



सत्यमेव जयते

**न्यायालय मुख्य आयुक्त विकलांगजन**  
**COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES**  
विकलांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities  
सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment  
भारत सरकार / Government of India

Case No.5179/1141/2015

Dated 28/2/1017

**In the matter of:**

Shri Ajay Laad, <sup>D825</sup>  
Email – [ajaylaad@hotmail.com](mailto:ajaylaad@hotmail.com)

.... Complainant

**Versus**

Ministry of Information & Broadcasting, <sup>D826</sup>  
Through: Secretary  
'A' Wingh, Shastri Bhawan, New Delhi - 110001

.... Respondent

**Date of Hearing – 22.11.2016**

**Present:**

- (1) Shri Ajay Laad, the complainant
- (2) None appeared on behalf of respondent

**ORDER**

The complainant, a person with hearing impairment filed a complaint vide email dated 10.09.2015 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the 'Act' regarding humiliation to persons with hearing impairment in the Abbas Mustan's movie 'Kis Kis Ko Pyaar Karoon'.

2. The complainant submitted that in the movie the presentation of scene on deaf person was mainly for creating humor by highlighting the disability of deafness. He also submitted that as per the Constitution of India every legal citizen of India, whether healthy or disabled has a right of justice, equality of status and opportunity for the promotion of the fraternity. He requested to take action to prevent from showing such scenes in the movie making laugh on the disability of deaf persons.

3. The matter was taken up under Section 59 of the Act with the respondent vide this Court's letter dated 14.10.2015.

4. The respondent vide letter No.M-11012/17/2015-DO(FC) dated 23.12.2015 filed its comments in the matter and inter-alia submitted that Central Board of Film Certificates (CBFC) had examined the film 'Kis Kis Ko Pyar Karu' as per the provisions

of Cinematograph Act, 1952, Cinematograph (Certification) Rules, 1983 and the guidelines issued thereunder. The theme of the film is comedy and whatever has been shown in the films are fictitious. The disclaimer mentioned at the beginning of the film states that "The Events, Characters and Firms depicted in this film are fictitious, and any similarity to actual persons, living or dead or to actual events or films is purely coincidental", covers any unintended offence to any person.

5. The complainant vide his letter dated 05.02.2016 has submitted his rejoinder that he filed his complaint on behalf of his 7 years daughter, namely, 'Pari Laad' who has profound hearing loss by birth, for consideration of his comments that -

- (i) The theme of the film is comedy & whatever shown in the film is fictitious do not give the right to normal people creating several humorous scenes on disabled people by highlighting physical disability of the deaf character.
- (ii) The above mentality of the film maker clearly shows his intentions & feelings towards such kind of persons. This is a violation of law which protects the right of living with dignity of disable persons provided by the constitution of India and such type of unconstitutional work cannot be accepted by using public platforms.
- (iii) The disclaimer mentioned at the beginning of the film is irrelevant in respect to his complaint because he is not concern with the resemblance of any character, event or any other but on to issue of making laugh on disabilities of the affected person. This is the limit of the cruelty towards them & violation of human rights of disabled persons.
- (iv) CBFC (Central Board of Film Certification) which is a government body cannot overrule the fundamental basics of the Government policies. As per Indian constitution Preamble. There is a security of EQUALITY of status and FRATERNITY of all it's citizens assuring the dignity of the individual but CBFC was unable to protect the same which was in his part.
- (v) In all these acts, it is clearly mentioned that there should not be any direct or indirect act conduct which can cause insulting, humiliating and ridiculing behavior towards disabled persons. So the said reply of CBFC cannot be taken into consideration that there is no violation of rules in giving clearance to the film.
- (vi) The Bombay High Court issued a judgment on 22 August 2005 which required the Central Board for Film Certification (CBFC) to ask applicants to furnish a no-objection certificate from the Animal Welfare Board of India (AWBI) before certifying any film in which animals have been used. When we are so aware for animal rights in India that in present time no scenes can be picturised which are having mishandling of animals so why we are so rude

towards the sentiments of disabled persons by picturising comedy scenes on focusing their disabilities. By repeatedly doing all these we are hurting their feelings.

- (vii) By adopting such kind of practice of comedy on disabilities of disabled persons who are making a very tough life for surviving of such persons unfortunately suffered with disabilities. By watching such scenes, the society generally adopts the same thinking & frequently makes funs on disabled persons in different places, by watching such movies the disabled persons feel a big inferiority complex inside them and they cannot live their life with dignity & self respect in the society.
- (viii) Considering the above points, it is clear that in the movie 'Kis Kis Ko Pyaar Karu' the film maker has knowingly inserted several scenes which caused insulting, humiliating and ridiculing behavior towards disabled people. This is against the rights of persons with disabilities which the Constitution of India and several Acts provide them.

6. After considering the version of both the parties, the case was listed for hearing on 22.11.2016.

7. During the hearing on 22.11.2016, the complainant reiterated their submissions and added that his daughter is motherless since 2012 as her mother died due to kidney failure. He requested for justice in the matter.

8. None appeared on behalf of the respondent, nor was any intimation received about their inability to attend the hearing despite the fact that the Notice of Hearing was sent on 31.10.2016. This Court noted with serious concern, the utter disregard shown by the respondent and not caring to send their versions in the case.

9. In a similar case (No.377/1141/12-13 – Shri Ashok Kumar Thandele Vs M/o Information & Broadcasting & Anr.) in compliance with the Order dated 14.03.2014, the respondent had issued Directive No.804/05/2013-BC.III dated 20.05.2014 to M/s Multi Screen Media Pvt. Ltd. (Sony TV Channel) to scrupulously and strictly follow the following directions –

- (i) TV channel should express regret and make an apology for having used insulting derisive and double-meaning dialogues aimed at persons with disability in their TV programmes/advertisements.
- (ii) TV channel should give an undertaking that in future they shall not telecast any content which is insulting, derogatory, disrespectful, rude, degrading, undignified offensive, abusive, insensitive and detrimental to the self-esteem of persons with disability.

10. In light of the above, the respondent is advised to issue necessary instructions to the authorities concerned not to certify / release any film / movie content of which is insulting, derogatory, disrespectful, rude, degrading, undignified offensive, abusive, insensitive and detrimental to the self-esteem of persons with disability. Further, it may also be considered that the scenes in the movie '*Kis Kis Ko Pyaar Karoon*' which show insulting, humiliating and ridiculous behaviour towards persons with disabilities are liable to be cut down to not to show again.

11. The case is accordingly disposed off.



(Dr. Kamlesh Kumar Pandey)  
Chief Commissioner for  
Persons with Disabilities