

ITEM NO.21

COURT NO.11

SECTION X

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). 306/2019

INDIBILY CREATIVE PVT. LTD. & ORS.

Petitioner(s)

VERSUS

GOVT. OF WEST BENGAL & ORS.

Respondent(s)

(FOR ADMISSION and IA No.41333/2019-GRANT OF INTERIM RELIEF and IA No.41336/2019-EXEMPTION FROM FILING O.T.)

Date : 15-03-2019 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

HON'BLE MR. JUSTICE HEMANT GUPTA

For Petitioner(s) Mr. Sanjay Parikh, Adv.
Ms. Rukhsana Choudhury, AOR
Ms. Sanjana Srikumar, Adv.
Mr. Narayan Krishan, Adv.
Mr. Gaurav Jain, Adv.

For Respondent(s)

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

This petition under Article 32 of the Constitution of India has been instituted for seeking a direction to the Government of West Bengal and its departments including the Department of Home and the Police Commissioner to refrain from causing any obstruction to the unhindered exhibition of the film 'Bhobishyoter Bhoot'.

The film has been certified for public viewing by the Central Board of Film Certification ("CBFC") on 19 November 2018 and has a U/A certification.

The record indicates that on 11 February 2019, a communication was addressed to the producer, the second petitioner, to the following effect:

"This is to bring to your notice that inputs have been received at this end to the effect that a film produced by you titled "Bhobishyoter Bhoot" is slated to be released this Friday that is 15/02/2019 in different City Theatres.

This office is in the receipt of further inputs that the contents of the film may hurt public sentiments which may lead to political law and order issues.

In view of the above you are requested for a private screening of the movie for a few senior officials at this end at the earliest preferably by tomorrow evening i.e. 12/02/2019 at a mutually convenient place.

The producer responded to the above communication on 12 February 2019 specifically pointing out that the film had received certification from the CBFC and in terms of the decisions of this Court, no other authority including the Police is entitled to obstruct the release of the film.

Notwithstanding this, the petition indicates that the film has been taken off a majority of theaters and out of 48 exhibitors, only two are presently displaying the film.

One of the exhibitors has informed the second petitioner by a communication dated 4 March 2019 (received on 13 March 2019) that they had been directed by the authorities to discontinue the screening of the film.

Repeatedly, in decisions of this court, it has been held that once a film has been duly certified by CBFC, it is not open to any authority either of the State Government or otherwise to issue formal or informal directions preventing the producer from having the film screened. Such actions of the State directly impinge upon the fundamental right to the freedom of speech and expression

guaranteed under Article 19(1)(a) of the Constitution of India.

Accordingly, we issue notice, returnable on 25 March 2019.

Liberty to implead the Director General of Police, West Bengal.

Liberty is granted to serve the Standing Counsel for the State of West Bengal as well as to effect dasti service on the Chief Secretary, Government of West Bengal, Principal Secretary, Department of Home, Government of West Bengal and the Director General of Police.

We specifically direct the Chief Secretary and the Principal Secretary, Department of Home, Government of West Bengal to ensure that no obstruction or restraint of any kind whatsoever is imposed on the viewing of the film or on the film being screened in theaters.

We direct the Chief Secretary, the Principal Secretary, Department of Home and the Director General of Police, State of West Bengal to ensure that adequate arrangements for security are made to facilitate the screening of the film and to ensure that the viewers and the audience are not endangered and there is no danger to the property of the theaters where the film is being or will be screened.

The Registrar (Judicial) is directed to communicate a copy of this order today to the respondents in the above terms.

List on 25 March 2019.

(MANISH SETHI)
COURT MASTER (SH)

(SAROJ KUMARI GAUR)
BRANCH OFFICER