

**IN THE HIGH COURT OF SINDH,
AT KARACHI**

C.P No. D-6047 of 2026

Present:

Yousuf Ali Sayeed and
Adnan Iqbal Chaudhry, JJ

Seemab Gul & another.....Petitioners

Versus

Province of Sindh & others.....Respondents

Mirza Abdul Moiz Baig and Younis Shaikh, Advocates, for the
Petitioners.

Ashraf Ali Mirani, Law Officer, Culture, Tourism, Antiquities,
and Archives Department, Government of Sindh.

Hasnain Bukhari, Secretary, Sindh Board of Film Censors.

Date of hearing : 02.10.2026

JUDGMENT

YOUSUF ALI SAYEED, J. - The Petition relates to a feature film titled *Ghost School* (the “**Film**”), a fictional narrative of a ten-year old girl discovering that the only school in her village has closed, owing to rumours of its being haunted, with the filmmakers having invoked the jurisdiction of this Court under Article 199 so as to assail the decision of the Sindh Board of Film Censors (the “**Board**”) to subject the Film to eight excisions for purpose of a Certificate for public exhibition under the Universal (U) category, as per the Sindh Motion Pictures Act 2011 (the “**Act**”) read with the Sindh Censorship of Film Rules 2014 (the “**Rules**”).

2. While the Film has apparently been cleared for unrestricted exhibition, without any excision, by the Central Board of Film Censors and the Punjab Board of Film Censors, the Board declined certification on an earlier occasion without assigning reasons, whereupon the Petitioners approached this Court in C.P. No. 5123 of 2026. Vide an Order dated 21.08.2026, the Board was directed to decide the matter afresh, “strictly in accordance with Sections 4 to 6 of the 2011 Act and the applicable Rules, after providing the Petitioners a meaningful opportunity of personal hearing and by recording cogent and intelligible reasons.”
3. The decision that has since been forthcoming, as communicated through a Letter dated 11.09.2026 (the “**Impugned Decision**”), directs the deletion of the expressions “biradri ka wadera”, “wadera” (wherever it appears), “kameene”, “haram khor”, “manhoos siyasatdan” and “Buraq” (wherever it appears), a child’s abusive remark in the school (listed as Item 7), and the book-burning and school-burning scenes in the closing sequence.
4. We have heard learned counsel for the Petitioner as well as the law officer appearing on behalf of the department and perused the record. At the hearing, learned counsel for the Petitioners stated that they were amenable to the excision at Item 7 of the Impugned Decision. That being so, we would proceed to examine the Impugned Decision to the extent of the remaining excisions.

5. Turning firstly to the question of maintainability, as raised during the course of arguments with reference to Rule 36(2) of the Rules, it merits consideration that the Petitioners' have specifically pleaded that the Appellate Committee contemplated thereunder has not been constituted/notified, and that enquiries to the Department in that regard went unanswered. The Respondents' comments do not address the subject at all, with the objection being raised only at the time hearing, and with the Departmental law officer remaining at a loss to controvert the submission as to the availability of the appellate forum. Needless to say, a remedy that the Government has itself failed to bring into being cannot be pressed as an alternative. The petition is thus found to be maintainable.
6. That being said, it falls to be considered that Section 4(2) of the Act empowers the Board to sanction a film for unrestricted or restricted exhibition, to direct such excisions as it "considers necessary" before such sanction, or to refuse sanction. Section 6(1) provides that a film shall not be certified if, in the opinion of the Board, it is prejudicial to the grounds enumerated therein, which mirror the restriction envisaged under Article 19 of the Constitution. Rule 11 of the 2014 Rules prescribes graded categories, from U through PG, PG-13 and PG-15 to 18+, the last two of which expressly contemplate hard language and adult themes.
7. The Petitioners contend that the excision identified by the Board are unwarranted, arbitrary and amount to an abuse of the statute, driven by the consideration that the Film happens to be set in the Province of Sindh, Conversely, the stance taken by the Board through its

comments cites Section 6(1) of the Act, and alludes to the excisions being justified under broad considerations of decency and morality, while contending that the measures were for the protection of children who may view the Film, in as much it had otherwise been passed under a U rating.

8. While we accept that such a concern as to rating may be a legitimate consideration under Section 4(2)(c), the power to excise is not unbounded. Whether an excision is “necessary” must be judged against the purpose it serves and, where the expression of a citizen is curtailed, measured as per Article 19. As this Court observed in the case of *Moulvi Iqbal Haider v. Federation of Pakistan* PLD 2023 Sindh 182 (as cited by the Petitioners), restrictions on that right call for stringent scrutiny, with it having been observed on the subject of censorship that “the default position of the Court under Article 199 ought to be that of fully safeguarding the fundamental right by giving as expansive an interpretation to Article 19 as possible, and in the event of a restriction being imposed by the Board or any other authority that may be competent in that regard, testing the reasonableness of that restriction stringently, so as to ensure that the same is “reasonable” in the strictest conceivable sense”. The Supreme Court has likewise held, in *Pakistan Electronic Media Regulatory Authority v. ARY Communications* PLD 2023 SC 431 (as similarly cited), that a work of art is to be assessed as a whole, that review of a part necessary to convey its message must be lenient, and that where a part is objectionable only that part is to be modified, with restrictions kept to the minimum.

9. While the comments submitted by the Board rely on Section 6(1) of the Act, the Impugned Decision does not relate any of the eight excisions to any ground under that Section and neither the Impugned Decision nor the comments explain how any expression in question offends any such ground or any provision of a Censorship Code under Section 6(2), nor ascribe any reason as to why each excision was considered necessary for a U rating. Needless to say, mere reference to a statutory provision, unconnected to the material said to offend it, is not a reason, which even otherwise must appear in the decision itself and cannot be supplied afterwards through comments or submissions. It has not been denied that the Film has been certified for unrestricted exhibition by the Central Board of Film Censors and the Punjab Board of Film Censors without any excision. We are conscious that the Board exercises its own statutory jurisdiction and is not bound by the view taken by another authority. Nevertheless, where the Film, in identical form, has been found suitable for the same category elsewhere in the country, the Board was obliged, if it considered a different course necessary for Sindh, to at least say why. Any such justification, whether grounded in local circumstances or otherwise, must be disclosed in a reasoned order by reference to Section 6(1) of Act or a Censorship Code, so that it may be tested, and its absence reinforces the conclusion that the Impugned Decision was not the product of a considered exercise of discretion.
10. On examination, it is apparent that the Impugned Decision cobbles together unrelated expressions of quite different character. A term of social description such as “wadera”, a mild political epithet, mildly abusive words such as “kameene” or “haram khor”, and the depiction of a school’s burning in a film condemning such acts, do

not all stand on the same footing, and no single unexplained direction can justify them all. The Board was directed on 21.08.2026 to record cogent and intelligible reasons for whatever conclusion it reached. Neither the Impugned Decision nor the Respondents' comments do anything of the sort, and in the absence of any stated ground, we are of the view that the excisions, other than the one consented to, cannot stand.

11. The Petition accordingly stands allowed in the following terms:
 - a. The Impugned Decision, save as to Item 7, is set aside.
 - b. The Board shall, within ten days of the Petitioners excising the Item 7, reconsider the certification of the Film and either issue a certificate sanctioning the Film for unrestricted public exhibition without requiring any further excision, or, in the event that the Board is of the view that retaining any one or more of the other identified excisions warrants the Film being awarded a certification in a category higher than U, shall afford the Petitioners a personal hearing and pass a speaking Order relating its specific concern in each instance with reference to Rule 11 and shall assign the least restrictive category that adequately addresses it, with it being clarified that the Board's reconsideration, if any, shall be confined to the objections already identified in the Impugned Decision.

JUDGE

JUDGE