



1

WP-42708-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE PRANAY VERMA

ON THE 4th OF NOVEMBER, 2025WRIT PETITION No. 42708 of 2025*MS. SIDDIQUA BEGUM KHAN**Versus**UNION OF INDIA AND OTHERS*

.....
Appearance:

Shri Tousif Warsi - Advocate for the petitioner.

Shri Romesh Dave - Deputy Solicitor General for respondent No.1.

Shri H.Y. Mehta - Advocate with Shri Chinmay Mehta - Advocate for
respondent No.3.

Shri Ajay Bagadia, Senior Advocate along with Shri Ritik Gupta,
Advocate for the respondent No.5.

.....
ORDER

With the consent of learned counsel for the parties, the matter is finally
heard.

02. This petition under Article 226 of the Constitution of India has
been preferred by the petitioner for restraining the respondents from
releasing, screening, promoting or publishing the film "Haq" or any
derivative thereof and for directing respondent No.2, the Central Board of
Film Certification (CBFC) to withhold or revoke certification of the film
pending verification of consent from legal heirs of Late Smt. Shah Bano
Begum.



03. As per the petitioner, she is the daughter and surviving legal heir of Late Smt. Shah Bano Begum. Respondents No.3 to 6, who are producers and distributors, have proposed release of motion picture "Haq" which explicitly dramatizes the personal and matrimonial life of her late parents without her knowledge or consent. The film is slated for release on 07.11.2025. It employs fabricated, sensationalized and false portrayals based on unverified material, which is evident from teaser of the movie released on 23.09.2025 followed by its Trailer released on 23.10.2025. Upon learning of the fact of release of the teaser, the petitioner issued a legal notice on 06.10.2025 to the respondents calling for abeyance from release of the film which was replied to by them on 14.10.2025 denying the allegations. The only authentic public record relating to the family is the judgment of the Apex Court in *Mohammad Ahmed Khan Vs. Shah Bano Begum, 1985 (2) SCC 556* which contains purely legal findings and no personal or domestic details. However, the teasers and trailers of the film misappropriates the judgment's moral legacy to weave a fictional narrative that distorts the personalities and private lives of the individuals involved. The experiences of late Shah Bano Begum are not part of any public record and were never meant to be dramatized or commercialized for entertainment. The sole objective of the respondents is to commercialize her personal life. The script and dialogues of the movie are fabricated and are not drawn from any legitimate or judicial source. The revival of late Shah Bano's suffering has caused the petitioner grave emotional trauma. The petitioner has approached this Court to prevent the desecration of a sacred memory and has hence preferred this petition.



04. Learned counsel for the petitioner has submitted that the actions of the respondents amount to violation of Article 21 of the Constitution of India in respect of right to privacy and dignity. Their acts are in derogation of family status and reputation of the petitioner and her late mother. The commercialization of the private life of late Shah Bano Begum is legally impermissible. The defence that it is only a fictionalization is not a valid legal defence. The personality and moral rights are inheritable and those of late Shah Bano Begum have been inherited by the petitioner. The film is based upon fabricated sources and false script. The Central Board of Film Certification (CBFC) has failed to perform its statutory duty in issuing the certification of the film. Limits on artistic freedom have been transgressed by the respondents in violation of Article 19(2) of the Constitution of India. The personal tragedy of an individual has been commodified which has resulted in irreparable harm. Reliance has been placed by him on the decisions of the Apex Court in *K.S. Puttaswamy Vs. Union of India 2017 (10) SCC 1*, *Subramanian Swamy Vs. Union of India, 2016 (7) SCC 221*, *R. Rajagopal Vs. State of Tamil Nadu 1994 (6) SCC 632* and, *Khushwant Singh Vs. Maneka Gandhi 2002 (4) SCC 30*, *Mohammad Ahmed Khan Vs. Shah Bano Begum 1985 (2) SCC 556* and of the Delhi high Court in *Phoolan Devi Vs. Shekhar Kapoor 1994 SCC Online Del 788*, *Titan Industries Ltd. Vs. Ramkumar Jewellers, 2012 (50) PTC 486 Del* and *ICC Development (International) Ltd. Vs. Arvee Enterprises 2003 (26) PTC 245 Delhi*.

05(i) Reply has been filed by respondents No.3 and 5, who are the producers of the film and learned counsel for respondents No.3 and 5 have



submitted that the film is inspired by the judgment passed by the Apex Court in the case of Shah Bano Begum and is the fictional adaptation of the book "Bano: Bharat ki Beti" by author Jigna Vora. The plot of the film is that somewhere in 1980s, "Shazia Bano" takes her husband to Court after he abandons her and their children sparking a national battle over faith, women's rights and justice. Inspired by the aforesaid judgment of the Apex Court the movie is story of one woman's fight for her rights. On 05.02.2024 news articles were published in news media outlets to the effect that respondent No.6, Mr. Suparn Verma (Director) is working on a script for a film connected to the Shah Bano case. Thereafter, multiple news articles announced the commencement of the shoot of the film. Media publications appeared stating that the movie is based on real life incidents and inspired by the Shah Bano case. On 23.09.2025 the teaser for the film was released on YouTube. On 27.10.2025 the official trailer of the film was released. On 28.10.2025 the film was granted a UA 13+ Certificate by the CBFC from which it is clear that the film is in accordance with the statutory rules and guidelines.

(ii) It is further submitted that personality, publicity and private rights are not heritable. A person's right to publicity/personality ceases to exist with his death. The right cannot be enforced by the legal heirs/family members of the deceased. The storyline and characters of the film are fictional and fall squarely within the protection of artistic and creative freedom enshrined under Article 19(1)(a) of the Constitution of India. There was no requirement of seeking any consent of the petitioner before producing the film. The



petitioner was very much aware since the beginning as regards the production of the film but has approached this Court only six working days before its release. There has hence been deliberate and unexplained delay and latches on part of the petitioner in preferring this petition. It is also submitted that the film is only inspired by the life of Smt. Shah Bano and the Shah Bano judgment and the facts and findings therein. The material from which the film draws inspiration are all available in the public record and have been published and republished for decades without any objection from Smt. Shah Bano or her legal heirs. The film is hence inspired by the public record, which has never been disputed. No copyright or moral rights subsist in favour of Smt. Shah Bano or the petitioner. Before the film is screened, a disclaimer is shown of one minute and sixteen seconds along with a voice over reading out the disclaimer verbatim. It makes it clear to the audience that the film, its plot and characters are fictitious and do not represent any person alive/dead. This disclaimer is sufficient to ensure that no association or harm is drawn to family members or real persons from whose lives the film has been inspired.

(iii) It is further submitted that the film has been certified by the CBFC which hence leads to a *prima facie* presumption that the same is not defamatory. The film has been duly examined by experts in the field who have found that the film is within the parameters of law. The petitioner has the alternate remedy available under Section 5-E of the Cinematograph Act, 1952 which provides for suspension and/or revocation of the CBFC Certificate but instead of availing the said remedy, the petitioner has



approached this Court directly. Certification of the film implies that it contains nothing objectionable, defamatory or violative of any person's privacy or dignity. It is also submitted that the petitioner has failed to place the certificate on record which she challenges. No grounds have been taken as to why such certification should be revoked. Unless the very certificate in permitting public exhibition of the film is not placed on record, no relief can be granted to the petitioner which is a consequential relief. Once the film has been certified by respondent No.2, this Court can interfere only if there is a procedural infraction in the certification process, which has not been pleaded or substantiated by the petitioner. It is hence submitted that the petition deserves to be dismissed.

(iv) Reliance has been placed by learned counsel for respondents 3 and 5 on the decision of the Apex Court in *Babuji Rawji Shah Vs. S. Hussain Zaidi and Others* 2023 (20) SCC 660, *R. Rajagopal and Another Vs. State of T.N. and Others* 1994 (6) SCC 632, *R.G. Anand Vs. Delux Films and Others* 1978 (4) SCC 118, *Viacom 18 Media Pvt. Ltd. and Others Vs. Union of India and Others* 2018 (1) SCC 761, *Priya Singh Paul Vs. Madhur Bhandarkar and Others* 2018 (13) SCC 438 and on *Deepa Jayakumar Vs. A. L. Vijay and Others* 2021 SCC Online Mad 2642, *Katha Vachak Films Pvt. Ltd. Vs. Anindya Bikas Datta and Others* 2025 SCC Online Bom 1749, *Sandeep Gangatkar Vs. Sandeep Kewlani and Others* 2025 SCC Online Bom 148, *Dashrath B. Rathod and Others Vs. Fox Star Studios India Pvt. Ltd. and Others* 2017 SCC Online Bom 345, *Ruba Ahmed and Others Vs. Hansal Mehta and Others* 2022 (6) HCC (Del) 225, *Ujjwal Anand Sharma Vs.*



Union of India and Another 2017 Supreme (Del) 2434, Ramgopal Varma and Another Vs. Perumalla Amrutha 2020 SCC Online TS 3018, ICC Development (International) Ltd. Vs. Arvee Enterprises and Another 2003 SCC Online Del 2 and Krishna Kishore Singh vs. Sarla A. Saraogi, 2023 SCC Online Del 3997.

06. I have heard the learned counsel for the parties and have perused the record.

07. During the course of hearing, learned counsel for the petitioner advanced arguments to the effect that in the teaser as well as in the trailer of the film which have been released there are various utterances and/or dialogues on the basis of religion from which an effort has been made to malign a particular religion/community. He has pointed out and narrated some of those dialogues and has contended that they are defamatory for the community in general. They show the religion/community and its followers in a bad light. However, it is observed that as per the petitioner herself, she has seen the teaser as well as the trailer of the film but no averment whatsoever in respect of the particular dialogues and the utterances and the manner in which they are offending either against her or as against the community/religion as a whole has not been pleaded at all anywhere in the petition. The facts which have pleaded and the grounds which have been raised in the petition are entirely different from these oral arguments. Since these grounds which have been raised during the oral arguments have not been taken in the writ petition they have not been replied to by the respondents in their return. It is well settled that in absence of pleading no



ground can be raised orally at the time of hearing. Arguments are required to be confined to the pleadings. Though some latitude may be given but it would not mean permitting oral arguments to be advanced on factual aspects of the matter regarding which there is no pleading in the petition. Thus, these grounds which have been urged by learned counsel for the petitioner at the time of oral arguments are declined to be considered.

08. The primary contention of the petitioner is that the film has violated the right of privacy, dignity and reputation of Smt. Shah Bano. It explicitly dramatizes the personal and matrimonial life of late parents of the petitioner without her knowledge or consent. The film intrudes into marital life of Smt. Shah Bano and violates her posthumous dignity. The violation of right of privacy is hence alleged to be that of Smt. Shah Bano. In *K.S. Puttaswamy (Supra)* it has been held by the Apex Court that right to privacy of any individual extinguishes with the human being. It has been held as under:

"557. In my considered opinion, "right to privacy of any individual" is essentially a natural right, which inheres in every human being by birth. Such right remains with the human being till he/she breathes their last. It is indeed inseparable and inalienable from human being. In other words, it is born with the human being and extinguishes with human being."

09. In *Deepa Jaya Kumar Vs. A.L. Vijay and Others AIR 2021 Mad 167* it has been held by the Division Bench of the Madras High Court that privacy or reputation earned by a person during his or her lifetime extinguishes with his or her death. It cannot be inherited like a movable or immovable property. It comes to an end after his or her lifetime. Posthumans right is not an alienable right. It has been held as under:

"38. On an analysis of the aforesaid judgment(s), it is clear that a privacy or reputation earned by a person during his or her life time, extinguishes with



his or her death. After the death of a person, the reputation earned cannot be inherited like a movable or immovable property by his or her legal heirs. Such personality right, reputation or privacy enjoyed by a person during his life time comes to an end after his or her life time. Therefore, we are of the opinion that "posthumous right" is not an "alienable right" and the appellant/plaintiff is not entitled for an injunction on the ground that the "posthumous right" of her aunt is sought to be sullied by the respondents/defendants by reason of the release of the film titled as "Thalaivi". Further, the movie in question is yet to be released. Even prior to that, the appellant/plaintiff is not entitled to seek for an injunction on the ground that her aunt has been depicted in the movie very badly and thereby her image and reputation is attempted to be brought down. Such a contention of the appellant/plaintiff cannot be countenanced before the movie is to be released. The release of the movie is subject to the certification to be given by the CBFC. The CBFC will have an opportunity to go through the contents of the movie."

10. The aforesaid principle has been followed by the Delhi High Court in ***Krishna Kishore Singh (Supra)***. Thus it has been categorically laid down that right of privacy or reputation of a person comes to an end after his or her lifetime. Since Smt. Shah Bano is no longer alive, her right of privacy and reputation has come to an end with her. It is not the case of the petitioner that the film has in any manner violated her own privacy or reputation in any manner. Thus, the contention that the film violates the right of privacy or reputation of Smt. Shah Bano is not acceptable. There was also no obligation on part of the respondents to take prior consent from the petitioner prior to producing and releasing the film.

11. The respondents have produced the disclaimer which is stated to be shown along with a voiceover reading out the same verbatim prior to screening of the film. It states that the film is dramatized and fictionalized adaptation of the English book titled "Bano: Bharat ki Beti" written by Jigna Vora and is inspired by the 1985 landmark judgment of Hon'ble Supreme Court of India in ***Mohammad Ahmed Khan Vs. Shah Bano Begum*** and others and the events leading up to it. The film is not a biopic or



documentary of any person. Any similarity or resemblance to the names and characters etc. in the film to any person (living or dead) is entirely and purely coincidental and unintentional. From the same, it is clear that the film, its plot and characters are fictitious and do not represent any person alive/dead. For better appreciation, it would be appropriate to reproduce the disclaimer, which is as under:

"This film is a dramatized and fictionalised adaptation of the English book titled 'Bano: Bharat ki Beti' written by Jigna Vora and is inspired by the 1985 landmark judgement of Hon'ble Supreme Court of India in Mohd. Ahmed Khan vs. Shah Bano Begum and Ors. and the events leading upto it. The film is not and does not claim to be a biopic or documentary of any person and does not make any claim of authenticity, historical correctness, or accuracy in relation to any persons (living or dead), characters, statutory authorities, events, incidents, information, or circumstances portrayed in this film.

Any similarity or resemblance of the name(s), character(s), history(ies), business(es), event(s) and incident(s) in the film to any person (living or dead) and/or any organization or institute (whether existing today or not) is entirely and purely co-incidental and unintentional. Neither the content of this film, nor the producers or any other person associated with this film intend to endorse, promote, outrage, insult, wound, offend, defame or hurt any sentiments, beliefs, feelings or practices of any person(s), religion(s), community(ies), caste(s) or class(es) of persons and/or denigrate any organization, institute, custom(s), practice(s), tradition(s), profession(s), etc. whatsoever. Certain aspects of the film, including the characters, dialogues, timeline, incidents and settings have been created by taking creative liberty purely for cinematic reasons. Neither the makers of this film nor any other persons associated with this film support any actions or the use of any expressions or dialogues by any person and the filmmakers fully acknowledge and respect other perspectives and viewpoints with regard to the subject of this film.

All measures were taken by the makers of the film to ensure that there has been no abuse, neglect, or exploitation of any child artist during the making of the film. The film and the makers of the film do not endorse, promote, glorify, encourage, or support smoking or the use or consumption of alcohol, tobacco products. No animals were harmed or mistreated during the making of this film."

12. Since the disclaimer itself states that the same is dramatization and



is fictional and an adaptation of a book and is inspired by a judgment of the Apex Court, it cannot be said that the contents of the film are fabricated. Since the film is an inspiration and a fiction, some amount of leeway is certainly permissible and merely because the same is done, it cannot be said that there has been any sensationalization or false portrayal. The narrative does not claim to be true hence to contend that the same distorts personalities and private lives of individuals is unacceptable. The contention that the script/dialogues are fabricated and not drawn from any legitimate or judicial source also cannot be accepted since the movie does not claim to be a true story of any individual. The contention of the petitioner may have been acceptable if the film had been claimed to be true but it is only claimed to be a dramatized and fictionalized adaptation and an inspiration. In the course of the same it was not required to be an exact adaptation. The film is not stated to be based purely upon the decision in the case of Shah Bano hence if it contains any personal or matrimonial details for the purpose of dramatization and picturization, nothing wrong can be found in the same. The contention of the petitioner that the film is a fabrication and is based on fictional narrative hence cannot be accepted.

13. As per the respondents, the film is inspired by the life of Smt. Shah Bano and the Shah Bano judgment. The material from which the film draws inspiration are all available in the public record and have been published, republished and recounted for decades without any objection of Smt. Shah Bano. The film is apparently based on public records including Court records hence it cannot be said that the script/dialogues have not been drawn from



any legitimate or judicial source. In *R. Rajagopal (Supra)* it has been held by the Apex Court that any publication becomes unobjectionable if such publication is based upon public records, including Court records. Once a matter becomes a matter of public record, the right of privacy no longer subsists and it becomes a legitimate subject for comment by the Press and Media amongst others. The same is precisely the fact situation in the present case.

14. The film has been granted a UA 13+ Certificate by respondent No.2, CBFC on 28. 10.2025. Admittedly, against grant of such certificate, the petitioner has an alternate remedy available under Section 5-E of the Cinematograph Act, 1952 of approaching the Central Government for suspension and/or revocation of the certificate which has not been availed of by her. Instead, directly in this petition, prayer has been made for withholding or revoking the certification of the film. In the available facts of the case the petitioner ought to have availed the said alternate remedy instead of straightaway approaching this Court. As has been held above, the right of privacy is not a heritable right and such right of Smt. Shah Bano has not been inherited by the petitioner and there is no question of violation of the same and furthermore, no violation of her individual right of privacy has been alleged by the petitioner hence it cannot be said that the petition is in respect of violation of any fundamental rights attracting Article 19 or 21 of the Constitution of India. In such circumstances, none of the criteria as regards exclusion of alternate remedy for the purpose of invoking the writ jurisdiction are available in the present case, the consequence of which is that



the alternate remedy available to the petitioner is certainly an efficacious remedy which has not been availed of by her.

15. Since the movie has been granted certificate by the CBFC, there is prima facie presumption that the authority concerned has taken into account all the guidelines while issuing the certificate as has been held by the Apex Court in the case of *Viacom 18 Media Pvt. Ltd. and Others (Supra)*.

16. There is also an issue of delay on part of the petitioner in approaching this Court. As has been demonstrated by the respondents, in February, 2024, news articles were published on national, international and digital news media outlets to the effect that respondent No.6 is working on a script for a film connected to the Shah Bano case. Thereafter, multiple news articles announced the commencement of shooting of the film. The publications stated that the film is based on real life incidents and inspired by the Shah Bano case. There was widespread publicity and coverage of the film. The teaser of the film was released on 23.09.2025. Thereafter, instead of taking any legal action, the petitioner on 06.10.2025 issued a legal notice to the respondents, reply to which was submitted by them on 13.10.2025. The film was then slated to be released on 07.11.2025. However, the petitioner did not act immediately but preferred this petition on 01.11.2025 i.e. less than a week prior to release of the film and that too after grant of the Certificate. After release of the teaser no steps were taken by the petitioner in respect of grant of Certificate for the film. At least a month ago, cause of action for the petitioner to approach this Court had accrued but she waited for a considerable period of time for preferring this petition. Her conduct is



hence not that of a vigilant litigant. The petition hence also suffers from delay and latches.

17. The judgments relied upon by the learned counsel for the petitioner may also be considered. In *Subramanian Swamy (Supra)*, the issue was as regards defamation of the deceased which was stated to be injuring the surviving relatives. However, the present is not a case of defamation of the deceased but is as regards her privacy. In *Phoolan Devi (Supra)*, the issue was in respect of a film based upon the life of a living person whereas in the present case, the same is inspired by the life of a person who is no more. Though *Titan Industries Ltd. (Supra)* and *ICC Development (International) Ltd. (Supra)* are in respect of image and personality rights but reliance upon them cannot be placed in view of the categorical decision of the Apex Court in *K.S. Puttaswamy (Supra)*. In *Khushwant Singh (Supra)* also the issue was as regards freedom of expression in respect of decency and defamation which is not the case presently. The judgments relied upon by the learned counsel for the petitioner hence do not help him in any manner.

18. Thus, in view of the aforesaid discussion, I am of the considered view that the petitioner has failed to make out any case for interfering in the matter. Consequently, the petition is found to be devoid of any merits and is hereby dismissed.

(PRANAY VERMA)
JUDGE