



W.P.No.380 of 2026

WEB COPY **IN THE HIGH COURT OF JUDICATURE AT MADRAS**

RESERVED ON: 07.01.2026

PRONOUNCED ON: 09.01.2026

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.380 of 2026

and

W.M.P.No.445 of 2026

M/s.KVN Productions LLP,
Represented by is Authorized Signatory,
Mr.Venkata Narayana Konanki
at Door No.9, Ranjit Road,
Kotturpuram, Adyar,
K.B.Dasan Road, Alwarpet,
Chennai 600 020

...Petitioner

Vs

1. Central Board of Film Certification,
Films Division Complex, Phase-1 Building,
9th Floor, Dr.G.Deshmukh Marg,
Mumbai 400 026.

2. The Regional Officer,
Central Board of Film Certification,
No.35, Haddows Road,
Shastri Bhavan, Chennai 600 006

...Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of



W.P.No.380 of 2026

India to issue a Writ of Mandamus directing the respondents to grant Censor Certificate in the name of the petitioner being the producer of the film “Jana Nayagan” under UA 16+ category, as per the 2nd respondent communication dated 24.12.2025 within a period of 24 hours.

For Petitioner : Mr.Satish Parasaran, Senior Counsel
for Mr.Vijayan Subramanian

For Respondents : Mr.A.R.L.Sundaresan, ASGI
assisted by
Mr.A.R.Sakthivel, Senior Panel Counsel

ORDER

The above writ petition has been filed for the following relief:

“To issue a Writ of Mandamus directing the respondents to grant Censor Certificate in the name of the petitioner being the producer of the film “Jana Nayagan” under UA 16+ category, as per the 2nd respondent communication dated 24.12.2025 within a period of 24 hours.”



W.P.No.380 of 2026

WEB COPY

2. On hearing the arguments on either side, the issue that engages the attention of this Court is as follows:

“Whether the competent authority, having already taken a decision of accepting the recommendation of the Examining Committee, has the right to revise its earlier decision?”

3. In order to appreciate the above issue, it is necessary to briefly set out the facts which has culminated in the filing of the above writ petition.

Since the entire arguments are based on the Cinematograph (Certification) Rules, 2024, oral submissions has been made by the learned senior counsel appearing on behalf of the petitioner and the learned Additional Solicitor General (ASG in short) who has also made elaborate submissions on the basis of the contents of the affidavit as well as the arguments advanced by the learned senior counsel appearing on behalf of the writ petitioner and the provisions contained in the Rules.



W.P.No.380 of 2026

Facts of the case:

4. The petitioner is engaged in the business of production and distribution of cinematographic films, in the course of its business, has also produced the film “Jana Nayagan” which is the subject matter of this writ petition.

5. The lead cast actor for the above film are actors, Vijay, Prakash Raj and other leading artists from the South Indian Film Industry. The pre-production work for the above film started in May 2024 and the pooja ceremony for the said film was held on 04.10.2024. Thereafter on 05.10.2024, the principal shooting had commenced. On 15.12.2025, the post production work was completed and on 27.12.2025, the audio launch had taken place.

6. In the interregnum, on 18.12.2025, the petitioner had filed necessary application for censor certification. The same was acknowledged by the 2nd respondent's office on 19.12.2025 bearing No.01031912202500014. The said application had been submitted after



W.P.No.380 of 2026

complying with all the statutory requirements including payment of fees and submission of documents as contemplated under Cinematograph Certification Rules, 2024, hereinafter referred to as “The Rules”. The petitioner thereafter received a communication from the 2nd respondent dated 22.12.2025 in which it was stated that after considering the written and oral submissions of the petitioner's authorized representative during the personal hearing and viewing of the film, the Examining Committee had recommended the grant of certification of the film under the category UA 16+ subject to the compliance of certain excisions and/or modifications.

7. On the basis of these communications, the petitioner submits that they had carried out all the excisions (as the Examining Committee had only recommended excisions) as directed by the 2nd respondent and resubmitted the revised version on 24.12.2025. The suggested cuts were expressly marked for re-submission. The 2nd respondent had, by communication dated 29.12.2025, informed the petitioner that the modifications had been verified and the petitioner would be granted 'UA



W.P.No.380 of 2026

WEB COPY

16+' certification. In the light of the above communication, the petitioner attempted to proceed with the final stage of certification process. At this juncture, they had encountered a technical limitation in the CBFC on-line portal as there was no provision to upload the audio description and closed caption details at the final script uploading stage. The petitioner immediately requested the 2nd respondent's office to enable the said option. Despite reminders through e-mails dated 31.12.2025 and 01.01.2026, the petitioner had not received any substantive response. On 02.01.2026, they had received an acknowledgement to the query and when a reminder was sent on 05.01.2026, the 2nd respondent had requested the petitioner to furnish the acknowledgement number, which was also duly provided but however the censor certificate had not been issued.

8. While so, the petitioner received an e-mail dated 05.01.2026 from the 2nd respondent stating that the competent authority had decided to refer the film “Jana Nayagan” to a Revising Committee under Rule 24 of the Rules on account of a complaint received with reference to the content (hurting religious sensibilities and portrayal of armed forces). The said



W.P.No.380 of 2026

WEB COPY

communication was a total shock inasmuch as the Examining committee had already recommended the grant of “UA 16+” certificate subject to certain excisions and modifications and the same had also been complied with. That apart, the complaint has not been made available to the petitioner and is an undisclosed one. The Examining committee, having viewed the film and having recommended grant of certification subject to certain excisions, it is the contention of the petitioner that they have no power to once again revise the order. Since no order had been issued and only a communication had been received, the petitioner has come forward with the above writ petition for a mandamus.

9. When the matter had come up yesterday for admission, this Court had directed the respondents to produce the files relating to the proceedings of the 2nd respondent as also the complaint which forms the basis of the communication dated 05.01.2026. The said records have been produced today before this Court. In addition a letter dated 06.01.2026 addressed by the 2nd respondent to the petitioner has also been produced.



W.P.No.380 of 2026

WEB COPY

Submissions:

10. The contention of the learned senior counsel for the petitioner is that the 2nd respondent had informed the petitioner vide their letter dated 22.12 2025 that the Examining Committee and the Board had come to the conclusion that the film was suitable for unrestricted public exhibition with a word of caution that the parents should decide as to whether any child below the age of 16 years should be allowed to see the film, provided the petitioner carried out certain excisions / modifications in the film as set out in the list annexed to the said communication. Thereafter, the petitioner also carried out the said modifications and re-submitted the revised version after effecting the necessary cuts. After this exercise, the communication dated 05.01.2026 has been received. The further contention of the petitioner is that the Chairperson does not possess the right to refer the film to a Revising Committee. The learned senior counsel would also rely upon the following judgments in support of his arguments:-



W.P.No.380 of 2026

(2010) 9 SCC 437	Kalabharati Advertising Vs Hemant Vimalnath Narichania and Others
(2024) 11 SCC 785	Vashist Narayan Kumar Vs State of Bihar and Others
(2016) 3 SCC 643	Shree Bhagwati Steel Rolling Mills Vs Commissioner of Central Excise and Another
1950 SCC 833	Charanjit Lal Chowdhury Vs Union of India and Others

The learned senior counsel had further argued that the order referring the film to a Revising Committee has not been taken by the Chairman but has been taken by the Chief Executive Officer and therefore on this ground also the decision is without any legal basis.

11. Mr.A.R.L.Sundaresan, learned Additional Solicitor General of India (ASGI) appearing on behalf of the respondents would submit that the power to refer the film to the Revising committee is available to the Chairperson till the certificate is granted. He would rely heavily on the time lines provided under Rule 37 in support of his arguments. It is his further contention that, on 06.01.2026, the Chairperson uploaded the decision on the e-cinepramaan portal and that the decision itself had been taken on 29.12.2025 and therefore, the argument that the decision has not been taken by the Chairperson stands negated.



W.P.No.380 of 2026

WEB COPY

Discussion:

12. Heard the learned counsels on the aforesaid legal submissions and perused the materials available on record relevant for these legal submissions.

13. This is a case where the “Jana Nayagan” has had his opening scene before the Constitutional Court.

14. Before proceeding to discuss the case, it would be apposite to extract the relevant provisions of the Cinematograph Act.

2. Definitions.—*In this Act, unless the context otherwise requires,—*

(b) “Board” means the Board of Film Certification constituted by the Central Government under section 3;]

3. Board of film Certification.*(1) For the purpose of sanctioning films for public exhibition, the Central Government may, by notification in the Official Gazette, constitute a Board to be called the [Board of Film Certification] which shall consist of a Chairman and [not less than twelve and not more*



W.P.No.380 of 2026

WEB COPY *than twenty-five] other members appointed by the Central Government.*

5A. Certification of films.

1[(1) If, after examining a film or having it examined in the prescribed manner, the Board considers that—

(a) the film is suitable for unrestricted public exhibition, or, as the case may be, for unrestricted public exhibition with an endorsement of the nature mentioned in the proviso to clause (i) of sub-section (1) of section 4, it shall grant to the person applying for a certificate in respect of the film a “U” certificate or, as the case may be, a [“UA” Certificate with any UA marker]; or

(b) the film is not suitable for unrestricted public exhibition, but is suitable for public exhibition restricted to adults or, as the case may be, is suitable for public exhibition restricted to members of any profession or any class of persons, it shall grant to the person applying for a certificate in respect of the film an “A” certificate or, as the case may be, a “S” certificate, and cause the film to be so marked in the prescribed manner:

5B. Principles of guidance in certifying films.

(1) A film shall not be certified for public exhibition if, in the



W.P.No.380 of 2026

WEB COPY

opinion of the authority competent to grant the certificate, the film or any part of it is against the interests of [the sovereignty and integrity of India] the security of the State, friendly relations with foreign States, public order, decency or morality, or involves defamation or contempt of court or is likely to incite the commission of any offence.

(2) Subject to the provisions contained in sub-section (1), the Central Government may issue such directions as it may think fit setting out the principles which shall guide the authority competent to grant certificates under this Act in sanctioning films for public exhibition.

6. Revisional powers of the Central Government.

(2) Without prejudice to the powers conferred on it under sub-section (1), the Central Government may, by notification in the Official Gazette, direct that—

(a) a film which has been granted a certificate shall be deemed to be an uncertified film in the whole or any part of India; or

(b) a film which has been granted a “U” certificate [or a “UA” certificate or a “S” certificate] shall be deemed to be a film in respect of which an “A” certificate has been granted; or

(c) the exhibition of any film be suspended for such period as may be specified in the direction: Provided that no direction issued under clause (c) shall remain in force for more than two



W.P.No.380 of 2026

WEB COPY months from the date of the notification.

15. The relevant provisions of the Cinematograph Certification Rules, 2024 are extracted hereunder:

2. Definitions.- *In these rules, unless the context otherwise requires-*

(v) “Board” means the Board of Film Certification constituted under section 3;

22. Application for examination of films.-

(1) *Every application to certify a film for public exhibition shall be made on the online portal of the Board, hereinafter referred to as the e-cinepramaan portal in accordance with the format of the Common Application Form as prescribed by the Board.*

23. Examining Committee.- (1) *On receipt of an application under Rule 22, the Regional Officer shall appoint an Examining Committee to examine the film and the examination shall be made at the cost of the applicant on such date, at such place and at such time as the Regional Officer may determine.*

(2)...

(3) *The Regional Officer may invite such subject or language experts in the field of film as it may consider appropriate, for*



W.P.No.380 of 2026

WEB COPY

*the examination of a film by the Examining Committee:
Provided that the expert invitees who attend the meetings of the
Examining Committee shall be paid such fees and allowances
as may be prescribed by the Central Government:*

*(4) The film to be examined by the Examining Committee shall
be:*

*(a) in its final form with the background music and
all sound effects duly recorded on the film itself,
and*

*(b) the title, castings and credits shall be displayed
in the language of the dialogue of the film, and the
same may be displayed in any other language if so
desired by the applicant.*

*(5) All previews of films for the purpose of examination for
certification and the reports and records relating thereto shall
be treated as confidential.*

*10)The Examining Committee shall examine the film having
regard to the principles for guidance in certifying films
specified in sub-section(1) of section 5B and the
guidelines issued by the Government under sub-section
(2) of section 5B.*

*11)Immediately after the examination of the film each member
of the Examining Committee attending the examination
shall before leaving the preview theatre record their
opinion in writing Form VIII set out in the Second*



WEB COPY



W.P.No.380 of 2026

Schedule spelling out in clear terms the reasons therefore and state whether they consider: (a) that the film is suitable for unrestricted public exhibition. i.e. fit for 'U' certificate; or

(b) that the film is suitable for unrestricted public exhibition with an endorsement of caution as to whether a child below the age of seven, thirteen or sixteen may be allowed to see the film should be considered by the parents or guardian of such child with respect to the appropriate 'UA marker', i.e. fit for 'UA with UA marker' certificate; or

(c) that the film is suitable for public exhibition restricted to adults, i.e. fit for 'A' certificate; or

(d) that the film is suitable for public exhibition restricted to members of any profession or any class of persons having regard to the nature, content and theme of the film, i.e. fit for 'S' certificate; or

(e) that the film is suitable for 'U' or 'UA with UA marker' or 'A' or 'S' certificate as the case may be if a specified portion or portions be excised or modified there from; or

(f) that the film is not suitable for unrestricted or restricted public exhibition, i.e. that the film be refused a certificate; and if the Chairperson is away from the regional centre where the film is examined, the form



WEB COPY



W.P.No.380 of 2026

aforesaid shall be prepared in duplicate.

14) The Examining Officer shall within three working days, submit the recommendations of all members of the Examining Committee to be considered by the authority prescribed in Third Schedule based on the type and length of the content.

24. Certification:- *On receipt of the record referred to in sub-rule (14) of rule 23, the authority having jurisdiction in the matter as given in Third Schedule shall take further action on behalf of the Board in conformity with the recommendation of the Examining Committee either unanimous or by majority, unless the provisions of sub-rule (1) of rule 25 are not attracted:*

Provided that in case of a short film when the Committee is divided in its opinion, the Chairperson shall either examine the film himself and take, or direct the Regional Officer concerned to take further action on behalf of the Board to give effect to his decision.

25. Revising Committee:- *(1) On receipt of the record referred to in Rule 23, the Chairperson may on his own motion or on the*



W.P.No.380 of 2026

WEB COPY

request of the applicant upon a representation made under sub-section (2) of section 4, refer it to a Revising Committee constituted for the purpose.

26. On receipt of the orders of the Board under section 4 or section SA, the Regional Officer shall communicate the same to the applicant through the e-cinepramaan portal and take such other steps in accordance with the said orders as they may deem necessary.

27. Issue of certificate subject to removal of portions of film:-

(1) Where the applicant is informed by a Regional Officer that a film will not be granted 'U' or 'UA with UA marker' or 'A' or 'S' certificate, as the case may be unless a specified portion or portions thereof be removed from the film, the Regional Officer may issue such a certificate if he is satisfied on a declaration made in writing (in Form IX set out in the Second Schedule) by the applicant that the portion or portions objected to have been excised from film and from all copies thereof, wherever they may exist.

Explanation:- *For the purpose of being satisfied that the portion or portions objected to have been excised from the film and from all copies thereof, the Regional Officer or the Chairperson may at the expense of the applicant examine the relevant portions of the film or cause it or them to be examined by one or more members of the advisory panel at such time and place as they may determine.*



W.P.No.380 of 2026

WEB COPY

(2) *A certificate issued under sub-rule (1) shall be endorsed with a specification of the portion or portions required to be removed and a statement of the exact length of each part or parts removed and in the case of reduction of scene or sequences, it shall mention the length of the portion reduced and the length of the portion retained and shall bear a clearly visible triangle drawn at the left-hand bottom corner of the certificate.*

37. Time limit in relation to certification of films: -

(1) *After an application under rule 22 for the certification of a film, complete in all respects (including the payment of fee) is received, the Board shall scrutinize the application within seven days from the receipt thereof.*

(2) *The Board shall, within fifteen days from receiving an application under sub-rule (1) refer the film for examination to an Examining Committee.*

(4)(a)....

(b)...

(c) *In case, where the members of the Examining Committee after the examination of the film submit to the Chairperson a provisional report indicating that expert opinion on subjects depicted in the film such as subjects relating to defense or foreign relations or any particular religion or law or medicine or any other subject, should be sought before the final report is submitted, the Chairperson may after taking into consideration*



W.P.No.380 of 2026

WEB COPY

the circumstances of the case specify a time limit for obtaining the expert opinion and for the submission of the final report of the Examining Committee thereafter.

(5) (a) On receipt of the orders of the Board on the recommendations of the Examining Committee, in case where sub-section (2) of section 4 is applicable, the communication to the applicant shall be issued within three days. (b) The applicant shall submit his reply within five working days of the receipt of the communication.

(6) In case where the film is not referred to a Revising Committee, a certificate shall be issued, or decision communicated within two days.

(7) (a) In cases where a film is to be referred to a Revising Committee, the Revising Committee shall be constituted within twenty days from the receipt of the necessary documents from the applicant.

(b) The provisions of sub-rule (3) to (6) shall apply mutatis mutandis to the examination of films by the Revising Committee.

(c) When a film is referred to another Revising Committee or to the Board in terms of proviso to sub-rule (13) of rule 25, the time limit will be further extended on the lines of clauses (a) and (b) of this sub-rule.

(8) The applicant shall submit the modifications and surrender the cuts, if any, and the affected contents together with full



W.P.No.380 of 2026

WEB COPY

particulars thereof, within a period of fourteen working days from the date of the final orders of the Board under section 4:

(9) The modification or cuts and the affected contents shall be examined by the regional officer within ten working days of the submission of the same.

(10) If the modification or cuts are found to be due and adequate on the scrutiny of the relevant contents and all particulars necessary for the presentation of the certificate are fully furnished, certificate shall be prepared and issued within five working days of the date of submission of the film or upload of the final script on e-cinepramaan portal, as the case may be, as required under these rules.

(11) If however the modification or cuts are found to be inadequate on a scrutiny of the relevant contents, the regional officer shall record the same and send within two days a further communication to the applicant through the e-cinepramaan portal for compliance with the orders of the Board.

(12) The applicant shall submit further modification or cuts to the regional officer within three days from the date of receipt of the communication.

(13) The Regional Officer shall again verify further modification or cuts and the contents within five days of the receipt of the same and if the cuts are found to be adequate a certificate shall be issued.



W.P.No.380 of 2026

WEB COPY

16. Having extracted the aforesaid provisions, it would be apposite to understand the procedure contemplated under the 2024 Rules for certification of a film. A film when submitted for certification follows the procedure set out below.

(i) The application to certify the film is made through the on-line portal of the Board (e-cinepramaan) as per the format prescribed by the Board (Rule 22(1)).

(ii) This application has to be made through the Regional Officer (Rule 22(3)) read with provisos which are not relevant for the case on hand.

(iii) The application should be accompanied by the documents prescribed in Rule 22(4) and must be submitted online. Sub-Rule(6) makes it clear that the application should be accompanied only with the documents prescribed in Sub Rule (4).

(iv) On receipt of the application contemplated under Rule 22, the



W.P.No.380 of 2026

Regional Officer shall appoint an Examining Committee (Rule 23(1)).

Sub Rule 2 to Rule 23 provides the composition of this Committee.

(v) Sub Rule 3 further gives the Regional Officer the power to invite experts in the field of film in relation either to the subject or the language.

(vi) Sub Rule(10) directs the Examining Committee to examine the film keeping mind the principles specified in this regard under Section 5B (1) of the Cinematograph Act, 1952 and the guidelines specified in Sub Section 2 of Section 5B of the Act.

(vii) After examining the film and before leaving the preview theatre, the members of the Examining Committee are required to record in writing their opinion in Form VIII set out in the second schedule, the reasons for their opinion and state whether they consider the film to fall under any of the categories set out in clauses (a) to (f) of Sub Rule 11.

(viii) Sub Rule 13 places a duty on the Examining Officer to ensure



W.P.No.380 of 2026

that members have recorded their recommendation clearly leaving no room for doubt and have specified in clear terms each excision or modification, that each of them have signed Form VIII and if the report of any member is incomplete to bring this fact to the notice of the member concerned.

(ix) The Examining Officer shall thereafter submit the above referred recommendations to the Authority prescribed in the Third Schedule.

(x) After the authority, viz., Chairperson receives this recommendation, there are two options available to him.

(a) He shall proceed to take further action based on the recommendation of the Examining Committee which may be unanimous or by majority; or

(b) He may proceed under Rule 25(1).

This power is exercised by the Authority on behalf of the Board.



W.P.No.380 of 2026

WEB COPY

(xi) In case the Chairperson after examining the recommendation suomotu (on his own motion) or on the request of the applicant who is aggrieved by the decision of the Board taken under Section 4(2) of the Cinematograph Act, shall refer the film to the Revising committee constituted for this purpose.

(xii) Once the Revising committee is constituted it shall follow the same procedure as set out in Sub Rules 5 to 10 of Section 23 for examining the film. The members of the Revising Committee are also bound to follow the procedure contemplated under Rule 23(11) i.e., recording their opinion in writing in Form VIII.

(xiii) Rules 23(11) and 25(10) respectively sets out the categories of recommendations that the Examining Committee and Revising Committee should give. One of the recommendation contemplated in these Rules, which is in consonance with Section 4(2) of the Act, is to grant “U/UA with UA marker /A /S certificate as the case may be, if specified portion or portions be excised or modified there from.



W.P.No.380 of 2026

WEB COPY

(xiv) Once a recommendation to grant the aforementioned certification subject to excision / modification is taken then Rule 26 comes into play.

(xv) Rule 26 contemplates that once the orders of the Board are received, the Regional Officer shall communicate the same to the applicant through the designated portal and thereafter take such steps are set out in the order.

(xvi) Where the decision of the Board is to grant certification subject to excisions / modifications then the procedure contemplated under Rule 27 kicks in and the certifications moves past the stage of Rule 25. This is clear from the fact that Rule 27(1) provides that after the applicant is informed about the recommendation of the Board to excise / modify certain portions/ portions of the film and the applicant complies with the recommendation and submits a Form IX set out in the second schedule, the Regional Officer shall proceed to issue the certificate.



W.P.No.380 of 2026

WEB COPY

(xvii) The explanation to Rule 27(1) further provides that in order to confirm whether the portion / portions that are objected to have been excised / modified from the film and all its copies, the relevant portions may be examined either by the Chairperson or the Regional Officer or by one or more members of the Advisory Panel.

17. **Procedures that have have been followed for grant of certification on the case on hand with relevant dates:**

On 18.12.2025, the applicant in compliance with the procedure contemplated under Rule 22(ii) had submitted his application on the online portal. On receipt of this application, the Regional Officer had appointed the Examining Committee. The members of the Committee in keeping with the procedure contemplated under Rule 11 had each submitted their recommendation in Form VIII in their hand after viewing the film on 19.12.2025. The members had unanimously recommended that the film should be granted the UA marker certificate provided the portions specified are excised. The recommendation is not of a majority but is unanimous. This recommendation has been submitted to the



W.P.No.380 of 2026

WEB COPY

authority concerned and the Authority had decided to accept the unanimous recommendation of the Examining Committee. This is evident from the communication dated 22.12.2025 sent by the Regional Officer to the petitioner as contemplated under Rule 26. The petitioner who had the option of requesting the chairperson to refer the same to the Revising Committee under Rule 25(1) chose to accept the recommendation. Thereafter, the petitioner had excised the portions as directed by the Examining Committee and submitted Form IX on 24.12.2025. The original files produced for the scrutiny of this Court shows that on 24.12.2025 the said portions have been examined by one of the members, which is in compliance of the explanation to Rule 27(1). Therefore, what remains is only the issue of the certificate by the Regional Officer as per the procedure prescribed under the Rules.

18. However, the twist to the plot comes in the form of a complaint by one of the members of the Examining Committee after the Board had decided to issue certification subject to excision of the portions pointed out by the members of the Examining Committee. The complaint



W.P.No.380 of 2026

that has been produced for the scrutiny of the Court makes interesting reading.

“Dear SIR,

I came to know that Tamil Film Jana Nayagan(Tamil) which is going to be released across India has been approved by Examination Committee at Chennai without following the due procedure.

The Film has shown some visuals and dialogues in which foreign powers creating religious conflict at large scale in India which may disturb religious harmony of this great country.

There are many Army related references in the film but no defence expert has been included in the EC to address these issues.

There are procedural lapses during examination of the film which is gross violation of the cinematograph Act and Rules.

I m an APM member and I have watched the film on 19th December, 2025 but my objection were not considered during examination of the Film.

So we humbly request you to intervene in the procedure and direct to the competent authority to re examination of the film. The film is going to be released on 9th January, 2026.”



W.P.No.380 of 2026

WEB COPY

19. This complaint has to be juxtaposed with the recommendation made by the very same complainant in the Form VIII which has been made and signed by him in his own hand.

The 1st contention in the complaint relates to the very same points raised by him in S.Nos.1,2, 3,4,5,6,7,8,10,11 of his Form VIII and these portions have been excised.

His 2nd contention relating the Army has not been referred in the Form VIII and in S.No.7 therein he has asked for excision of the visuals involving the National Flag which has also been excised.

20. It is therefore crystal clear that the complainant's grievance that he had not been granted an opportunity appears to be an afterthought and appears motivated. Further, such a volte face by a member of an Examining committee who had made a recommendation after viewing and assimilating the film would give rise to a dangerous trend of members reneging on their recommendation and the sanctity placed on the decision of the Examining Committee of the CBFC would stand eroded.

21. Let us now examine if the Chairperson has the Authority to



W.P.No.380 of 2026

take on file this complaint and thereafter, revise the decision of the Board.

As narrated supra, the Chairperson is clothed with power to suo motu or on a request of the applicant alone to refer the film to a Revising Committee and this power can be exercised only prior to the decision contemplated under Rule 24 being taken and communicated as per Rule 26. A perusal of the communication dated 22.12.2025 addressed by the Regional Officer to the petitioner clearly denotes that the Board has accepted the recommendation of the Examining Committee. It would be useful to extract the contents of the said letter.

*“.....that the film has been viewed by the Examining Committee and **the Board has come to the conclusion that the film is suitable for Unrestricted Public Exhibition with an endorsement of caution that the question as to whether any child below the age of 16 years may be allowed to see the film should be considered by the parents or guardian of such child, provided you carry out the excisions / modifications in the film listed in the Annexure.** You are accordingly requested to carry out the given excisions / modifications, so that the film may be sanctioned for unrestricted public exhibition, after verification that the excisions are in order.”*

22. A mere perusal of the above would clearly show that the



W.P.No.380 of 2026

Authority viz., the Chairperson has decided on behalf of the Board to take further action in conformity with the unanimous recommendation of the Examining Committee. Therefore, on and from 22.12.2025 the power of the Chairperson to exercise his power under Rule 25 came to an end. Therefore, the decision of the Chairperson which has been uploaded only on 06.01.2026 is without jurisdiction. Further, the letter dated 22.12.2025 clearly spells out the recommendation of the Examining Committee as accepted by the Board which was “to grant UA certification subject to excision”. Therefore, once the excisions are done the certification automatically follows. This recommendation is in tune with the provisions of Rule 23(11)(e) of the Rules. That the Board including the Chairperson had taken a decision to grant certification subject to excisions is confirmed by a mere reading of the letter dated 06.01.2026 produced before this court on 07.01.2026. In this letter the 2nd respondent acknowledges that the Chairperson has decided to refer the matter to the Revising Committee “superseding the earlier communication dated 22.12.2025”.



W.P.No.380 of 2026

WEB COPY

23. The learned ASG has placed an argument that without seeking to quash the order dated 06.01.2026 the petitioner cannot seek the issue of a certification. As discussed supra, the exercise of his powers under Rule 25 by the Chairperson after 22.12.2025 is one without jurisdiction since the powers of the Chairperson to refer the film to a Revising Committee stood abdicated as soon as he, on behalf of the Board, had decided to accept the recommendation of the Examining Committee. Therefore, his decision to refer the film to the Revising Committee cannot be sustained. The argument of the learned ASG that the power under Rule 25 could be exercised even after Rule 27 cannot be sustained in the light of the above discussion. That apart on repeated questioning the learned ASG on instructions has submitted that the Chairperson has decided to refer the matter to the Revising Committee only on the basis of the complaint received from the member of the Examining Committee. A reading of Rule 25 indicates that this power can be exercised suomotu or on the request of the applicant. The suomotu power has to be exercised by the Chairperson as soon as the record of the recommendation is received under Rule 23 (14) and before the Board takes action under Rule 24.



W.P.No.380 of 2026

Therefore, even if the argument of the learned ASG that the suomotu power can be exercised based on the complaint is accepted, such a power should be exercised before the decision under Rule 24 is taken and communicated under Rule 26. In the case on hand the very complaint is dated after the decision communicated on 22.12.2025.

24. The Hon'ble Supreme Court in the decision is reported in **1989 (2) SCC 691 as (Anandi Mukta Sadguru Shree Mukta Jeevandasswami Suvarna Jaya vs V.R. Rudani & Others)** had, after discussing the evolution of the law relating to mandamus, its implementation and the explanation given by Lord Denning to the scope of Judicial review, held as follows in paragraph 17:

“17. There, however, the prerogative writ of mandamus is confined only to public authorities to compel performance of public duty. The 'public authority' for them mean every body which is created by statute--and whose powers and duties are defined by statute. So Government departments, local authorities, police authorities, and statutory undertakings and corporations, are all 'public authorities'. But there is no such limitation for our High Courts to issue the writ 'in the nature of mandamus'. Article 226 confers wide powers on the High Courts to issue writs in the nature



WEB COPY



W.P.No.380 of 2026

of prerogative writs. This is a striking departure from the English law. Under Article 226, writs can be issued to "any person or authority". It can be issued "for the enforcement of any of the fundamental rights and for any other purpose".

25. Further in a judgement of the Supreme Court reported as *State of Uttar Pradesh and others., vs Dinesh Singh Chauhan* reported in (2016) 9 SCC 749 the Hon'ble Supreme Court, while considering the following Question, held as follows:

"19. Having considered the rival submissions, the first question that needs to be answered is:

whether the High Court exceeded its jurisdiction in setting aside the Government Order dated 28.02.2014 providing for reservation to in-service candidates, when the writ petition filed by the in-service candidates was limited to equate them with the in-service candidates who had the experience of working in remote or difficult areas.

Indeed, the challenge before the High Court was limited. However, the High Court having held that the State Government could not have issued such order in



WEB COPY



W.P.No.380 of 2026

violation of Regulation 9, quashed the same. The High Court had invited the parties to advance arguments on the validity of the said Government Order before passing the final order. The High Court relied on the decisions of the Supreme Court and opined that it was not permissible, in law, for the State Government to provide reservation for in-service candidates in Post-Graduate “Degree” courses in violation of Regulation 9. Concededly, action taken on the basis of such a void Government Order would be nothing short of a nullity in law. As a result, the High Court proceeded to issue directions to follow the admission process for Post Graduate “Degree” Courses strictly in conformity with Regulation 9. The High Court thus moulded the relief on the basis of the settled legal position. That approach is unexceptionable, except that it may be necessary to mould the relief further as would be indicated hereinafter.

The Learned Judge went on to deprecate the executive instruction brought in pending the writ by contending as follows:

“24. By now, it is well established that Regulation 9 is a self-contained Code regarding the procedure to be followed for admissions to medical courses. It is also well established that the State has



WEB COPY



W.P.No.380 of 2026

no authority to enact any law muchless by executive instructions that may undermine the procedure for admission to Post Graduate Medical Courses enunciated by the Central Legislation and Regulations framed thereunder, being a subject falling within the Entry 66 of List I to the Seventh Schedule of the Constitution (See: Preeti Srivastava (Dr.) V. State of M.P.[2]). The procedure for selection of candidates for the Post Graduate Degree Courses is one such area on which the Central Legislation and Regulations must prevail.”

Ultimately the Hon'ble Supreme Court answered the issue as follows in paragraph 47:

“47. We must hold that the High Court was justified in quashing the stated Government Order providing for reservation to in- service candidates, being violative of Regulation 9 as in force. ”

26. That apart, the Hon'ble Supreme Court in the Judgement reported in **2024 11 SCC 785[Vashist Narayan Kumar Vs. State of Bihar and Others]** has clearly held that a writ court has the power to mould the relief and justice cannot be forsaken on the alter of technicalities.



W.P.No.380 of 2026

WEB COPY

27. Therefore, in the light of the fact that the subsequent decision to refer the film to a Revising Committee has been taken after the Board had recommended the grant of certification after carrying out the excisions, the said decision is one without jurisdiction and this Court exercising jurisdiction under Article 226 of the Constitution of India can very well mould the relief by setting aside the decision of the Chairperson uploaded in the e-cinepramaan portal on 06.01.2026 and issue mandamus to the 2nd respondent to issue the certification as contemplated under Rule 27(1) of the Rules taking note of the excisions submitted in Form IX on 24.12.2025 forthwith and in tune with Rule 37(6) of the rules.

28. This Writ Petition is allowed on the above lines. No costs. Consequently, connected miscellaneous petition is closed.

09.01.2026

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/ No

srn

To

1. Central Board of Film Certification,
Films Division Complex, Phase-1 Building,

37/39



W.P.No.380 of 2026

WEB COPY

9th Floor, Dr.G.Deshmukh Marg,
Mumbai 400 026.

2. The Regional Officer,
Central Board of Film Certification,
No.35, Haddows Road,
Shastri Bhavan, Chennai 600 006



WEB COPY



W.P.No.380 of 2026

P.T.ASHA, J.,

srn

W.P.No.380 of 2026
and
W.M.P.No.445 of 2026

09.01.2026

39/39