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भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

File No. GM/4/2015/MINB1/SEOTH/RU-III

छठी मंजिल, 'बी' विंग, लोक नायक भवन

खान मार्केट, नई दिल्ली - 110003

6<sup>th</sup> floor, 'B' Wing Loknayak Bhawan,  
Khan Market, New Delhi-110003

दिनांक 28/10/2015

To,

1. The Chairman,  
Central Board of Film Certification,  
Bharat Bhavan,  
91 Walkeshwar Road,  
Malabar Hill, Walkeshwar Road,  
Raj Bhavan, Malabr Hill,  
Navi Mumbai, Maharashtra-400006
2. Secretary,  
Ministry of Information & Broadcasting,  
Shastri Bhawan,  
New Delhi-110001

Sub: Complaint dated 17.09.2015 received from Shri Ganesh Manjhi, Vasant Kunj, New Delhi regarding use of unparliamentarily Language against STs in Movie MSG-2 the Messenger.

Sir

I am directed to refer to this Commission's letter of even number dated 22.09.2015 on the subject and to enclose herewith a copy of the proceedings of the Sitting held in this Commission on 08.10.2015 for necessary action and to send the action taken report to the Commission urgently.

Yours faithfully,

(K. D. Bhansor) Mrs  
Director

Copy to:

1. Shri Ganesh Manjhi, H. No. 113/9, Flat No.20 Gali No. 3 Prajapati, Vasant Kunj New Delhi- 110070
2. PS to Chairperson, NCST
3. SSA, NIC, NCST

**Proceedings of the Sitting held on 08.10.2015 on the compliant /petition of Shri Ganesh Majhi regarding use of unparliamentary language against STs in Movie MSG-2 'The Messenger'.**

Shri Ganesh Majhi submitted a complaint dated 17.9.2015 to Commission about blatant and obnoxiously offensive portrayal of Adivasi Community in the film trailer of MSG-2 (Messenger of God) which was due to be released all over India on 18.09.2015. It was further alleged that film's trailer, in line with the theme of the movie itself, Adivasi culture has been portrayed as uncivilized, wild and evil of society. Thus the trailer of MSG deeply offends the culture, its diverse, sporadic existence and identity of the tribal community. Therefore film is against the integrity of India, public order and morality as being contemptuous of Adivasis as a whole.

2. Commission took cognizance on the complaint and issued notice dated 21.09.2015 to the Chairman, Central Board of Film Certification and Ministry of Information & Broadcasting for comments / reply by Central Board of Film Certification.
3. Central Board of Film Certification informed vide letter dated 22.09.2015 that "movie was examined by the Executive Committee of Central Board of Film Certification (CBFC) which is having four advisory panel members and one Regional Officer of CBFC Mumbai. The said committee unanimously approved the film and a disclaimer was also added that it is a fictional account and it does not intend to hurt the sentiments of any religion, caste of community. Moreover, it does not violate any of the sections of the Cinematograph Act, 1952 or the Central Govt. guidelines".
4. Commission was not satisfied with the reply of CBFC and therefore Sitting in the matter was fixed for hearing on 8.10.2015 to discuss the matter with Chairman, CBFC and Petitioner and other concerned officials. Chairman, CBFC sought exemption and deputed CEO, CBFC to attend the meeting on his behalf on 08.10.2015.
5. CEO, CBFC deposed Commission to the following effect



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National Commission for Scheduled Tribes  
भारत सरकार/Govt. of India  
नई दिल्ली/New Delhi

“ That application under Rule 21 of the Cinematograph Act and after scrutiny of the documents accepted. The Examining Committee was constituted under Rule 22 of the Cinematograph Act. The Examining Committee examined the film having regard to the principles for guidance in certifying films specified in section 5B (1) and the guidelines issued by Government under section 5B(2) and subsequently, unanimously recommended grant of “UA” certificated subject to cuts and replacement of disclaimer under guidelines 1, 2 and 3 of Cinematograph Act Certificate Rules 1983.

ii) That as per guidelines 3(I) & (ii), the film is judged in its entirety from the point of view of its overall impact in light of the period depicted in the film, the contemporary standards of the country and the people to which the film relates provided that it does not deprive the morality of the audience.

iii) That the committee went through the entire script of the feature film and did not find the film being violative of any guidelines highlighted by the complainant. Also, it did not find any other objectionable visuals or words than that endorsed on Part-II of the certificate.

iv) That the film is a work of fiction, none of the characters therein being based on any living or dead person and resemblance if any is unintentional. Therefore, the contention by the complainant that the subject film based on true events is factually incorrect.

v) That the word “adivasi” connotes aboriginal people and not people falling within the definition of Scheduled castes and Scheduled tribes in Articles 341 and 342 of the Constitution of India.

vi) That therefore, the film is displaying only a fantasy to the viewers and has to be understood in the said light only. The entire film is examined keeping in the view the section 5B (2) and was then unanimously recommended for grants of “UA” certificate subject to cuts.

vii) That so far CBFC have not received any other complaint than Delhi High Court, which is also dismissed in favour of CBFC on 16.09.2015.

6. It is known fact that the word Adivasi is commonly pronounced for STs only. The petitioner reiterated that dialogues mentioned in his complaint concerning its usage in the film e MSG 2 were derogatory to the Adivasis .



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7. The Commission drew the attention of the CEO CBFC the clauses 5 B of Cinematograph Act, 1952 which states ;

“A film shall not be certified for public exhibition if, in the opinion of the authority competent to grant the certificate, the film or any part of it is against the interest 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”.

8) Commission after hearing the petitioner and CEO CBFC observed / concluded that ;

- (1) That instances of use of words / dialogues in the Film as referred to by the Petitioner , shows the plight of situation that even after over 60 years of Independence of the Country, the down trodden people are humiliated and atrocities are being caused though it is prohibited under the penal laws,( Prevention of Atrocity Act 1989) .
- (2) Thus Making/ passing such films by CBFC attracts the Scheduled Castes & Scheduled Tribes (PoA), Act 1989. Besides there is gross violation of Cinematograph Act, 1952 5B (1) public order offence under the Act.
- (3) The Commission did not agree with the plea of CBFC that by displaying disclaimer with the film they are entitled to depict/portray objectionable language/words in violation of the law of the land.
- (4) Evidently an offence has been committed by the CBFC by not taking into account the provisions of above Acts thus it is cognizable offence , being a case of atrocities, committed by the CBFC in releasing the film with derogatory remarks / thoughts reflected about the Scheduled Tribes. Clearly CBFC has failed to discharge its mandated duties and liable of punishment as provided under the relevant Act referred earlier.

9. The Commission advised that

- (1) objectionable /contradictory words need be deleted from the film.
- (2) The CEO said that they shall take action under Rule 33 of the Cinematograph Act, 1952 which interalia provides for corrective measure i.e. order would be issued for deletion of unparliamentarily language and words



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10. In order to ensure that film does not contain derogatory words / sentences / actions , it was decided the film be viewed by the petitioner and CBFC once again and CBFC would provide CD of the film to the Commission and also to the Petitioner.

11. CEO CFBC assured the Commission that he would send a CD of the film to Commission and to the petitioner within 03 days , so as to identify derogatory and objectionable portion of language in the film and orders would be issued for deletion of such portion from the film.



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