

THE HIGH COURT OF DELHI AT NEW DELHI

%

Judgment delivered on : 31.07.2007

+

WP (C) 3472/2007

SHYAMLI BANERJEE

...Petitioner

- versus -

UNION OF INDIA & ORS

...Respondents

Advocates who appeared in this case:

For the Petitioner : Mr Deepak Prakash with Mr Gireesh Kumar, Mr Alok Joseph
and Mr Sajith P Warriar.

For the Respondents : Mr Suresh Kait.

CORAM:-

HON'BLE MR JUSTICE BADAR DURREZ AHMED

- | | | |
|----|---|-----|
| 1. | Whether Reporters of local papers may be allowed to see the judgment? | YES |
| 2. | To be referred to the Reporter or not? | YES |
| 3. | Whether the judgment should be reported in Digest? | YES |

BADAR DURREZ AHMED, J (ORAL)

1. This writ petition has been filed seeking a direction to the respondents to consider and examine the letter dated 04.09.2006 before announcing the 53rd National Film Awards. A prayer has also made for calling of the documents pertaining to the 53rd National Film Awards and to examine the correctness of the procedure followed by the respondent. The third prayer is that the respondent be directed to frame transparent regulations to restrict the alleged illegal interference of officials of the Directorate of Film Festivals or any other departments in the decision making process for arriving at the

National Film Awards to be given each year.

2. When this matter came up before my learned predecessor on 09.05.2007, it was directed that the petitioner's representations dated 13.08.2006 and 04.09.2006 be examined and considered by the respondent Ministry, if not already considered, within a period of four weeks and a reasoned order be passed. It was further directed that the 53rd National Film Awards pertaining to “Black”, “Parineeta”, “Parzania”, “Anniyen”, “Nishijapon”, Apaharan” be not declared till the decision on the representations of the petitioner is taken. The respondent was further directed to place the decision before the court on the next date of hearing.

3. Mr Kait, who appears on behalf of the respondent, submitted that pursuant to the said directions, the representations of the petitioner dated 13.08.2006 and 04.09.2006 were considered and a reply was sent to the petitioner on 11.06.2007 giving details of the reasons as to why it was thought that the petitioner's representations had no merit and were accordingly rejected. The reply dated 11.06.2007 also indicates that it was issued with the approval of Minister of Information and Broadcasting. A copy of the reply has been placed on record as annexure R-III along with the counter affidavit filed on behalf of the respondents.

4. The representation of the petitioner of 13.08.2006 raised two specific issues. The petitioner registered her strong opposition to the decision taken by the other members of the Jury regarding two categories :- Best Direction and Indira Gandhi Award for Best First Film. According to the petitioner that decision was not taken unanimously and some other members also wished to opt for a reconsideration of the same. According to the petitioner, the decision for the Best Direction had gone to “Parzania” which, in her view, was a wrong choice as the film was nothing but a mere reportage. With regard to the Indira Gandhi Award for Best Film, the petitioner was of the view that the award being given to “Parineeta” under this category was also not appropriate inasmuch as the said film was an outright commercial film and this runs counter to the object of the National Film Award. In this connection, by the representation dated 13.08.2006, the petitioner requested the Minister for Information and Broadcasting to intervene in the process and reconsider the options for the above two categories.

5. From the aforesaid description of the representation dated 13.08.2006, it is clear that the petitioner's first reaction, after the meeting of the Jury, was confined to only two categories i.e., Best Direction and the Indira Gandhi Award for the best first film. The other representation filed by the petitioner was of 04.09.2006. This representation was in furtherance of the so called “dissent letter” dated 13.08.2006 regarding the 53rd National Film

Awards. In the letter of 04.09.2006, the amplitude of controversy has been widened by the petitioner by bringing in other categories. In fact, there were six categories of films and / or awards which had been made the subject matter of dissent in the letter of 04.09.2006.

6. These representations have now been considered and the letter dated 11.06.2007 has been issued to the petitioner giving the reasons for rejecting the said representations.

7. The National Film Awards are governed by the Regulations which are known as the National Film Awards Regulations. The procedure for selection is given in clauses 19 to 26 of the said Regulations. Under clause 19(a), the awards are to be decided by two Juries, one for feature films and other for non-feature films, duly constituted by the Directorate with the approval of the Government of India. The present case pertains to feature films. The Jury for feature films, as provided in clause 19(b), is to comprise of a Chairperson and not more than 16 members distinguished in the field of cinema, other allied arts and humanities. The present Jury for feature films comprised of the Chairperson and 12 others including the petitioner. However, at the deliberations one member of the Jury was absent. Thus, the entire deliberations for the 53rd National Film Awards for feature films was conducted in the presence of the Chairman and 11 other Jury members. Under clause

20(a) of the Regulations, the Juries are required to determine their own work procedure. Obviously, it goes without saying that where there is difference of opinion then the majority view prevails. Under clause 20 (b), the Chairperson of the Feature Film Jury, is permitted to constitute a maximum of four panels from amongst the members of the Jury. Each panel, under clause 20(d) is required to recommend not more than 33% of the films viewed by it for combined viewing of the full jury. Importantly, clause 20(e) of the Regulations provides that the Jury shall have the right to recall not more than such percentage of total number of entries received as has been decided by the jury before the screening of the films for the panels starts. Clause 26 of the Regulations provides that the Director of the Directorate and / or his / her nominee may be present at the time of the deliberations of the juries only in order to provide information /clarifications, if any, required by the juries and not to participate in the deliberations. It is also interesting to note that clause 27, which falls under the heading “General”, stipulates that the decision of the Government of India in respect of matters covered by these Regulations and of the interpretation of these Regulations shall be final.

8. It is not denied that 11 members of the Jury and the Chairperson considered all the entries for the purposes of looking into the 53rd National Film Awards granted under the Feature Films Category. The only person who has objected to some of the categories is the petitioner. No other Jury Member has

come forward with any objection or in support of the contentions made by the petitioner. In such a situation, even if it may be regarded as a decision which was not unanimous then the dissent would only be of the petitioner and not of the majority of the members. In any event, Mr Kait points out that immediately on the conclusion of deliberations, the petitioner also signed the list of awards to be given. According to the petitioner, she was forced to sign the said list. Assuming for a moment that she was forced to sign the said list, this would not make any difference to the decision with regard to the awards in question because the rest of the members of the Jury have not objected or come forward with any objection with regard to the decisions taken. The petitioner may have her likes or dis-likes with regard to the awards that have been selected but her sole decision will not override the decision of the majority of the members of the Jury. Thus, insofar as her prayer with regard to the consideration of her representation is concerned that seems to be adequately addressed. The 53rd National Film Awards, accordingly, be announced by the respondent as per the decision taken by the Jury. With regard to the directions for framing of regulations, I feel that there is no necessity for issuing any such direction. This is so because the Regulations are already in place.

9. The only thing remaining is that the petitioner may give suggestions to improve the performance and to make the process of selection of awards better in future. Such suggestions, according to Mr Kait, who appears on

behalf of the respondent, are, in any event, invited each year from the Jury Members. Accordingly, the petitioner may, if she so feels, submits a list of suggestions that she may have. The same may be sent to the Secretary, Ministry of Information and Broadcasting within two weeks and all the suggestions shall be looked into by the competent authority, and if found feasible, be incorporated in their future selection process.

With these directions, the writ petition stands disposed of.

Dasti.

**BADAR DURREZ AHMED
(JUDGE)**

July 31, 2007
M