



IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 17859 of 2023

With  
CIVIL APPLICATION (FOR JOINING PARTY) NO. 1 of 2023  
In R/SPECIAL CIVIL APPLICATION NO. 17859 of 2023

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NIMESH VASANTBHAI VAGHELA

Versus

CENTRAL BOARD OF FILM CERTIFICATION

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Appearance:

MR B R BERADIYA(13677) for the Petitioner(s) No. 1  
MR. VISHAL P THAKKER(7079) for the Petitioner(s) No. 1  
MR DHARUVIN N DOSSANI(10528) for the Respondent(s) No. 3  
MR ROHAN LAVKUMAR for the Respondent(s) No. 2  
NOTICE SERVED for the Respondent(s) No. 1,4

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CORAM:HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI

Date : 12/10/2023

ORAL ORDER

**ORDER IN CIVIL APPLICATION NO.1 OF 2023**

1. By way of present civil application, the applicant has prayed for the following reliefs:

*“(A) YOUR LORDSHIPS be pleased to allow this application in the interest of justice;*

*“(B) YOUR LORDSHIPS be pleased to permit the applicant to be joined as party respondent in Special Civil Application No.17859 of 2023, in the interest of justice;*

*“(C) YOUR LORDSHIPS be pleased to grant such other and further reliefs, as are deemed fit, in the interest of justice.”*

2. Heard Mr. V.V. Gohel, learned advocate appearing for the



petitioner.

3. Considering the averments made in the civil application, the same is allowed in terms of paragraph 12(B). The applicant is permitted to be joined as party respondent in the Special Civil Application No.17859 of 2023.

(VAIBHAVI D. NANAVATI,J)

**ORDER IN SPECIAL CIVIL APPLICATION NO.17859 OF 2023**

1. Heard Mr. Vishal P. Thakker, learned advocate appearing for the petitioner, Mr. Rohan Lavkumar Shah, learned advocate with Ms. Pritha Mitra, learned advocate appearing for the respondent No.2 and Ms. Jennifer Michael, learned advocate with Ms. Divya Vishwanath, learned advocate with Mr. Som Sinha, learned advocate with Mr. Dhruvin N. Dossani, learned advocate appearing for the respondent No.3. Though served, none appears for the respondent Nos.4.

2. By way of present petition, the petitioner herein has prayed for the following reliefs:

*“(A) YOUR LORDSHIPS be pleased to issue appropriate writ, order or direction, to the respondent no.2 to 4, to remove the word “Bhangi” from all the scenes of the film Guthlee Ladoo that is scheduled to be*



*released on 13.10.2023 as the same is hurting the sentiments of the petitioner and his community at large, and the same is in contravention with numbers of provisions of laws;*

*(B) YOUR LORDSHIPS be pleased to issue appropriate writ, order or direction, to the respondent no.1 to withdraw the certification issued on 24.12.2021 vide number : DIL/1/128/2021-MUM in accordance with law;*

*(C) YOUR LORDSHIPS be pleased to stay all the release of film Guthlee Ladoo till the respondent no.2 to 4 removes the term "Bhangi" from all the parts of the film, pending the admission, hearing and final disposal of this petition;*

*(D) YOUR LORDSHIPS be pleased to grant such other and further reliefs as deemed fit in the interest of justice."*

3. The petitioner has approached this Court invoking Article 226 of the Constitution of India as well as the provisions of the Cinematograph Act, 1952 as well as the Scheduled Castes and Scheduled Tribes (Prevention & Atrocities) Act, 1989 (for short 'the Atrocities Act') challenging the hurtful use of the local name of "Valmiki" caste by using the term "Bhangi" number of times in the movie. The petitioner does not oppose the theme of the movie but, the usage of the term "Bhangi" which hurts the sentiments of the people of Valmiki caste, and the atrocious usage of the term is also against the provisions of Section 5(b) of the Cinematograph Act as well as covered under the provisions of the Prevention of Atrocities Act.

4. The brief facts leading to the filing of the present petition read thus:



4.1 The petitioner is a law-abiding citizen and working in a private company in the vicinity of Bhavnagar, Gujarat and recently came across the trailer of the movie “Guthlee Ladoo” on You Tube being produced/directed/written by the respondent Nos.2 to 4. The respondent No.1, which is a statutory film-certification body in the Ministry of Information and Broadcasting of the Government of India, certified vide certificate No.DIL/1/128/2021-MUM, dated 24.12.2021 has granted ‘U’ certificate to the film in the name of the producer – respondent No.3 herein.

5. In the aforesaid background, Mr. Vishal P. Thakker, learned advocate appearing for the petitioner, placed reliance on paragraph 3.4 of the petition and submitted that the words transcribed at 00.42 minutes, a conversation between a mother and son, is derogatory with respect to the Valmiki caste. The usage of said word hurts the feelings of the people belonging to the said community. It was further submitted that the use of the said word is prohibited under the Atrocities Act.

6. In the aforesaid set of facts, the respondent No.3 has filed affidavit-in-reply and placing reliance on the same, Ms.

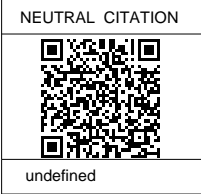


Jennifer Michael learned advocate with Mr. Dhruvin N. Dossani, learned advocate appearing for the respondent No.3, submitted that the Film has been screened at various Film Festivals and that the Film is certified with the 'U' certificate by the competent authority - respondent No.1 herein.

7. Mr. Rohan L. Shah, learned advocate appearing for the respondent No.2, placed reliance on the decisions reported in (1996) 4 SCC 1 in case of *Bobby Art International & Ors. vs. Om Pal Singh Hoon & Ors.*, (2020) 10 SCC 710 in case of *Hitesh Verma vs. State of Uttarakhand & Anr.*, and Writ Petition (C) No.713 of 2023 in case of *Mamta Rani vs. Union of India & Ors.*

8. Considering the issue involved, in the opinion of this Court, interest of justice would be served by relegating the issue-in-question to the respondent No.1 to consider the dispute-in-question under the provisions of Section 6 of the Cinematograph Act, 1952.

9. Mr. Siddharth Dave, learned advocate has appeared on the request made by this Court to the learned ASG, Mr. Devang Vyas, to assist the Court with respect to relegating the issue-



in-question to the Revisional Authority i.e. Central Government. Mr. Dave, learned advocate, stated that the present order will be communicated to the competent authority forthwith.

10. Considering the dispute-in-question, the present petition stands disposed of relegating the matter to the competent authority i.e. respondent No.1 herein to decide the same within 24 hours in exercise of powers under the provisions of Section 6 of the Cinematograph Act, 1952.

11. Mr. Dave, learned advocate, to communicate the aforesaid order to the competent authority forthwith.

12. Direct service is permitted today.

**(VAIBHAVI D. NANAVATI,J)**

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