



2025:KER:87147

'CR'

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

FRIDAY, THE 14TH DAY OF NOVEMBER 2025 / 23RD KARTHIKA, 1947

WP(C) NO. 37251 OF 2025

PETITIONERS:

- 1 JUBY THOMAS
AGED 41 YEARS
S/O VM THOMAS, VETTIKATTIL HOUSE, INCHOOR,
KOZHIPPILLY P.O, KOTHAMANGALAM, ERNAKULAM
DISTRICT, PIN - 686691
- 2 VEERA @ MUHAMMED RAFEEL
AGED 40 YEARS
S/O MEERAN PETITIONERS AMANATH HOUSE, PUTHIYA
ROAD, KANGARAPPADY, ERNAKULAM, PIN - 682020

BY ADVS.
SRI.E.S.SANEEJ
SHRI.JOHN VITHAYATHIL

RESPONDENTS:

- 1 UNION OF INDIA
REPRESENTED BY SECRETARY, MINISTRY OF INFORMATION
AND BROADCASTING, ROOM NO. 552, A WING, SHASTRI
BHAVAN, NEW DELHI, PIN - 110001
- 2 THE REGIONAL OFFICER
CENTRAL BOARD OF FILM CERTIFICATION, 1ST FLOOR,
CHINTHRANJALI STUDIO COMPLEX, THIRUVALLAM,
THIRUVANANTHAPURAM, PIN, PIN - 695027



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- 3 THE CHAIRMAN
CENTRAL BOARD OF FILM CERTIFICATION, FILMS
DIVISION COMPLEX, PHASE-I BUILDING, 9TH FLOOR,
DR. GANESHMUKH MARG, MUMBAI, PIN - 400026
- 4 THE REVISION COMMITTEE
CENTRAL BOARD OF FILM CERTIFICATION, FILMS
DIVISION COMPLEX, PHASE-I BUILDING, 9TH FLOOR,
DR. GANESHMUKH MARG, MUMBAI, REPRESENTED BY ITS
CHAIRMAN, PIN - 400026
- 5 ADDL.R5: CATHOLIC CONGRESS,
THAMARASSERY DIOCESE, PB NO. 1, THAMARASSERY P.O,
KOZHIKODE- 673573, REPRESENTED BY ITS PRESIDENT,
PIN - 673573; ADDL.R5 IS IMPEADED AS PER ORDER
DATED 17.10.2025 IN I.A.1/25 IN WP(C)37251/205.
- 6 ADDL.R6: ANIL M.P.,
AGED 54 YEARS, S/O. PURUSHOTHAMAN, MATTUMMAL
HOUSE, V V K VALATH ROAD, CHERANELLUR, ERNAKULAM
DISTRICT, PIN - 682034 ADDL.R6 IS IMPEADED AS
PER ORDER DATED 30.10.2025 IN I.A.2/2025 IN WP(C)
37251/2025.

BY ADVS.

SHRI.RAJAGOPALAN.A., CGC

SMT.MARIYA RAJAN

SHRI.S.ANIL KUMAR (CHERTHALA)

SRI.SHINU J.PILLAI

SMT.S.SUJA

SMT.ANN MARIYA JOHN

SHRI.FELIX SAMSON VARGHESE

SHRI.P.SREEKUMAR (SR.)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON ON 07.11.2025, THE COURT ON 14.11.2025 DELIVERED THE
FOLLOWING:



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"CR"

V.G.ARUN, J

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W.P.(C).No.37251 of 2025

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Dated this the 14th day of November, 2025

JUDGMENT

The 1st petitioner is the producer and the 2nd petitioner, the director of the upcoming film titled "HAAL". The petitioners are aggrieved by the decision of the Central Board of Film Certification ("Board"), acting upon the recommendations of its Revising Committee and granting only restricted permission for exhibition of the film under "A" Category, with excisions and modifications.

2. The essential facts are as under:

After completing the production works, the film, along with the requisite application for censorship, was submitted on the official portal of the Board on 08.09.2025. The film



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was thereafter examined by the Examining Committee of the Board on 10.09.2025. Sometime later, on checking the application status, the petitioners found that the film had been forwarded to the Revising Committee. As the censor certificate was getting delayed, the petitioners filed W.P. (C).No.35526 of 2025 and the case was posted to 07.10.2025 for instructions from the side of the Board. In the meantime, on 06.10.2025, the 2nd respondent communicated its decision that the film is not suitable for unrestricted exhibition, and permitting only restricted public exhibition with "A" certificate, subject to certain excisions. Aggrieved, this writ petition is filed seeking the following reliefs:

"1. To call for the entire records in Exhibit P6 decision issued by the 2nd respondent and to set-aside the same in the interest of justice.

2. To issue writ order or direction in the nature of mandamus directing the respondents 2 to 4 to re-consider Ext. P3 application submitted by the petitioners for issuance of censor



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certificate and grant the same at the earliest in the interest of justice.

3. To direct the respondents 1 to 4 to regarding framing of fresh guidelines for considering censorship applications including script censoring, in the interest of justice.

4. To depute an advocate commissioner appointed by this Hon'ble Court to watch the present movie and report its contents before this Hon'ble Court. "

3. Heard, Sr.Adv.Joseph Kodianthara, instructed by Adv.Saneeje S for the petitioner, Sr. Adv.P. Sreekumar, instructed by Adv. S. Anil Kumar for the Additional 6th respondent, Sr.Adv.A.R.L.Sundaresan, the learned Additional Solicitor General, instructed by Adv.A.Rajagopalan, for the Union of India and the official respondents, and Adv.Shinu J Pillai for the Additional 5th respondent.

4. Learned Senior Counsel appearing for the petitioners contended that the certification as well as the excisions demanded by the Board is an affront to the



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artistic freedom of the petitioners and an infringement on their fundamental rights guaranteed under Article 19(1)(a) of the Constitution of India. A movie is the dream of its makers and the final product is the result of the dedication and hard work of numerous artists and technicians. The present movie “HAAL” seeks to convey the message of a secular world heralded by enlightened youth who are not divided by religious or caste sentiments. The movie speaks about the ability of love to transcend all religious stereotype restrictions, and sends the message of compassion and brotherhood. Merely because the movie portrays the trials and tribulations of two young lovers from two different religions, the boy from the Muslim community and the girl from the Christian community, the censors cannot jump to the conclusion that the film is entitled only for “A” certification, since the narrative of the film deals with socio-cultural dynamics and involves religious



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sensitivities. Reliance is placed on the decision in **Bobby Art International and Others v. Om Pal Singh Hoon and Others** [(1996) 4 SCC 1] to contend that the standards set for the censors must make a substantial allowance, leaving it for creative art to interpret life and society.

5. The Senior Counsel then contended that the power for certification of films under Section 5A and to deny certification under Section 5B of the Act, are distinct. Therefore, once the Board decides to give “A” certification for a film, it cannot direct excisions and modifications.

6. It is argued that the message of the film maker cannot be gathered by viewing only certain portions of the film, as has been done in the petitioners’ case. The excisions suggested by the Board clearly indicate the truncated manner in which the film was viewed, by discarding the theme and focusing only on certain portions. Support for the argument is sought to be drawn from the



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decisions of the Apex Court in **Director General, Directorate General of Doordarshan and Others v. Anand Patwardhan and Another** [(2006) 8 SCC 433] and that of a Division Bench of the Bombay High Court in **F.A.Picture International v. Central Board of Film Certification** [2005(2) MHLJ 869].

7. According to the Senior Counsel, majority of the excisions are contrary to the guidelines formulated under sub-section (2) of Section 5B of the Cinematograph Act, 1952 (the Act for short), as per which films should be judged in their entirety, from the point of view of its overall impact.

8. Lastly it is submitted that the petitioners are not contesting the direction in Ext.P6 to carry out excisions of the scenes listed as Sl.Nos.5 and 6 as those scenes do not gel with the theme of the movie.

9. Learned CGC raised a preliminary objection



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regarding the maintainability of the writ petition in view of the appellate remedy available under Section 5C of the Act. In reply, the learned counsel for the petitioners submitted that, although an appeal was preferred, the Registry informed that the appeal cannot be accepted as no nomenclature is prepared. In view of the above submissions, a report was called from the Registry. The relevant portion of the Registry's report reads as under;

"As per the categorisation and nomenclature of cases adopted by the High Court, vide High Court Notification No.D1(A)-2010/98 dated 11-04-2003 (Annexure A), first appeal against judgments in special jurisdiction cases are categorised under the nomenclature 'Miscellaneous First Appeal abbreviated as 'MFA (Name of Act.)'.

However, a specific nomenclature for appeals under Section 5C of the Indian Cinematograph Act, 1952 as 'MFA(-Name of Act-) has not yet been created and notified.

In this context, it is submitted that provision for appeal to High Court is provided under many special enactments which are to be categorised as MFAS. However, corresponding nomenclatures as specified in the High Court Notification No. D1(A) 2010/98 dated 11-04-



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2003 for all such appeals in special jurisdiction cases have not been created or notified.”

A reading of the reveals that at present it is not possible to accept and entertain appeals filed under Section 5C of the Act. Being so, the only remedy is to consider the writ petition on merits. Hence, the objection is overruled.

10. Learned ASGI commenced his argument by submitting that the freedom guaranteed under Article 19(1) (a) is not absolute, but subject to the reasonable restrictions under Article 19(2) of the Constitution. The Cinematograph Act is enacted in exercise of the power under Article 19(2) and reasonable restrictions imposed by Section 5A of the Act. It is then contended that the Film Certification Board consists of experts in the field and it will be inappropriate for this Court to supplant its opinion with the expertise of the members of the Board, whether it be in exercise of the appellate power under Section 5C of the Act or the power of judicial review under Article 226 of



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the Constitution.

11. According to the learned ASGI, the film HAAL was granted “A” certificate due to its mature and complex character arcs with socio-cultural dynamics and religious sensitivities. Central to the plot is the relationship between Asif and Maria, whose evolving love story forms the emotional core of the film. The actions involve sensitive subject matter that requires a mature audience interpretation. Given the portrayal of these intense and sensitive themes and the consequences of extreme actions the film is best suited for adult audiences. The “A” certification ensures that the content is viewed with the necessary discretion and contextual understanding by an adult audience.

12. It is then contended that the excisions and modifications are suggested in accordance with the ‘Guidelines for Certification of Films for Public Exhibition’



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issued under sub-section (2) of Section 5B of the Cinematograph Act, 1952. The Revising Committee consisting of two subject experts had observed that the film misrepresents inter-faith relationships - commonly referred to as “Love Jihad” - and portrays legitimate warnings from Hindu and Christian leaders as unfounded or intolerant. The film also features a character identical to the Bhisop of Thamarassery Diocese, who finally bless the young couple from different religions. The said depiction is hurtful to the sentiments of the Christian community and contrary to the proclaimed stand of the Bhisop himself. The impugned decision was therefore based on a comprehensive assessment of the film's sensitive thematic content, including its treatment of interfaith dynamics and its visual presentation. The Board found the film to be having the potential to distort public perception and disturb communal harmony, which falls squarely within the grounds



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enumerated under Section 5B (1) namely, “public order”, “decency or morality” and “relations between different classes of citizens”. Relying on the decision of the Supreme Court in **S. Rangarajan v. P. Jagjivan Ram**, [(1989) 2 SCC 574], it is contended that freedom of expression cannot extend to acts endangering public order or inciting hostility. The learned ASGI also argued that the decisions relied on by the petitioners were rendered under entirely different context and have no application to the facts of the case under consideration.

13. The learned counsel for the Additional 5th respondent referred to the decision in **Shahan Sha. A and Another v. State of Kerala** [2010 1 KLJ 47] to point out that this Court had occasion to make observations regarding the Love Jihad Movement in Kerala and the attempt of the petitioners is to make it appear that there is no such movement. Reference is made to the decision of



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the High Court of Madras in **M.S.Mangaadu Amman Movies represented by its proprietor, Rajaganapathy Vadivelu v. Chairman, Central Board of Film Certification and Others** [2024 SCC OnLine Mad 773] to contend that in the guise of making a movie, no one can claim unbridled fundamental right of free expression and whenever there is overstepping by the maker of the movie, the Censor Board is bound to intervene. The learned counsel then argued that a highly respected religious leader of the Christian community is shown to be making statements which are contrary to the concept of Christianity and the declared policy of the community. Moreover, the petitioners have gone to the extent of filming and screening the Bishop's house. Apart from the excisions suggested by the Board, many other scenes are to be deleted and for that purpose, the 5th respondent has submitted an application under Rule 32 of the



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Cinematograph (Certification) Rules, 1983.

14. Learned Senior Counsel appearing for the Additional 6th respondent submitted that the petitioners having decided to carry out the excisions at Sl.Nos.5 and 6 in Ext.P6, the 6th respondent's grievance stands substantially allayed. It is argued that this Court cannot supplant its opinion with the wisdom of the experts in the Committees of the Board. In support of this argument, the Senior Counsel referred to certain paragraphs **Rangarajan's** case (supra). Reliance is also placed on the decision of the Apex Court in **K.A.Abbas v. Union of India and Another** [1970 2 SCC 780] to contend that the impact of the cinema in comparison with other forms of art is much higher and the courts should refrain from interfering with the due exercise of power by the authorities under the Act.

15. No doubt, as contended by the learned counsel for the respondents, this Court will not be justified in



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interfering with the decision of the Board unless the decision is found to be so perverse that no person of reasonable prudence can arrive at such a conclusion. It is also true that the movies have more impact on society than other medias and therefore, a check on overplay is essential. The following erudite expositions of the Supreme Court in **Rangarajan** (supra) assumes relevance in this context.

"10. Movie doubtless enjoys the guarantee under Article 19(1)(a) but there is one significant difference between the movie and other modes of communication. The movie cannot function in a free marketplace like the newspaper, magazine or advertisement. Movie motivates thought and action and assures a high degree of attention and retention. It makes its impact simultaneously arousing the visual and aural senses. The focussing of an intense light on a screen with the dramatizing of facts and opinion makes the ideas more effective. The combination of act and speech, sight and sound in semi-darkness of the theatre with elimination of all distracting ideas will have an impact in the minds of spectators. In some cases, it will have a complete and immediate influence on, and appeal for everyone who sees it. In view of the scientific



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improvements in photography and production the present movie is a powerful means of communication. It is said: "as an instrument of education it has unusual power to impart information, to influence specific attitudes towards objects of social value, to affect emotions either in gross or in microscopic proportions, to affect health in a minor degree through sleep disturbance, and to affect profoundly the patterns of conduct of children." (See *Reader in Public Opinion and Communication*, Second Edition by Bernard Berelson and Morris Janowitz, p. 390.) The authors of this book have demonstrated (at pp. 391 to 401) by scientific tests the potential of the motion pictures in formation of opinion by spectators and also on their attitudes. These tests have also shown that the effect of motion pictures is cumulative. It is proved that even though one movie relating to a social issue may not significantly affect the attitude of an individual or group, continual exposure to films of a similar character will produce a change. It can, therefore, be said that the movie has unique capacity to disturb and arouse feelings. It has as much potential for evil as it has for good. It has an equal potential to instil or cultivate violent or good behaviour. With these qualities and since it caters for mass audience who are generally not selective about what they watch, the movie cannot be equated with other modes of communication. It cannot be allowed to function in a free marketplace just as does the newspapers or magazines. Censorship by prior restraint is, therefore, not only desirable but also necessary."



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16. Keeping the above proposition in mind and to have a clear idea about the movie, the film was viewed by this Court, along with the counsel for the petitioner, the Central Government Counsel and the 5th respondent. The film is about the romantic relationship between two youngsters, a Muslim boy and a Christian girl, who face a lot of opposition from their families and respective religious communities against their union. The boy's family demands that the girl convert to Islam, while the boy himself opposes the demand. On the other hand, the girl, out of her deep love for the boy, initially relents, but retracts at the last moment, finding it difficult to renounce her religion, and give up on her daily prayers. Finally, after some dramatic moments, the boy and girl overcome all obstacles and succeed in convincing their families that love has no religion and it is possible for them to follow their individual



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religious beliefs even after marriage. This is accepted by the religious leaders of both communities and the film comes to a happy end.

17. Before proceeding further, it is necessary to understand the scheme of the Act. The pertinent provisions are Section 3 providing for constitution of the Board of Film Certification, Section 4 providing for examination of the films, Section 5 dealing with advisory panels, Section 5A providing for certification of films as "U", "UA", "A" or "S". Section 5B(1) empowering the competent authority to refuse certification and sub-section (2) of Section 5B, providing for issuance of directions by the Central Government setting out the principles that should guide the competent authority are also of importance. The guidelines for certification of films is issued in exercise of such power. The provisions leave no room for doubt that the competent authority can certify the films differently and even refuse



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permission for release. But such power cannot be exercised according to the whims and fancies of the authority. In the instant case, the competent authority has directed excision of certain portions of film by referring to clauses 2(xii), 2(xviii) and 3(i) extracted hereunder for easy reference;

"2 In pursuance of the above objectives, the Board of Film Certification shall ensure that

xxx xxx xxx

(xii) visuals or words contemptuous of racial, religious or other groups are not presented;

xxx xxx xxx

(xviii) visuals or words involving defamation of an individual or a body of individuals, or contempt of court are not presented.

3.The Board of Film Certification shall also ensure that the film (i) is judged in its entirety from the point of view of its overall impacts."

18. Being essential, the relevant portion of the impugned order, the legal validity of which is under challenge, is extracted below;



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"Reasons for grant of "A" Certificate to the film subject to the following excisions/modifications:

The narrative of the film deals with socio-cultural dynamics and also involves religious sensitivities. Considering the same, the RC unanimously recommended grant of "A" with modifications to the film.

Sr. No	Insertions/ Excisions/ Modification	Location	Description of Excisions/ Modification	Guidelines
1	Excisions	At TCR 43:16 to 43:18 mins. approx.	Delete the sequence in the song where Maria uses Muslim religious attire to hide her identity.	2(xii)
2	Excisions	At TCR 34:36 mins. and TCR 1:53:00 mins. approx.	Regarding stereotyping of certain communities - a) Modify the police interrogation scene with schoolboys. b) Delete the dialogue Kannadiga crying.	2(xii), 3(i)
3	Excisions	At 28:00 mins., 57:21 mins., 1:45:50 mins., 1:46:16 and 1:46:40 mins. approx.	Regarding Christian religious sentiments - a) Blur the name of the institution, "Holy Angels College of Nursing" and wherever it occurs. b) Delete the dialogue "Vikari.....othukathila" by Davis. c) Delete the dialogue "Kuppayadinte to... Valippa milla". d) Please submit concerns regarding the permission from the Tamrasseri Bishop House. e) Delete the dialogue by Bishop	2(xii), 3(i)



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			"Pothuve...till ...Karanakarano." f) Please submit the consent of the Thamrassery Bishop in the scenes wherever he is depicted.	
4	Modification	At TCR 38:37 mins., 1:27:42 mins. and 2:02:00 mins. approx.	The police and Kerala state authorities have shown in a bad light, thus suitably modify the scene depicting discrimination against certain religious groups, wherever it occurs.	2(xii), 2(xviii)
5	Excisions	At TCR 1:34:55 mins. and TCR 1:35.04 mins. approx.	Regarding the Court proceedings - a) Submit data and documents regarding the court proceedings. b) Delete the dialogue "Athil thanne.....matha thilekkuma kanu."	2(xviii), 3(i)
6	Excisions	At 1:50:39 to 1:57:26 mins 1:56:20 mins 1:54:00 mins approx	Regarding the demeaning of cultural organisation - a) Delete the dialogues "Dhwaj Pranam. Abhyanthara shatrupal, Ganapati Vattam, Sangham Kavalund (also from subtitles) b) delete the scene of eating beaf biriyani c) blur Rakhi and wherever it occurs.	2(xii)

19. While proceeding to decide the *lis*, this Court has to bear in mind that every societal issue, be they economic



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policy, social justice or governance, must be viewed through the prism of constitutional values and refracted through the foundational principles of justice, liberty, equality and fraternity along with the fundamental rights enshrined in the Constitution of India. Upon viewing the film from the perspective of an ordinary person, this Court found the theme of the film to be in tune with the foundational principles enunciated in our Constitution. It is beyond comprehension as to how the above theme can be termed as misrepresentation of inter-faith relationships, or portrayal of legitimate warnings from Hindu and Christian leaders, as unfounded and intolerant. The other observations of the experts are also unsustainable when pitted against the larger theme of the film. This reasoning is equally applicable to the excisions directed by the impugned order. A Christian girl wearing Muslim attire or an interrogation scene at the police station with schoolboys



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present, cannot be termed as indecent or immoral, or capable of inciting violence. The depiction of a character as a Bishop of the Christian community and the dialogues of that person falls well within the artistic freedom guaranteed under Article 19(1)(a). This Court is not venturing to decide on the correctness of the last two excisions in Ext.P6, since the petitioners have decided to delete those scenes on their own.

20 The respondents having raised a contention regarding the limited power of interference vested with this Court, it will be profitable to refer the erudite exposition in **F.A. Picture International** (supra), wherein the Division Bench of the Bombay High Court has held that the regulatory power of the State must be confined within the boundaries that have been prescribed under Article 19(2), when it comes into contact with the fundamental right of free speech. The regulatory power of the State to



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impose reasonable restrictions on the fundamental right to free speech and expression can only be in 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 in relation to contempt of court, defamation or incitement to an offence.

21. As held in **Rangarajan** (supra), the standard to be applied by the Board or the courts for judging the film should be that of an ordinary man of commonsense and prudence and not that of an out of the ordinary or hypersensitive man. In the case at hand it is clear that, instead of judging the film as would be done by an ordinary prudent person, the Board's focus was on whether the film will ruffle a few oversensitive feathers. Even accepting the contention of the learned ASGI that the Censor Board is involved in the act of balancing the freedom of the movie maker with the reasonable restrictions under Article 19(2),



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such balancing act cannot be carried out by overlooking the foundational principles of secularism and fraternity which are the bedrock of our great democracy.

For the aforementioned reasons, the writ petition is allowed and Ext.P6 decision, except excision Nos.5 and 6, quashed. On the petitioners resubmitting the film after carrying out excision Nos.5 and 6, the Board shall examine the film following the prescribed procedure and issue fresh certification, within two weeks of re-submission.

sd/-

V.G.ARUN, JUDGE

sj



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APPENDIX OF WP(C) 37251/2025

PETITIONER EXHIBITS

- | | |
|------------|---|
| Exhibit P1 | TRUE PHOTOCOPY OF THE GST REGISTRATION CERTIFICATE OF THE JVJ PRODUCTIONS DATED 20.12.2024 |
| Exhibit P2 | TRUE PHOTOCOPY OF THE TAX INVOICE ISSUED FROM THE KERALA FILM CHAMBER OF COMMERCE DATED 20.04.2024 |
| Exhibit P3 | TRUE PHOTOCOPY OF THE APPLICATION SUBMITTED BEFORE THE 2ND RESPONDENT FOR ISSUANCE OF CENSORSHIP CERTIFICATE DATED 08.09.2025 |
| Exhibit P4 | TRUE PHOTOCOPY OF THE POSTER OF THE FILM 'HAAL' |
| Exhibit P5 | TRUE PHOTOCOPY OF THE STATUS OF THE APPLICATION FOR ISSUANCE OF CENSORSHIP CERTIFICATE DATED 17.09.2025 |
| Exhibit P6 | TRUE PHOTOCOPY OF THE DECISION ISSUED BY THE 2ND RESPONDENT DATE 06.10.2025 |

RESPONDENT EXHIBITS

- | | |
|-------------|---|
| Exhibit P5A | TRUE COPY OF THE COMPLAINT DATED 03.10.2025 SUBMITTED BY THE APPLICANT. |
|-------------|---|