

News

Udaipur Files movie is about a crime, not against any community: Central government to Supreme Court



The Court today encouraged attorneys opposing the film's publication to not underestimate judicial officers, as judges are educated not to be misled by media trials or public opinions in such issues.

Udaipur Files and the Supreme Court

On Thursday, the Central government told the Supreme Court that the movie Udaipur Files is about a specific crime and not against any one group of people.

Representing the Central government, Solicitor General (SG) Tushar Mehta informed a Bench of Justices Surya Kant and Joymalya Bagchi that the film is crime-specific and does not demonize any community.

"These accused are the ones who themselves stated on Facebook that they chopped his throat. The film is crime-focused and not community-targeted. Dialogues are generic. Terrorism references are context specific. Themes do not threaten any foreign relations. Screening was held before committee. Committee also invited the Ministry of External Affairs for its recommendations. 55 cuts as mandated by CBFC were implemented. The film does

not condemn any community. All characters shown are fictitious composites," he stated.

The Court was hearing pleas submitted both for and against the release of the movie.

The petitioners who have challenged the release of the movie are Jamiat Ulema-e-Hind President Maulana Arshad Madani and Mohammed Javed, one of the accused in the Kanhaiya Lal murder case on which the film is based.

Justice Surya Kant and Justice Joymalya Bagchi

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SG Tushar Mehta Senior Advocate Kapil Sibal, representing the Jamiat Ulema-e-Hind President, argued today that movie has been made in a way that it spews venom against the Muslim community.

Hate speech is not part of free speech, he said.

"The whole movie is that. Everything in this movie spews vitriol on a community that is targeted," he said

Solicitor General Tushar Mehta and Senior Advocate Kapil Sibal

Everything about this movie spews vitriol toward a community.

Kapil Sibal Senior Advocate Menaka Guruswamy, who represents Mohammed Javed, one of the accused in Kanhaiya Lal murder case on which the film is based, flagged that the movie may affect her client's right to a fair trial.

The Court, however, noted that judges are educated not to let public opinions, media trials or films based on real-life crimes affect their rulings.

"Dr. Menaka don't underestimate our judicial officers. We shall not be able to hold court a single day if we are influenced by comments made against us. It is an aspect of judicial training. A judicial officer is duty bound that he needs to decide the matter strictly based on the evidence provided," Justice Kant replied.

"But the society is prejudiced," Guruswamy remarked.

"Society will always be like this. The judiciary must remain undisturbed by all this nonsense. Most of us don't read the newspaper in the morning. We never worry about it," Justice Kant stated.

"When there has been an active trial underway, the movie has to be withheld till the judgement is pronounced. The producer says it is crime specific. It is a crime that I am accused of. It will be released in 1,800 movie halls," Guruswamy maintained.

Senior Advocate Menaka Guruswamy

The Court, however, replied,

"anyone can write novel, narrative, make a movie, if everything is to be seen that anyone is being identified or connected with that it will generate a lot of uncertainty. It is the right or the society to watch or not watch the movie. Your right can also be maintained by letting individuals to see a movie if their decision. You have a right to contest a revisional decision."

Meanwhile, Senior Advocate Gaurav Bhatia, who represented the film's producers, opposed the delays in enabling the film's release.

"The law states that CBFC gave me certificate valid in law. Committee held in my favour. Still my movie is not being distributed. Javed is not even one of the persons named in the movie! He has given a fraudulent affidavit before the Supreme Court. His age is somewhere 19 somewhere 22. Media trial and trial, would it be affected by the release of the movie? It is based on an actual incident. What is the locus of these people? The accused who is being represented by Menaka Ji is not even mentioned in the movie. Some radical elements go to the extent of murdering a person for expressing his right. That's what the movie represents. My investment here is at stake. I have waited for so many days," he argued.

Senior Advocate Gaurav Bhatia

"You have appropriately waited because that's what the law contemplates ... The issue is should the interim stay continue?" Justice Kant answered.

He went on to inquire how long it would take for the film's makers to carry out certain

alterations advised by a Central government panel in a recent report that had been placed before the highest court.

"The edits have been made. They have to grant me a certification after the edits are done and they are satisfied," Bhatia replied.

The Court stated it will continue hearing the matter tomorrow.

"We will take another 10-15 mins and finish the matter. His SLP has grown infructuous. Mr. Sibal, you have the right to amend the your petition and challenge. You can challenge the order. Ask for your relief before the High Court," Justice Kant stated.

The film under focus before the Court is based on tailor Kanhaiya Lal Teli's murder in Udaipur. Kanhaiya Lal, a tailor, was murdered by two assassins in June 2022, after he put up a WhatsApp status supporting BJP leader Nupur Sharma over certain contentious remarks she made on Prophet Mohammad.

The murder was also filmed and snippets of the same were disseminated on social media.

Udaipur Files, which is said to be based on these events, was earlier scheduled for a July 11 release.

However, the Jamiat Ulema-e-Hind President Maulana Arshad Madani moved a plea before the Delhi High Court to ban the movie on concerns that it vilifies the Muslim community.

The High Court recently stopped the film's release so that the Central government might 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. A writ suit was also filed by one of the suspects in the Kanhaiya Lal murder case saying that his right to fair trial would be compromised if the movie is published.

The Supreme Court had earlier directed the Centre's panel to expedite its verdict in the dispute while refusing to lift the High Court's earlier stay order which had halted the July 11 release of the film.

The Central government panel then proposed more alterations to the movie.

However, Senior Advocate Kapil Sibal (Madani's attorney) has stated that the suggested alterations were not enough to allow the film's release.

Today, Sibal also questioned if the Central government panel's members were neutral enough to decide on the case.

"They are the same folks (as in the CBFC which cleared the film for release before). This is the first time we are seeing this. When Central government is hearing the revision, why should they nominate members of the CBFC? Central government is a revisional authority. These are members of the CBFC. They are all part of the same organisation," Sibal remarked.

"But they are advisory panel members," Justice Kant pointed out.

"We will have to see what is this panel, what is the constitution. The HC permitted us to see it. We expressed objections. In the edit, they make some further cuts. Our primary objections were not handled with. They themselves have stated that they are members of a political party," Sibal answered.

The hearing will continue tomorrow.