regarding cut no. 3 & 4, the corporal punishment by teachers has been a hard reality, which is now slowly getting extinct. Considering that the film depicts the life of the 1980s, the above are within acceptable parameters. We also do not find any need for adding the disclaimer that the film does not hurt religious sentiments for which there does not seem to be any apparent reason. Considering the theme, story and the context, these scenes are justified.

5. Learned Counsel on instructions from Amit Aggarwal, Producer and Atul Taishete, Director has prayed for grant of 'U' or 'UA' certification. For this they have offered voluntarily the following cuts:

- i. The scene appearing at 01.26.00 onwards, where a supporter of Kunwar Singh is set ablaze after being covered by posters. The scene would be confined to showing the match being flicked without the burning of the worker. However, the scene showing the reaction of the persons of the crowd and Bala Chavan inquiring if anyone else wants to paste the poster may be shown.
- ii. The scene appearing from 01.30.00 to 01.32.15.00, where Gotiya and his gang mercilessly beat the three friends while Savio is in the church. Lashes to be cut out and brutal beatings reduced to 50% occurring during the said scenes.

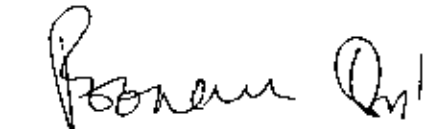
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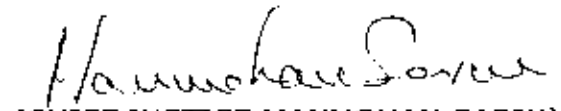
We are of the view that the film be granted 'UA' certification with parental caution with the voluntary cuts as noted above. The appeal is allowed in the aforesaid terms. Copy of the order be furnished to both the parties forthwith.

  
(BINA GUPTA)  
MEMBER, FCAT

  
(SHEKHAR IYER)  
MEMBER, FCAT

  
(SHAZIA ILMI)  
MEMBER, FCAT

  
(POONAM DHILLON)  
MEMBER, FCAT

  
(CHIEF JUSTICE MANMOHAN SARIN)  
CHAIRPERSON, FCAT