

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s).313/2018

HARINDER SINGH SIKKA

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

Date : 10-04-2018 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE A.M. KHANWILKAR  
HON'BLE DR. JUSTICE D.Y. CHANDRACHUDFor Petitioner(s) Mr. R.S. Suri, Sr. Adv.  
Mr. Rohit K. Aggarwal, Adv.  
Mr. Varun Khanna, Adv.  
Ms. Tulika Singh, Adv.  
Mr. Abhishek Singh, Adv. [AOR]

For Respondent(s) --

UPON hearing the counsel the Court made the following  
O R D E R

The instant writ petition presents yet another picture of many a private body endeavouring to curtail the freedom of expression of the idea of an author scripted in celluloid language because they have a perception that there will be some kind of law and order situation if the film in question, namely, *Nanak Shah Fakir* is released in movie halls.

It is submitted by Mr. Suri, learned senior counsel appearing for the petitioner – the producer of the film – that when the Central Board of Film Certification (CBFC) has

issued the Certificate under the Cinematograph Act, 1952 with certain modifications to be done by the producer. The Examining Committee, after due examination, has cleared the film and the CBFC has finally certified that the film is fit for unrestricted public exhibition. Hence, there cannot be any kind of impediment in such exhibition. He has drawn our attention to Annexure P-2 – the certificate in question dated 30.03.2015 – and also the certificate dated 30.03.2015 as endorsed on 28.03.2018, Annexure P-10 which is the final certificate granted by the CBFC.

It is well settled that the CBFC sometimes grants certificates subject to certain excisions and modifications. Once the same are carried out, there cannot be any kind of obstruction for exhibition of a film. That having been done, we do not see how any body, group, association or individual can create any kind of disturbance in exhibition of the film. It is becoming a law unto themselves and not respecting the law that governs the land. Once the film is granted certificate by the competent statutory Board unless the said certificate is nullified or modified by any superior authority, the producer or distributor of the film has every right to get it exhibited in a movie hall. If such activities are encouraged, the same has the potentiality to bring in anarchy and cripple the right of freedom of speech and expression. In any case, such bodies, groups or individuals cannot assume the position as if they are the authorities to grant certificate or unless they feel that the movie is to be released, it should not see the light of the day. The thought, the least said, is unacceptable.

Issue notice.

As an interim measure, it is directed that all the respondents shall see to it that wherever the film is released, the law and order is maintained and no one shall be allowed to create any kind of disturbance. It is the duty of the State to facilitate the enjoyment of right which has the sanction of law.

The petitioner is at liberty to communicate this order by e-mail to all the respondents and authorities concerned so that needful can be done.

Let the matter be listed on 08<sup>th</sup> May 2018.

(Subhash Chander)  
AR-cum-PS

(H.S. Parasher)  
Assistant Registrar