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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION**

**PUBLIC INTEREST LITIGATION (L) NO. 4336 OF 2022**

**Hiten Dhirajlal Mehta } Petitioner**

**versus**

**Bhansali Production and Ors. } Respondents**

**WITH  
PUBLIC INTEREST LITIGATION (L) NO. 5227 OF 2022**

**Amin Patel } Petitioner**

**versus**

**Sanjay Leela Bhansali and Ors. } Respondents**

**WITH  
WRIT PETITION (L) NO. 5235 OF 2022  
(NOT ON BOARD)**

**Shraddha Amol Surve } Petitioner**

**Versus**

**Union of India & Ors. } Respondents**

Mr. Ashok Saraogi a/w Mr. Anand Mishra, Ms. Radhika Chamaria i/by Kruti Bhavsar for the petitioner in PIL(L) No. 4336 of 2022.

Ms. Dhruvi M. Kapadia for the petitioner in PIL(L) No. 5227 of 2022.

Mr. Y. C. Naidu a/w Mr. Sarosh Damania, Mr. Nishank Barolia, Chaitravi Pai, Mr. Amol Surve and Afrin Shaikh for the petitioner in WP(L) No.5235 of 2022.

Mr. Ravi Kadam, Senior Advocate a/w Mr. Parag Khandhar and Ms. Prachi Garg i/by DSK Legal for the respondent no.1 in PIL(L) Nos. 4336 and 5227 of 2022 and for respondent nos. 2 and 3 in WP(L) No. 5235 of 2022.

Mr. Ravi Kadam, Senior Advocate a/w Mr. Ameet Naik, Madhu Gadodia, Mr. Deepak Deshmukh i/by Naik Naik & Co. for respondent no.2 in PIL(L) Nos.4336 and 5227 of 2022 and for respondent nos.4 and 5 in WP(L) No. 5235 of 2022.

Mr. Anil C. Singh, Addl. Solicitor General a/w Mr. Advait M. Sethna, Mr. Aditya Thakker, Ms. Anusha Amin, Mr. Pranav Thackur, Mr. Tanay Mandot, Mr. Rangan Majumdar and Mr. Sandeep Raman for the respondents - C.B.F.C. and Union of India in all the matters.

Ms. Uma Palsuledesai, AGP for the respondent - State in PIL(L) No. 5227 of 2022.

**CORAM: DIPANKAR DATTA, CJ & M. S. KARNIK, J.**

**DATE: FEBRUARY 23, 2022**

**ORAL JUDGMENT [Per Dipankar Datta, CJ.]:**

1. By this common judgment and order, we propose to decide Public Interest Litigation (L) No. 4336 of 2022 and Public Interest Litigation (L) No. 5227 of 2022 together with Writ Petition (L) No. 5235 of 2022.

2. Writ Petition (L) No. 5235 of 2022 has been placed before us in terms of an order dated 23<sup>rd</sup> February, 2022 passed by a coordinate Bench of this Court. Their Lordships having been informed of pendency of Public Interest Litigation (L) Nos. 4336 and 5227 of 2022 desired that the writ petition be placed before this Bench for analogous hearing.

3. The grievance raised in the public interest litigations and the writ petition has its genesis in certification of a film titled "Gangubai Kathiawadi" (hereafter "the film") by the Board of Film Certification (hereafter "the Board") constituted by the Central Government under section 3 of the Cinematograph Act, 1952 (hereafter "the Act") for public exhibition. The attempt of the petitioners is not to stall release of the film on the date scheduled, i.e. 25<sup>th</sup> February, 2022, but to tinker with the freedom of expression of those behind production of the film on the specious ground that a particular dialogue, the title of the film as well reference to a particular area as a red-light area would hurt the sentiments of the people belonging to the North-Eastern states of the country, people hailing from Kathiawad in Saurashtra, Gujarat and people residing in Kamathipura in South Mumbai.

4. Public Interest Litigation (L) No. 4336 of 2022 is at the instance of an Indian citizen who claims to be actively involved in works towards social causes and legal awareness. It is the pleaded case that the trailer of the film was uploaded on YouTube on 4<sup>th</sup> February, 2022 wherein the lead actress is seen to be visiting a dentist. The character of the dentist is played by an actor from the North-East and upon the dentist urging the actress to open her mouth wide, she responds by saying "PURA KA PURA CHINA MUH ME GHUSAYEGA KYA". According to the petitioner, the said dialogue clearly and directly intends to connect the North-East person/actor to China in spite of he being an Indian. It is also his claim that the said dialogue is *per se* defamatory, hurts the sentiments of the people of the North-East community and brings out a

feeling of insecurity within them together with increased vulnerability to racial discrimination. Based on such pleadings, relief is claimed seeking directions upon : the respondent nos. 1 and 2 (Bhansali Production and Pen India Limited) "to pull down/delete the trailer from YouTube and other social media platforms forthwith and to modify/delete the subject scene that is racist in nature"; and the respondent no.3 (the Board) "to carefully scrutinize the dialogue of the entire movie before issuing certificate for the film as well as for stay of the release of the film until such modification/deletion is made, as directed by the Court".

5. We record that Mr. Saraogi, learned advocate for the petitioner, did not seek the relief of stalling of release of the film but confined the petitioner's grievance to use of the word "China" in the aforesaid dialogue. According to him, since the said dialogue has the potential of affecting the interest of the people of the North-Eastern region, the word "China" should either be deleted or muted.

6. Mr. Kadam, learned senior advocate appearing for the respondent nos.1 and 2 in PIL(L) No. 4336 of 2022 submits that the events depicted in the film relate back to 1950 when quite a few Chinese dentists had been practicing in the relevant area where the character, on whom the film is based, resided. He further submits that the character of the dentist is of a Chinese (Dr. Chung). A screen grab on a cell phone is shown to us of a board carrying the name of the dentist, hung outside his chamber to support the assertion. It is Mr. Kadam's specific statement, on instructions, that the character of the dentist is neither of a person hailing from the North-

Eastern part of the country nor does the film contain anything that could remotely be perceived to hurt the sentiments of the people hailing from such part of the country.

7. Having regard to such statement made by Mr. Kadam, which we have no reason to disbelieve and, thus, proceed to accept, we are of the considered view that the apprehension expressed by the petitioner in the PIL petition merely on viewing the trailer is based on wrong notion and, thus, is ill-conceived.

8. However, since part of the scene which the petitioner perceived to be objectionable is said to depict incidents of the fifties of the earlier century, as Mr. Kadam says, it is highly improbable that the character, hailing from a rural background, could have referred to our neighbouring nation as "China", the English version of "Cheen". Since Mr. Kadam says that a lot of research went into making the film, a deeper research would have given the film credibility. It is common knowledge that China was called Cheen in Hindi and the Chinese people Cheeni. One is immediately reminded of the slogan "Hindi-Cheeni Bhai Bhai", given by Pandit Nehru at or about the same time the incidents portrayed by the film relates to. Be that as it may, since it is the choice of the director/producer of the film to choose from the alternatives and the Board too having certified the film for public exhibition following the procedure prescribed in the Act, it is not for this Court to suggest any modification. The matter is allowed to rest.

9. Public Interest Litigation (L) No. 4336 of 2022, accordingly, stands **disposed of**. No costs.

10. We now move forward to consider Public Interest Litigation (L) No. 5227 of 2022 and Writ Petition (L) No. 5235 of 2022.

11. PIL (L) No. 5227 of 2022 has been presented by a member of the Legislative Assembly of Maharashtra, elected from the Mumbai Devi constituency. It is stated in paragraphs 2, 3 and 4 of the writ petition as follows: -

"2) The Petitioner states that he has since the time film was being made **GANGUBAI KATHIAWADI** raised objections for 4 major reasons:

a) The film depicts and represents Kamathipura as a Red light area in toto, which is a complete misrepresentation and gives a complete negative impact on viewer's mind which is public at large about the vicinity named Kamathipura.

b) It has put the locals of Kamathipura at shame and dismay as they feel major social stigma as it shows that they are living in Red Light Area, which is not true as the entire Kamathipura is not a Red Light Area. The history of the name originality of area is that originally the labourers who came to Mumbai to work in making heritage buildings including the Bombay High Court, Chhatrapati Shivaji Terminus who came settled in the vicinity together started living in this area thereby the area was named Kamathi (labourers) pura=Kamathipura.

c) Another serious objection is prima facie from the title of the film where Kathiawadi community is attached with Gangu Bai on whom the film is made to be as a Prostitute. For the fact Kathiawadi community hail from Saurashtra major part of Gujarat where the community is spreaded across the globe including Mumbai city where they are involved in various businesses such as diamond industry, working in good field of classes of different industry and are living with high prestige. Attaching a community tag with the role of the Gangu Bai on whom the film is made is certainly hurting the sentiments of the people who are kathiawadis and is giving a negative view about the community and their women in eyes of public at large.

d) There has been huge objections in form of representations before Petitioner by both sections of people showing their discomfort and serious objections due to the negative loose portrayal in the film trailer as viewed by public. \*\*\*\*\*

3) The Petitioner herein is constrained to approach this Hon'ble Court for invoking its extraordinary writ jurisdiction of the Hon'ble Court in public interest as Petitioner being the MLA has no option but to help the masses of people wherein numbers are in thousands who are aggrieved by the entire "**KAMATHIPURA VICINITY**" shown in poor light in the film. Portrayal of this vicinity is shown as a famous **RED LIGHT** area in Mumbai. Residents have approached him with a stigma problem that The New Alia Bhatta Starrer Gangubai Kathiawadi as directed and produced by the Respondent No 1 and Respondent No. 2. They have categorically mentioned that this maligns the 200 years history and truth of kamathipura and it hurts their sentiments as they have worked extremely hard to erase the social stigma they have gone through for the betterment of future generations. \*\*\*\*\*.

4) \*\*\*\*\* Petitioner has no intention to oppose the film or cause any loss to creative film makers but such objections raised by public cannot be overlooked as the trailer of the film and title gives a tremendous negative impact on huge number of people and their families which is hurts the sentiments of masses belonging to that vicinity and community. There is havoc in the community and protest in the vicinity since the long on this issue. Constantly people are approaching him and seeking his help to save them from social stigma and loose portrayal of their vicinity and community. Letters from various trusts of the Kaithiwadi community and Kamathipura have been addressed in form of help and representation by indicating how this film hurts over thousands of families sentiments. \*\*\*\*\*"

(bold in original)

12. Based on such pleadings, the petitioner claims relief as follows: -

"a) That this Hon'ble Court be pleased to consider the present issues which are before this Hon'ble Court and be pleased to issue a writ of Mandamus and/or any other writ or order or direction in the nature of Mandamus directing Respondent No. 1 and No. 2 to immediately add disclaimer in the film in audio and video form: This work is not meaning to and does not cover/or mean to show Kathiawadi community or any women from that community or any particular community to be related as GANGUBAI KATHIAWADI nor in any event the work indicates that the entire area/vicinity of Kamathipura is that of "RED LIGHT AREA" and also a disclaimer to show the reformation of all aspect of Kamathipura.

b) The Hon'ble Court be pleased to direct the Respondents not to release the film on 25.02.2022 till the disclaimers are added in audio and video as prayed in prayer clause a.

c) That this Hon'ble Court be pleased to direct Respondents to delete the use of vicinity name Kamathipura and community name Kathiawadi from the film as that will safeguard and protect their interest.

d) That this Hon'ble Court be pleased to direct re-screening of the entire film before its final release and stay display in audio and visual form of the trailers and promo's of the film till the pending of this Petition."

13. Writ Petition (L) No. 5235 of 2022 is at the instance of a citizen of India, who claims to be resident of Kamathipura, Mumbai. Paragraph 19 of the writ petition reads as follows: -

"19. That the Petitioner states that there will be a social impact to the people residing in the area Kamathipura at Mumbai after the release of the film which are:

- a) That all the Women and girls living in the Kamathipura area will be termed as prostitutes.
- b) Because of this movie the name of the area Kamathipura shall be known/become termed in the mind of people as a red light area.

- c) The people will think the whole Kamathipura area is a Prostitution area and the local residence belong to prostitute's family.
- d) The Dignity of all the families living in the Kamathipura area shall be impacted including their mental health will be affected and image will be lowered before public at large.
- e) In School and College going girls residing in Kamathipura area will be teased and taunted.
- f) If the name of the Kamathipura area is spoiled then girls residing in the area of Kamathipura will not get married in good family."

14. Apprehending that release of the film would bring about grave harm to the womenfolk of Kamathipura and that the image of the area would be lowered in public estimation, the petitioner has prayed for the following relief: -

"A. That the Hon'ble Court may be pleased to stay the release of the film i.e. Gangubai Kathiawadi pending hearing and final disposal of this present petition.

B. That the Hon'ble Court may be pleased to issued writ of Mandamus; any other writ, order or direction in the nature of mandamus, directing the Respondent No.1 to censor and remove the name of Kamathipura of the area used in the film i.e. Gagubai Kathiawadi."

15. Ms. Dhruvi Kapadia, learned advocate, appearing in support of PIL (L) No. 5227 of 2022 and Mr. Naidu, learned advocate, appearing in support of Writ Petition (L) No. 5235 of 2022 have expressed more or less similar concerns which are captured in the above-quoted pleadings of the respective petitions.

16. According to Ms. Kapadia, the film does not carry any disclaimer regarding usage of the words "Kathiawadi" and "Kamathipura". She contends that social workers having worked for several years to uplift the people living in the area, the film ought to be released with some grace for such place.

17. Mr. Naidu urged that the name "Kamathipura" must be deleted or else it would be akin to portraying Mumbai as a city where all women have low morals. He also submitted that the change ought to be directed to be made before the film is released.

18. The petitioners through their pleadings and arguments had espoused a concern, which made us sit back and take notice. As a result, we had called upon Mr. Kadam as well as Mr. Anil Singh, learned Additional Solicitor General representing the Board as well as the Union of India to respond.

19. It is after hearing all the parties and on consideration of the statutory provisions governing the field of certification of films for public exhibition and for regulating such exhibitions together with the several authorities cited at the bar that we regret to persuade ourselves to grant any relief to the petitioners in PIL (L) No. 5227 of 2022 and Writ Petition (L) No. 5235 of 2022.

20. On behalf of the respondents, the point of delay and laches is raised for having the petitions dismissed. Certainly, the petitioners could have approached the Court immediately after the trailer of the film was released and not a few days before the release of the film. However, we do not propose to decline relief on such ground for there are other substantial

grounds which have weighed in our minds to reach the conclusions that we proceed to record hereunder.

21. In terms of provisions contained in section 8 of the Act, the Central Government has framed the Cinematograph (Certification) Rules, 1983 (hereafter "the Rules"). The Rules provide for detailed procedure for examination of films by an Examining Committee, grant/refusal of certification, revision of certification, deposit of copy of certified film, validity of certificate etc. Rule 32 of the Rules has been heavily relied on both by Mr. Kadam and by Mr. Singh. According to them, even after a film has been certified for public exhibition, a complaint could be lodged with the Board and upon such a complaint being lodged, the Board is duty bound to forward such complaint to the Central Government. Upon re-examination as provided therein, the Central Government is empowered to pass such orders as are permissible in terms of its revisional power under section 6 of the Act. According to Mr. Kadam and Mr. Singh, the petitioners did not explore the remedy provided by the Rules and, therefore, the petitions are not maintainable.

22. Mr. Kadam has placed before us the decision in **Raj Kapoor vs. Laxman**<sup>1</sup>, where the Court observed that if the Board blunders, the Act provides remedies and that a public-spirited citizen could draw the attention of the agencies under the Act to protect the public interest.

23. The trailer of the film was released on 4<sup>th</sup> February, 2022. Apart from PIL(L) No. 4336 of 2022, which was presented on 10<sup>th</sup> February, 2022, PIL (L) No. 5227 of 2022

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<sup>1</sup> (1980) 2 SCC 175

and WP(L) No. 5235 of 2022 were instituted on 21st/22<sup>nd</sup> February, 2022. It is, therefore, clear that the petitioners in PIL(L) No. 5227 of 2022 and WP(L) No. 5235 of 2022 approached this Court more than a fortnight after the trailer was released. In the meanwhile, the petitioners did not choose to look into the relevant law for the purpose of ascertaining whether the Act and the Rules provide for any remedy to them, with the result that the statutory remedy remains unexplored. Instead of approaching this Court seeking discretionary remedy, which may be refused if an efficacious alternate remedy is available but is not pursued, the petitioners ought to have pursued the remedy that Rule 32 granted to them. There is no pleading at all as to why the statutory remedy is not efficacious. The rule of exhaustion of an efficacious alternative remedy applies also in a public interest litigation as it does in respect of a litigation initiated in private interest. If any authority is required, one may usefully refer to the decision in **Jaipur Shahar Hindu Vikas Samiti vs. State of Rajasthan**<sup>2</sup>, where it has been held as follows:

“49. \*\*\* In the realm of public interest litigation, the courts while protecting the larger public interest involved, should at the same time have to look at the effective way in which the relief can be granted to the people whose rights are adversely affected or are at stake. When their interest can be protected and the controversy or the dispute can be adjudicated by a mechanism created under a particular statute, the parties should be relegated to the appropriate forum instead of entertaining the writ petition filed as public interest litigation.”

(emphasis supplied)

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<sup>2</sup> (2014) 5 SCC 530

This is the first and foremost reason for which we decline interference.

24. For the view we have taken as above, we can also draw support from the unreported decision dated 9<sup>th</sup> November, 2017 of a Division Bench of the Allahabad High Court in the case of **Kamta Prasad Singhal vs. Union of India & Ors.**<sup>3</sup> relied on by Mr. Kadam.

25. Secondly, it has been contended by Mr. Kadam and Mr. Singh, relying upon several decisions of the Supreme Court, that once the Board exercises the power of certification with or without direction(s) for modification(s) and the producers of the film, without appealing against such direction(s), accept the same, proceed with the modification as directed and, ultimately, a certificate is issued, there can be no prohibition for the film to be exhibited unless, of course, the certificate issued by the Board is challenged and the Court stays its operation. The petitioners in PIL(L) No. 5227 of 2022 and WP (L) No. 5235 of 2022 not having laid any challenge to the certificate issued by the Board, Mr. Kadam and Mr. Singh contend that it would be an exercise in excess of jurisdiction if we were to make any direction as prayed for by the petitioners. We may, at this stage, refer to the order of the Supreme Court in **Viacom 18 Media Private Limited & Ors. vs. Union of India & Ors.**<sup>4</sup> placed by Mr. Kadam. Although it was an interim order passed by the Supreme Court staying operation of the notifications and orders issued by the respondents-States prohibiting exhibition of the film

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<sup>3</sup> PIL Civil No. 26899/2017

<sup>4</sup> (2018) 1 SCC 761

“Padmaavat”, paragraph 16 thereof provides suitable guidance reading as under: -

“16. It has to be borne in mind, expression of an idea by any one through the medium of cinema which is a public medium has its own status under the Constitution and the statute. There is a Censor Board under the Act which allows grant of certificate for screening of the movies. As we scan the language of the Act and the Guidelines framed thereunder, it prohibits use and presentation of visuals or words contemptuous of racial, religious or other groups. Be that as it may. As advised at present, once the certificate has been issued, there is prima facie a presumption that the authority concerned has taken into account all the Guidelines including public order.”

(emphasis supplied)

26. The certificate granted by the Board on 30<sup>th</sup> December, 2021, we are inclined to hold, carries with it a presumption that it owes its existence to adherence to the rigorous procedure prescribed by the Rules read with the Guidelines for Certification of Films for Public Exhibition (hereafter “the Guidelines”) issued in exercise of power conferred upon the Central Government by section 5-B(2) of the Act. Though a presumption is indeed rebuttable, there is no iota of material in PIL(L) No. 5227 of 2022 and WP (L) No. 5235 of 2022 that certification of the film was granted by the Board without adhering to the Rules/Guidelines. Pertinently, we have not found any reference in the pleadings that any provision of the Act, the Rules and/or the Guidelines have been observed in the breach in granting certification for public exhibition of the film. The petitioners in PIL(L) No. 5227 of 2022 and WP (L) No. 5235 of 2022 have also not alleged any violation of their rights, either Fundamental, other Constitutional or statutory right. This being the position of the pleadings, grant of relief is a far cry.

27. Even though the Court may form a view one way or the other with regard to depiction of any particular area in a particular way, or if any material is present or shown in a film which seeks to denigrate a particular community, it would be impermissible for the Court to interfere in the absence of any challenge to the certification of the film for public exhibition granted by the Board. We are inclined to take a view, on the authority cited, that once a certificate is issued by the Board upon securing compliance of its directions for modifications either in the form of excision/deletion/substitution etc., as in the present case, there cannot be any kind of obstruction for exhibition of a film which is certified. Public exhibition can only be restrained by the Central Government if an approach is made under Rule 32 of the Rules read with section 6 of the Act or upon a challenge being mounted to the certificate before a Court exercising jurisdiction under Article 226 of the Constitution and obtaining a stay of the certificate. Once the film is granted certificate by the competent statutory authority, i.e., the Board, the producer or distributor of the film has every right to exhibit the film in a hall unless, of course, the said certificate is modified/nullified by a superior authority/Court. Any move of any body, group, association or individual to assume the position of the certificate granting authority has to be discouraged and nipped in the bud.

28. We, therefore, are of the clear opinion that the objections to the maintainability of the petitions are well founded.

29. Notwithstanding our findings as above, we have looked into the merits of the challenge raised by the petitioners in

PIL(L) No. 5227 of 2022 and WP(L) No. 5235 of 2022. The objection is two-fold: (i) the title of the film qua "Kathiawadi"; and (ii) depiction of "Kamathipura" as a red light area. Materials have been placed before us by Mr. Kadam which we need to briefly refer hereunder.

30. Mr. Kadam has submitted that the film is based on the chapter "The Matriarch of Kamathipura" from the book "Mafia Queens of Mumbai" written by S. Hussain Zaidi and Jane Borges. Due to paucity of time, the entire chapter could not be perused by us. However, a cursory glance reveals this. At page 66 of the book, we find that Ganga Harjeevandas Kathiawadi was brought up in the village of Kathiawad in Gujarat. At page 71, we find narration of events/incidents at a point of time when Ganga became Gangu while deciding to do away with everything from her past. At page 72, we find that Gangu became one of the most sought-after and well-paid commercial sex worker in Kamathipura. In her later life, Gangu came to be known as Gangubai, the Matriarch of Kamathipura. A portion of the book, page 79, has been relied on by the petitioner in PIL(L) No. 5227 of 2022 and we quote the same below: -

"Gangu was now called Gangubai Kathewali, a distorted version of the word kothewali, which also means 'performing sex workers'. Gangubai chose to call herself Kathewali, a last remaining association with her family name, Kathiawadi."

31. If indeed the film is based on the book referred to above and Gangubai Kathiawadi discarded using the surname Kathiawadi and used Kathewali instead, it may have been advisable if the title of the film was sans Kathiawadi; however,

once again, it is not the function of the Court to make any direction of the nature sought for by the petitioner in PIL (L) No. 5227 of 2022 in the absence of a challenge to the certificate granted by the Board.

32. Mr. Kadam has also placed material downloaded from the net that Kamathipura, once upon a time, was synonymous with the phrase 'red light district' originally named after the Kamathi workers from Andhra who came to the city of Mumbai from 1795 and settled in the flat areas which were rendered liveable by the construction of the Hornby Vellard.

33. Paragraph 3 of the Guidelines needs to be referred to in this context. It reads as follows: -

"3. The Board of Film Certification shall also ensure that the film-

(i) is judged in its entirety from the point of view of its overall impacts; and

(ii) is examined in the light of the period depicted in the film and the contemporary standards of the country and the people to which the film relates, provided that the film does not deprave the morality of the audience."

34. We have to presume that the Board prior to granting certification ensured that the film has been judged and examined in the light of the contents of clauses (i) and (ii) of paragraph 3 of the Guidelines. An audience gathering to view the film has to see the events bearing in mind the period to which such events relate. If "Kamathipura" was a red-light district at any point of time prior to the nation gaining independence or immediately thereafter, and is so referred to in the film, that would not automatically lead to the conclusion that the area remains to be so even after several decades of independence. The developments that have taken place over

the years in the area cannot be ignored and an opinion of the nature be formed, which the petitioners apprehend, so as to warrant interference and for making directions in the manner as prayed by the two petitioners.

35. What remains to be dealt with is the contention of Ms. Kapadia that there is no disclaimer. Mr. Kadam has placed before us and we wish to refer to the disclaimer that the Board has required the producer of the film to exhibit on screen. Such disclaimer reads as follows: -

**"GANGUBAI DISCLAIMER**

The Film is based on the chapter "The Matriarch of Kamathipura" from the book "Mafia Queens of Mumbai" written by S. Hussain Zaidi and Jane Borges. The Film does not intend to be a biography of any character depicted therein, therefore the Film should not be construed to represent true and accurate depiction of the actual life events that transpired in the life of "Gangubai" or any other character(s) in the Film and any resemblance to reality is purely coincidental and unintentional. Some of the incidents, characters, events, etc. contained in the Film have been changed and altered for the dramatic/cinematic appeal and effect.

Any mention of community, language, or religion in the Film, is not intended to inflict contempt at any point. The Film shall be purely viewed for purpose of entertainment and is not designed to hurt or disdain any individual(s), family, religion, community(ies), institution(s) or any organization.

The Filmmaker, the producers, do not intend in any manner to belittle, disrespect, impair or disparage the beliefs, feelings, sentiments and susceptibilities of any character in the Film or any person(s), community(ies), society(ies)."

This takes care of Ms. Kapadia's grievance.

36. We also find from the certificate that the duration of the disclaimer has been directed to be extended by an additional five seconds. Mr. Kadam has informed that the disclaimer

would be visible on screen for ten seconds. We took not less than 20 seconds to read the disclaimer in print. It would have been advisable for the Board to direct the disclaimer to be projected on screen for a longer duration but, once again, no direction in this behalf can be given by this Court having regard to what is said by the Supreme Court in paragraph 18 of its decision in **Adarsh Cooperative Housing Society Limited vs. Union of India & Ors.**<sup>5</sup> According to such decision, the Court should not add any disclaimer for the asking since addition of a disclaimer is a difference concept altogether which is within the domain of the authority to grant certificate.

37. We have considered the decisions of the High Court of Delhi at New Delhi in **Maulana Mahmood Asad Madani vs. Union of India & Ors.**<sup>6</sup> decided on 24<sup>th</sup> January, 2013 and **Crossword Entertainment Private Limited vs. Central Board of Film Certification & Ors.**<sup>7</sup> decided on 11<sup>th</sup> December, 2017 cited by Ms. Kapadia. Since the dispute before the Court arose out of completely different circumstances, the law laid down therein is not found to be applicable here.

38. For the reasons aforesaid, Public Interest Litigation (L) No. 5227 of 2022 and Writ Petition (L) No. 5235 of 2022 stand **dismissed**. No costs.

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<sup>5</sup> (2018) 17 SCC 516

<sup>6</sup> W.P. (C) 7554/2012

<sup>7</sup> W.P. (C) 11992/2016

39. We have been informed that certain civil proceedings are pending in regard to the book "Mafia Queens of Mumbai". Observations made and findings given in this order are only for the purpose of disposal of PIL(L) No. 5227 of 2022 and Writ Petition (L) No. 5235 of 2022; hence, such observations/findings shall not influence the Court which is seized of such civil proceedings.

**(M. S. KARNIK, J.)**

**(CHIEF JUSTICE)**