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

PUBLIC INTEREST LITIGATION (L) No. 124 OF 2015

Raj Kaluram Rathod

...Petitioner

Vs.

Salman Salim Khan & Ors.

...Respondents

Mr.Ram Mani Upadhyay for Petitioner

Mr. Chirag Mody a/w. Mr. Nirav Shah a/w. Munaf Virjee a/w. Mausher Kohli i/b. DSK Legal for Respondent No.1

Mr.Virag Tulzapurkar, Senior Counsel a/w. Mr. Sanjay Kadam a/w. Ms. Apeksha Sharma a/w. Sanjeel Kadam i/b. Kadam & Co. for Respondent No.3

Mr.D.A.M. Sethna a/w. D. P.Singh a/w. Ms.Ruju Thakar for Respondent Nos.4 and 5

CORAM: V. M. KANADE &

Dr. SHALINI PHANSALKAR-JOSHI, JJ.

DATE : OCTOBER 9, 2015

P.C. :

1. Heard the learned counsel appearing on behalf of the Petitioner.
2. By this petition, which is filed in the form of PIL under Article 226 of the Constitution of India, the Petitioner is seeking the following reliefs:

(a) This Honorable Court is prayed to issue necessary directions to the Respondent No.5 to take more powerful and creative steps to keep alive the true spirit of the provisions of The Cinematograph Act and to frame a transparent policy for appointment of honest officers as CEO and members of Censor board.

(b) This Honorable Court is prayed to issue directions to the Respondent No.4 to take utmost care & effective steps during special screening of any film/video/documentary before issuance of censor certificate; regarding scenes of hurting religious sentiments of any religion/cast and sect as per section 5(B) (2) of the Cinematograph Act, and accordingly fix responsibilities to the officers of Respondent No.4 if censor certificate is granted to any such film/video/documentary where such intentional offensive acts are shown and exhibited.

(c) This Honorable Court is prayed to hold that the scene; dancing Respondent No.1 wearing shoes on the sacred platform of deity Hanuman and hitting GULAL by legs in the song of Hindi Feature Film, "BAJRANGI BHAIIJAAN" is an intentional act at the hands of the Respondent No.1 & 2, hurting religious emotions of Hindus and the said scene is required to be deleted and removed from the said feature film.

(d) Pending hearing and final disposal of this petition, exhibit of the said film namely "BAJRANGI BHAIIJAAN" on any media platform; without removal/deletion of above stated offensive scenes in any manner be stayed.

(e) Pending hearing and final disposal of this Petition, the screening, telecasting and exhibition of the said Feature Film namely "BAJRANGI BHAJJAAN" without removal/deletion of above stated offensive scenes; by the Respondent No.3; on its satellite channel on dated 11.10.2015 be stayed.

(f) Interim and ad interim reliefs in terms of prayer clause (d) & (e).

(g) Any other relief in the nature of the present case".

3. It is alleged by the Petitioner that in the feature film 'Bajrangi Bhaijaan' which is going to be broadcasted on television on Sunday i.e. on 11th October, 2015., it is shown that the hero of the film dances in front of big Idol of Deity Hanuman, wearing shoes. It is submitted that this scene hurts the religious sentiments of Hindus.

1. It is an admitted position that the film has been released quite some time ago in theaters all over the world after certificate was granted by the Central Board of Film Certification. The Central Board of Film Certification, which is a competent authority under the Cinematograph Act has not taken any steps and has issued a certificate for distribution and exhibition of the said film.

2. In our view, there is an alternate remedy also viz. filing of appeal or revision. According to the Petitioner though he has approached the

Revisional Authority, no decision has been taken. We are of the view that since the film has been released and certificate has been issued by the Central Board of Film Certification, we do not see any reason to interfere with the decision taken by the said Authority.

3. In our view, there is no substance in the submissions made by the Petitioner and also in the other allegations which are made by the Petitioner in the PIL filed by him. Hence, we are not inclined to entertain this PIL. PIL is dismissed.

[Dr. SHALINI PHANSALKAR-JOSHI, J.]

[V. M. KANADE, J.]

Vaishali Tikam

Bombay

CERTIFICATE

Certified to be true and correct copy of the original signed Order.

Bombay High Court