



2025:DHC:7975



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of Decision: 10th September, 2025*

+ RFA-IPD 1/2023

SHYAM BHARTEY

.....Petitioner

Through: Appellant in person

versus

CENTRAL BOARD OF FILM CERTIFICATION REGIONAL
OFFICER DELHI & ANR.RespondentsThrough: Mr. Ripudaman Bhardwaj, CGSC with
Mr. Amit Kumar Rana, Adv. for JD-1
and JD-2

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CORAM:**HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA****J U D G M E N T****MANMEET PRITAM SINGH ARORA, J:**

1. The present appeal was earlier filed as a writ petition under Article 226 of the Constitution of India seeking to raise a challenge to the refusal of grant of certification of the Central Board of Film Certification ('CBFC') for public exhibition of the Appellant's film i.e., '**Masoom Kaatil**' (Hindi).
2. This Court *vide* order dated 02.12.2022 observed that under Section 5C of the Cinematograph Act, 1952 ('Act of 1952'), an appeal would lie challenging an order refusing to grant a film certificate. It was observed that earlier the said appeal used to lie before the Film Certification Appellate Tribunal (FCAT) constituted under Section 5D of the Act of 1952. The Court



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further observed that upon enactment of the Tribunal Reforms Act, 2021 the FCAT has since been abolished, the appeal would lie to the High Court.

2.1. The Court referred to the Office Order issued by Hon'ble the Chief Justice of this Court dated 07.07.2021 whereby any appeal under Section 5C of the Act of 1952, until the framing of the Rules in that regard was to be registered as 'RFA-IPD'.

2.2. In the light of the said observation the original writ petition filed was directed to be renumbered as 'RFA-IPD 01/2023'.

Appellant's Case

3. The Appellant herein is the proprietor of M/s Sanvika Production (New Delhi) and has produced and directed a total of three (3) Hindi Films. The subject matter of the present appeal is the third Film produced and directed by the Appellant i.e., '**Masoom Kaatil**' ('subject matter film').

3.1. The Appellant applied to the CBFC for certification of the subject matter film on 09.08.2022, the said application is annexed with the appeal as 'Annexure 1'. It is stated that the Appellant also paid the requisite fee of Rs. 23,800/- along with the said application.

3.2. The subject matter film was examined by the Examining Committee at Delhi and the Chairperson on his own accord referred the film for further examination to the Revising Committee under Rule 24(1) of the Cinematograph (Certification) Rules, 1983 ('Rules of 1983'). The said information was given to the Appellant *vide* letter dated 24.08.2022 addressed by the Regional Officer, CBFC Delhi.

3.3. It is stated that before issuing the said letter to the Appellant the concerned person from the CBFC, Delhi on 18.08.2022 had a conversation with the Appellant, wherein the Appellant was verbally advised that the



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subject matter film is not worth giving the film certificate for reasons recorded in the examination report of the Examining Committee and therefore, the film is being sent to the Revising Committee at Mumbai for further examination. It is stated that the Appellant herein infact requested the concerned person at CBFC, Delhi to suggest some cuts in the film and give a certificate under 'A' category instead of 'U/A' category, but the said request of the Appellant was not acceded to.

3.4. It is stated that the re-screening of the Appellant's film was done by the Revising Committee on 08.09.2022 at Mumbai. It is stated that the said Revising Committee refused to give certificate to the Film of the Appellant *vide* impugned order dated 19.09.2022 and enlisted the reasons for not granting certificate to the subject matter film. The said reasons were to the effect that the (i) film justifies vigilantism; (ii) film is communal in its portrayal; (iii) film is full of gruesome violence, killings, human cannibalism, expletives; (iv) film shows extreme violence on animals, communal and cast remarks; (v) film denigrates religions which is likely to incite commission of violence; and (vi) film depicts school teenagers involved in violence and anti-social activities. As per the said letter the refusal of the certification was in light of the 1991 guidelines i.e., Rules 1(a), 2(i), (iii- a, c), (iv), (vii), (xiii) and 3(i).¹

3.5. It is stated that the reasons given by the Respondents in the above-mentioned letter dated 19.09.2022 is unfounded and due to misconception. It is stated that the Revising Committee at Mumbai did not perform its duty diligently and honestly and infact one of the members of the Revising

¹ Rule Guidelines For Certification of Films For Public Exhibition of 1991 ('1991 guidelines').



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Committee was playing video game at the time of the said re-screening of the subject matter film. It is stated that the Appellant was even charged fees twice, which is not a mandate under any law or rule.

Respondents' Case

4. In reply to the appeal the Respondent Nos. 1 and 2 have filed an affidavit dated 23.12.2022. As per the said affidavit the case of the Respondents is captured below.

4.1. It is stated that for 'sanctioning of cinematography films for exhibition', the Parliament has enacted the Act of 1952. It is stated that it is the said Act of 1952 which governs the functioning of the CBFC.

4.2. It is stated that as per Section 4 of the Act of 1952, any person desiring to exhibit any film shall make an application in the set manner to the CBFC for a certificate in respect thereof. It is stated that the CBFC after examining the film shall certify the film under 'U', 'U/A' and 'A' category or shall reject the grant of certification.

4.3. It is stated that the said certification is done in accordance with the guidelines for certification issued by Central Government under Section 5B of the Act of 1952. It is stated that the objectives of film certification under Section 5B of the Act of 1952 are to ensure that films remain sensitive to societal values, do not unduly restrict artistic freedom, respond to social changes, provide clean and healthy entertainment, and maintain aesthetic and cinematic standards. It is stated that in line with these objectives, the CBFC assesses a film in its entirety, considering its overall impact, and contemporary national standards, while ensuring that the film does not corrupt public morality.



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4.4. It is stated that the subject matter film was examined by a five-member Examining Committee constituted under the Rule 22 of the Rules of 1983 on the application filed by the Appellant in that regard. It is stated that the Examining Committee did not find the subject matter film worth certification for reasons recorded in examination report.

4.5. It is stated that the subject matter film was thereafter, referred by the Chairperson on its own accord to the eight (8) members Revising Committee. The Revising Committee unanimously decided that the subject matter film cannot be certified for public exhibition. It is stated that after the screening of the subject matter film the Appellant was heard by the Revising Committee following the principle of natural justice before rendering its decision and the same is recorded in the declaration signed by the Appellant.

4.6. It is stated that after examining the subject matter film at two (2) occasions, the Respondents were of the view that the film is justifying vigilantism, it is communal in its portrayal and full of gruesome violence, human cannibalism and hence the Respondents found it to be unfit for public exhibition and therefore, certification was refused by the Respondents.

4.7. It is stated that the story line of the film is so raw that it tries to criminalize meat selling and consuming, not just that, in the film the protagonists embark on a mission to annihilate all those persons who are part of the meat-selling or meat-eating community. It is stated that the vigilante kind of violence is unleashed on butcher community and brutalization of those people have been shown in great detail. It is stated that in the film individuals have been shown forced to eat human excreta, not only excreta but the flesh of fellow humans. It is stated that human cannibalism has been shown in the film and such kind of film have never been certified.



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4.8. It is stated that financial position of a producer has never been a criterion for certification of a film, the same is refuted by Appellant himself in this appeal wherein he mentions that two (2) of his earlier films have been certified by CBFC Delhi itself.

4.9. It is stated that content of YouTube is not meant for public exhibition and same is personalized viewing experience. It is stated that comparing medium of YouTube with a cinematograph film is not appropriate as the latter is meant for public exhibition. [This is in response to the averment at paragraph 7 of the appeal.]

4.10. It is stated that certification fee is decided by the competent authority keeping in view the requirement of logistics and fee of panel members for the examination of the film. It is stated that power of deciding the fee does not fall under the domain of CBFC and therefore, the allegations of the Appellant against the CBFC members is baseless and unfounded.

4.11. It is stated that any film meant for public exhibition is required to undergo the test of provisions of the rules and guidelines.

Analysis and Findings

5. The Appellant appeared in person and requested that the matter be decided as per the record. The learned counsel for the Respondents relied upon the impugned order 19.09.2022 and their affidavit dated 23.12.2022.

6. In the facts of this case, the film has been reviewed first by the Examining Committee consisting of five (5) members on 18.08.2022 and the said members were unanimously of the opinion that the film is unfit for public



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exhibition for the reasons set out in their report² as well as in the paragraph ‘6’ of the reply dated 23.12.2022 which reads as under:

“6....The film was found to be justifying vigilantism, communal in its portrayal and foil of gruesome violence, human cannibalism and hence the committee found it to be unfit for public exhibition for the following reasons:-

- (1) Extreme Violence on animals.
- (2) Justifying violence, killing, vigilantism on religious basis, it demeans, denigrates religions and is likely to incite commission of further violence, intends to break social norms. Communal remarks, cast-remarks and expletives.
- (3) Pleasure-seeking from killings
- (4) Human cannibalism has been shown multiple times.
- (5) Devout religious actor has been shown killing just after the devotion offered to God which demeans and denigrates religion.
- (6) Extreme blood spilling throughout the film with screaming sound, killing piercing human body, butchering of human body has been shown throughout the film.
- (7) Expletives throughout the film.”

7. The Chairperson at CBFC, Delhi on its own accord as per Rule 24 (1) of Rules of 1983 *vide* notice dated 24.08.2022 referred the subject matter film to the Revising Committee at Mumbai. The Revising Committee comprising of eight (8) members viewed the subject matter film on 08.09.2022. The Revising Committee as well found that the subject matter film cannot be certified for public exhibition and issued the impugned order dated 19.09.2022 which reads as under:

“
....
To
MR. SHYAM BHARTEY
R-BLOCK, HOUSE NO. 21
MOHAN GARDEN
UTTAM NAGAR
NEW DELH1110059

² At pages 11 to 14 of the short affidavit dated 23.12.2022.



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DELHI

Sir/s,

With reference to your application to the Central Board of Film Certification dated 09/08/2022 for certification under the Cinematograph Act, 1952 to exhibit the film titled “MASOOM KAATIL” (HINDI), I am directed by the Board to inform you that the film has been viewed by the Revising Committee and the Board has come to the conclusion that a certificate cannot be issued for its exhibition for the reasons stated in the Annexure.

The above decision has been taken after

a. Considering the submissions made by you representative before the Committee during the personal hearing, the opportunity for which was given to you.

Yours faithfully,
MAHESH KUMAR
Regional Officer

Reasons for grant of “Refusal” of Certificate to the film are given below:

The film justifies vigilantism, is communal in its portrayal, full of gruesome violence, killings, human cannibalism, expletives, extreme violence on animals, communal and cast remarks, denigrates religions which is likely to incite commission of further violence and intends to break social norms. The narrative also has depiction of school teenagers involved in violence and anti-social activities. Hence, film is not fit for any certificate. Therefore, recommended for Refusal of certification in light of the guidelines 1(a), 2(i), (iii- a, c), (iv), (vii), (xiii) and 3(i).

MAHESH KUMAR
Regional Officer”

8. In order to appreciate the controversy, gist and theme of the subject matter film as set out in the application³ filed by the Appellant himself before CBFC, Delhi for certification of the subject matter film and in this appeal is taken note of.

³Annexed as Annexure 1 to CM APPL 44880/2022.



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8.1. The underlying narration of the subject matter film follows the life of Anirudh; a compassionate boy raised in a deeply religious vegetarian family that has never consumed meat or eggs. From an early age, Anirudh is moved to tears by even minor cruelty towards animals, going so far as to push heavily-loaded carts to ease the burden on the animals pulling them. The death of Anirudh's beloved grandfather and his subsequent exposure to the 'Garuda Purana' profoundly impact him, making him believe that slaughtered animals could be reincarnations of his loved ones. Passing butcher shops on his way to school, Anirudh is haunted by the cries of animals, and he develops a strong resolve to end such cruelty. By the time Anirudh reaches Class 12, his anger and helplessness crystallize into action.

8.2. Anirudh using his science knowledge secretly develops a chemical capable of sedating or killing. He covertly uses it to eliminate numerous butchers, targeting those responsible for animal slaughter.

8.3. Anirudh then meets Vedika, a like-minded classmate whose hatred for butchers surpasses his own.

8.4. Vedika persuades Anirudh that such offenders deserve the same pain they inflict on animals. Together, they plan and execute killings in increasingly calculated ways, with Vedika devising methods to dispose of the bodies so that they cannot be traced. The narrative ultimately portrays Vedika as the central force, driven by a mission to eradicate butchers and poultry farm owners across the country.

8.5. It is contended in the appeal that while the plot includes only a limited number of butcher characters shown on screen, the larger impact of the film is conveyed through dialogues and news reports. The story is fictional and intended to be an emotional and thought-provoking film on animal cruelty,



aiming to spark social reflection on meat consumption and the treatment of animals.

9. The Supreme Court and various High Courts have time and again stressed onto the importance of cinema and underlying Freedom of Speech and Expression of stakeholders of the cinema. Various guiding principles have been laid down and recognized by the Courts which needs to be looked into before adverting to controversy involved in the facts of the present case.

9.1. The Supreme Court in **S. Rangarajan v. P Jagjivan Ram**⁴ has recognized the impact of cinematographic films on the audience and its impact in shaping public opinions. In this judgment, the Supreme Court has observed that censorship by prior restraint is not only desirable but also necessary. The relevant paragraph 10 reads as under:

“10. Movie doubtless enjoys the guarantee under Article 19(1)(a) but there is one significant difference between the movie and other modes of communication. **The movie cannot function in a free marketplace like the newspaper, magazine or advertisement. Movie motivates thought and action and assures a high degree of attention and retention. It makes its impact simultaneously arousing the visual and aural senses.** The focusing of an intense light on a screen with the dramatizing of facts and opinion makes the ideas more effective. The combination of act and speech, sight and sound in semi-darkness of the theatre with elimination of all distracting ideas will have an impact in the minds of spectators. **In some cases, it will have a complete and immediate influence on, and appeal for everyone who sees it.** In view of the scientific improvements in photography and production the present movie is a powerful means of communication. It is said: “as an instrument of education it has unusual power to impart information, to influence specific attitudes towards objects of social value, to affect emotions either in gross or in microscopic proportions, to affect health in a minor degree through sleep disturbance, and to affect profoundly the patterns of conduct of children.” (See Reader in Public Opinion and Communication, Second Edition by Bernard Berelson and Morris

⁴ (1989) 2 SCC 574.



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Janowitz, p. 390.) The authors of this book have demonstrated (at pp. 391 to 401) by scientific tests the potential of the motion pictures in formation of opinion by spectators and also on their attitudes. These tests have also shown that the effect of motion pictures is cumulative. It is proved that even though one movie relating to a social issue may not significantly affect the attitude of an individual or group, continual exposure to films of a similar character will produce a change. **It can, therefore, be said that the movie has unique capacity to disturb and arouse feelings. It has as much potential for evil as it has for good. It has an equal potential to instill or cultivate violent or good behaviour.** With these qualities and since it caters for mass audience who are generally not selective about what they watch, the movie cannot be equated with other modes of communication. **It cannot be allowed to function in a free marketplace just as does the newspapers or magazines. Censorship by prior restraint is, therefore, not only desirable but also necessary.**

(Emphasis supplied)

9.2. So also, in another judgment **Raj Kapoor v. Laxman**⁵ the Supreme Court observed the critical role of certification of films under the Act of 1952 so as to prevent any anti-social impact on the public. The relevant extract of the paragraph no. 7 reads as under:

“7. Indeed, the Penal Code is general, the Cinematograph Act is special. The scheme of the latter is deliberately drawn up to meet the explosively expanding cinema menace if it were not strictly policed. **No doubt, the cinema is a great instrument for public good if geared to social ends and can be a public curse if directed to anti-social objectives.** The freedom of expression, the right to be equally treated and the guarantee of fair hearing before heavy investments in films are destroyed belong to Indian citizens under the Constitution. **But all freedom is promise, not a menace and, therefore, is subject to socially necessary restraints permitted by the Constitution.**

.....

Maybe, art cannot be imprisoned by the bureaucrat and aesthetics can be robbed of the glory and grace and free expression of the human spirit if governmental palate is to prescribe the permit for exhibition of artistic production in any department, more so in cinema pictures. So it is that a special legislation viz. the Act of 1952, sets-up a Board of Censors of

⁵ (1980) 2 SCC 175.



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high calibre and expertise, provides hearings, appeals and ultimate judicial review, pre-censorship and conditional exhibitions and wealth of other policing strategies.”

(Emphasis supplied)

10. The Examining Committee and the Revising Committee have given detailed reasons for refusing to grant a certificate of public exhibition to the subject matter film. The reasons cited by the said committees in the respective orders fall within the touchstone of the 1991 guidelines. The relevant Rules of the said guideline invoked in the impugned orders are as follows:

“1. (a) The objectives of film certification will be to ensure that the medium of film remains **responsible and sensitive to the values and standards of society**;

2. In pursuance of the above objectives, the Board of Film Certification shall ensure that

(i) anti-social activities such as **violence are not glorified or justified**;

....

(iii) **scenes**

(a) **showing involvement of children in violence as victims or as perpetrators** or as forced witnesses to violence, or showing children as being subjected to any form of child abuse;

.....

(c) **showing cruelty to or abuse of, animals are not presented needlessly**.

(iv) **pointless or avoidable scenes of violence, cruelty** and horror, scenes of violence primarily intended to provide entertainment and such scenes as may have the effect of desensitising or dehumanising people are not shown;

.....

(vii) human sensibilities are not offended by vulgarity, obscenity or depravity;

....

(xiii) visuals or words which promote **communal**, obscurantist, anti-scientific and anti-national attitudes are not presented;

.....

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**



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impacts; and

.....

5. (1) While certifying films for unrestricted public exhibition, the Board shall ensure that the film is suitable for family viewing, that is to say, the film should be such that all the members of the family including children can view it together.

(2) If the Board, having regard to the nature, content and theme of the film, is of the opinion that it is necessary to caution the parents/ guardian to consider as to whether any child below the age of twelve years may be allowed to see such a film, the film shall be certified for unrestricted public exhibition with an endorsement to that effect.

(3) If the Board, having regard to the nature, content and theme of the film, is of the opinion that the exhibition of the film should be restricted to members of any profession or any class of persons, the film shall be certified for public exhibition restricted to the specialized audiences to be specified by the Board in this behalf.”

(Emphasis supplied)

11. Considering the facts of this case in the backdrop of afore-discussed principle of law and guidelines, this Court is of the opinion that findings rendered by the Examining Committee and the Revising Committee for non-grant of film certification to the subject matter film is sustainable in the eyes of law and does not warrant interference.

12. Reverting back to the facts of this case, the Appellant has been unable to persuade this Court that the reasons forming basis of the opinion expressed by the Examining Committee in its examination report and the reasons cited by the Revising Committee in its order dated 19.09.2022 are unreasonable or contrary to the contents of the film.

The Appellant has in fact, not challenged the factual findings of the respective committees at all and has in fact, only contended that the subject matter film may be certified with an ‘A’ certificate and suitable cuts be suggested.



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However, a perusal of the contents of the report of the Examining Committee and the impugned order of the Revising Committee shows that the content of the subject matter film is excessively/unnecessarily violent, gruesome in its portrayal without any redeeming factors and therefore, not fit for public exhibition. The exhibition of unchecked gore content as shown in the subject matter film is far from promoting social values and would instead brutalize minds and normalize lawlessness.

12.1. It is admitted on record that the protagonists take the law into their hands without impunity. If a film makes it seem that taking the law into your own hands is something to be admired and celebrated, it can damage people's trust in the legal system and suggest that using violence instead of following the law is acceptable. When such dangerous ideas are combined with graphic scenes of killing and cannibalism, the subject matter film could seriously upset public peace and encourage others to act violently, putting the safety of society at risk.

12.2. The subject matter film apparently contains not just violent content qua humans and animals but also insulting references to communities, derogatory remarks about religions, and caste-based/communal statements. Such depictions fall within the express prohibitions of Rules 2 (i), (iii), (iv), (vii) and (xiii) of the 1991 guidelines, which prohibits any film likely to promote communal disharmony or offend religious sentiments. In a diverse, secular society, certification cannot be granted to a film that ridicules religions, incites hatred, or threatens social harmony.

12.3. The fact that the protagonists of the subject matter film are minor is equally concerning as the said school going teenagers are shown to be involved in gore-violence, lawlessness, and anti-social acts. The film fails to



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condemn or correct such behavior, thereby risking the moral of young viewers. This portrayal violates Rule 2 (iii) (a) of the 1991 guidelines, which prohibits films from corrupting the morality of children and susceptible audiences, and impermissibly glamorizes juvenile wrongdoing.

12.4. The freedom of artistic expression cannot be accepted in the teeth of the statutory framework i.e., the Act of 1952. Article 19(1)(a) of the Constitution of India itself subjects Freedom of Speech and Expression to reasonable restrictions on grounds of decency, morality, public order, and incitement to offence. The content of the subject matter film, as discussed above, traverses all these prohibitions. The subject matter film stands as a clear example of a film which is fundamentally incompatible with the Act of 1952 and 1991 guidelines.

12.5. The submission of the Appellant that the Committee can suggest excisions to the movie and 'A' category certificate is a bald suggestion. The Examining Committee as per Rule 22 (9)(f) of the 1983 Rules is entitled to refuse a certificate on a finding that the film is unsuitable even for restricted public exhibition. In the facts of this case, the Examining Committee and the Review Committee have not deemed it fit to suggest any excision as they have rejected the film as a whole. The said rejection is within their jurisdiction and this Court finds no ground to interfere.

12.6. The Appellant has not placed the film on record; however, the official trailer of this film of duration 01:54 minutes is available on the YouTube platform. A viewing of the said trailer itself was difficult for this Court as it contains gore violence.

13. In the overall conspectus, this Court is of the view that order dated 19.09.2022 passed by the Revising Committee suffers from no illegality.



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14. Accordingly, the appeal stands dismissed. Pending applications, if any, stand disposed of.

**MANMEET PRITAM SINGH ARORA
(JUDGE)**

SEPTEMBER 10, 2025/sk/aa

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