सत्यमेव जयते

न्यायालय मुख्य आयुक्त विकलांगजन

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES

विकलांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities
सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment
भारत सरकार / Government of India

Case No.: 6579/1141/2016 **Dated 06.02.2018**

In the matter of:

Shri Pt. Vikas Sharma,
1520, Shri Chandi Road, Pilakhua,
Uttar Pradesh – 245304
Email – sharmaptvikas@gmail.com .... Complainant

Versus

Ministry of Information & Broadcasting,
(Through: The Secretary)
'A' Wing, Shastri Bhawan,
New Delhi - 110001 .... Respondent

Date of hearing: 12.05.2017

Present:

1. Shri Rajendra Bhatt, Regional Officer, CBFC, Delhi and Shri Raju Vaidya, Regional Officer, CBFC, Mumbai for respondent
2. None appeared for the complainant.

O R D E R

The above named complainant, filed a complaint dated 04.06.2016 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the 'Act', regarding mockery of persons with disabilities in Indian Cinema – movie 'Houseful 3'

2. The complainant submitted that for the past long time the general public, particularly the persons with disabilities of this country, are aggrieved with their derogation due to degradation of comedy feature film made on persons with disabilities in the name of entertainment. He alleged that the film 'Houseful-3' made mockery of disability, keeping on edge all the physical limitations such as visual impairment, orthopedic, hearing impairment, mental retardation, etc., which is violation of the rights of persons with disabilities as well as social pragmatism.

3. This Court, under Section 59 of the Act, took up the matter with the respondent, vide letter dated 21.09.2016, to submit their comments.

4. Since no reply was received from the respondent, the case was listed for personal hearing on 12.05.2017.

5. During the hearing the Regional Officers from Central Board of Film Certification (CBFC), Mumbai appeared for the respondent and submitted the reply vide letter dated 05.05.2017 issued by the Chief Executive Officer, CBFC.

6. In the reply, the respondent submitted that as provided in the Cinematograph Act, 1952, Cinematograph (Certification) Rules, 1983 and Guidelines made under the provisions of the Act, the Committee, consisting of five members from different walks of life and two of them women, viewed the film 'Houseful 3' as per parameter laid in the Guidelines. The committee agreed to recommend the film to be exhibited with cuts and granted UA certificate (a certificate for unrestricted public exhibition subject to the condition that children below the age of 12 years watch the film under parental guidance). The film was granted UA certificate on 26.05.2016. Further, feature films are works of fiction, artistically presented through the medium of cinema. Accordingly, 'House 3' may also be treated as a work of fiction, a comedy made for artistic entertainment and does not intent to hurt or denigrate any one in real life. In this movie, cuts were ordered so that double meaning and vulgarity did not remain present in any way. Disclaimer was already added at the start of the film stating that all characters are fictitious and the movie does not intent to hurt any sentiments. CBFC is only a film certification body and suspending exhibition of films does not come under its domain. Films' exhibition is a State subject, handled by the competent agencies of the States / Union Territories.

7. In view of the submissions made by the parties, respondent is advised to issue instructions to the Examining Committee to be more sensitive while examining the films featuring persons with disabilities and if needed and the circumstances prevail, experts from disability field may be invited / included in the Committee. The respondent is also directed to issue instructions to the respective film direction houses to take care of the dignity of persons with disabilities while putting any scenes in the film related to disability.

8. The case is accordingly disposed of.

(Dr. Kamlesh Kumar Pandey)
Chief Commissioner
for Persons with Disabilities