

News

Centre may take fresh call on Udaipur Files movie as Delhi High Court questions power to order cutbacks.



The Court was reviewing petitions disputing the release of the movie.

Udaipur Files

The Delhi High Court on Friday directed the Central government to re-examine Udaipur Files, a movie based on the murder of Rajasthan-based tailor Kanhaiya Lal, by August 6 (Wednesday).

The Division Bench of Chief Justice Devendra Kumar Upadhyaya and Justice Tushar Rao Gedela passed the instruction after the government indicated it will remove the prior order for cuts in the movie and take a fresh decision on the movie in compliance with the law.

The Court had earlier questioned the Central government's competence to compel cuts in the movie in exercise of its revisional powers under Cinematograph Act.

Since the movie producers claimed they intend to distribute the movie on August 8, the Court directed the Centre to hear the parties - those for and against the movie - on August 4 (Monday) next week and take appropriate judgment by Wednesday.

Chief Justice Devendra Kumar Upadhyaya and Justice Tushar Rao Gedela

The Court was reviewing petitions against the movie release. Jamiat Ulema-e-Hind President Maulana Arshad Madani and one of the defendants in Kanhaiya Lal murder case moved the Court, alleging that the video vilifies Muslims and would damage the right to fair trial of the accused in the Kanhaiya Lal murder case.

Kanhaiya Lal, a tailor, was murdered by two assailants in June 2022 after he put up a WhatsApp status supporting BJP lawmaker Nupur Sharma over certain contentious remarks she made on Prophet Muhammad. Udaipur Files was initially set for a July 11 release.

The High Court had earlier stopped the film's release and asked the Central government to utilize its revisional powers under Section 6 of the Cinematograph Act to re-examine the movie.

This forced the film's producers to approach the Supreme Court on appeal. The highest court did not intervene with the High Court ruling, following which a committee set up the Central government proceeded ahead with analyzing the movie. The panel recommended the release of the movie with specific alterations.

The Central government then asked the movie makers to implement the same. This led to a further challenge before the High Court.

On July 30, the Court had directed the Additional Solicitor General (ASG) Chetan Sharma to explain the contention that Central government, while exercising its revisional powers under Cinematograph Act, behaved as an appellate board in the case by mandating changes in the movie.

The question pertaining to the re-examination of the movie was raised by Senior Advocate Menaka Guruswamy, who represented Mohammed Javed, one of the accused in the Kanhaiya Lal murder case.

During the last hearing, she said that the Central government's revisional powers under Section 6 are limited.

"The Central government cannot recommend edits, amend dialogue, disclaimer, effectively become film board like in this situation. The Central government does not have the statutory

ability to become a master director of this picture by saying 'delete some dialog, remove certain disclaimers, use these words in the disclaimer, modify the content of this, I'm going to make a few cuts and you release the film'," she added.

The Court today pressed with its line of questioning on the same subject.

"Where did you obtain this power...where is your authority to make a proposal to the Board to revise? Is there any authority to available to you?" the Court asked today

In response to the query, ASG Sharma referred to the Cinematograph (Certification) Rules. However, the Court pointed out that those rules must relate to the Central Board of Film Certification (CBFC) and its reviewing committee.

"Any reference to Rule 22, 23, 25 the manner in which revisional power is to be exercised is highly misplaced," the Court observed.

ASG Chetan Sharma Sharma then accepted that the decision can be set aside by the Court and fresh decision will be taken by the Union government in compliance with the law.

Meanwhile, the attorney representing the producer stated it will again delay the distribution of the movie.

"It can be done within 24 hours," Senior Advocate Gaurav Bhatia said, adding that the movie can be release on Friday.