

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Wednesday, the Eleventh day of November Two Thousand and Twenty
PRESENT

The Hon`ble Mr.Justice N.KIRUBAKARAN
and
The Hon`ble Mr.Justice B.PUGALENDHI

WP(MD) No.16087 of 2020
AND
WMP(MD) No.13475 of 2020

K.S. SAGADEVARAJA ... PETITIONERS
vs

1 THE SECRETARY
MINISTRY OF INFORMATION AND BROADCASTING,
GOVERNMENT OF INDIA, A WING, SHASTRY BHAWAN,
NEW DELHI 110 001

2 THE SECRETARY
NEWS AND FILM TECHNOLOGY AND FILM LAW DEPARTMENT,
GOVERNMENT OF TAMIL NADU,
FORT ST GEORGE, CHENNAI 600 009

3 THE DISTRICT COLLECTOR,
VIRUDHUNAGAR DISTRICT,
VIRUDHUNAGAR

4 THE SUPERINTENDENT OF POLICE,
VIRUDHUNAGAR DISTRICT, VIRUDHUNAGAR ... RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to issue an order or direction more particularly in the nature of writ of mandamus directing the respondents to take immediate and effective steps including monitoring, prosecution, pre-censorship, etc against the television channels and cable operators regarding, telecast of vulgar and obscene programmes and advertisements violating the programme code and advertisement code and other penal laws etc., and create adequate and easily accessible effective complaint Redressal Mechanism for lodging complaint and immediate redressal regarding telecast of vulgar and obscene programmes and advertisements in television

PRAYER IN WMP(MD)No.13475 of 2020:

To pass an order of Interim direction directing the Respondents to immediately restrain the TV channels from telecasting obscene and vulgar programmes and Advertisements pending disposal of the main writ petition.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S. M. PURUSHOTHAMAN, Advocate for the petitioner and of M/s.VICTORIA GOWRI, Additional Solicitor General for Respondent No.1 and M/s. J.PADMAVATHI DEVI, Special Government Pleader for Respondent No.3 and Respondent No.4 on behalf of the Respondents the court made the following order:-

(Order of this Court was made by **N.KIRUBAKARAN, J.**)

It is shocking to note that in the television, about 10.00 p.m., almost all the television channels are telecasting some advertisements, which exhibit obscenity to promote the sale of condoms, which in fact, are being viewed irrespective of the age and absolutely available in all television channels. Anybody who sees these programmes will be shocked by the pornographic content. Some advertisements though look like promotion "Aphrodisiac" popularly known as 'Love Drugs', it looks like a porno film. Nudity is exhibited in those advertisements, which is punishable under Section 16 of the Cable Television Network (Regulation) Act, 1995. Similarly as per Rule 7(1) of the Cable Television Network Rules, 1994, the programmes telecast should not offend "morality", "decency" and "religious susceptibilities" of the subscribers. As per Rule 7(2) (vi), the Cable Operators shall ensure that the portrayal of the female form, in the programmes carried in cable service is tasteful and aesthetic and is within the well established norms of good taste and decency. However, in the programmes/advertisements, which are telecasted in the television in the name of selling condoms and aphrodisiacs, inner wears, they are violating the Rules provided under Rule 7(1) of the Cable Television Network Rules, 1994.

2. Numerous television channels are available and they are telecasting the programmes round the clock. Nudity is available in the name of Doctor's advice as well as advertisements and it is freely available and is being viewed by all including the children. It will definitely affect the minds of youngsters and children.

3. Interest of justice requires to issue a direction as prayed for and also to safeguard the children and women. In such view of the matter, **there shall be an order of interim direction as prayed for.**

4. The reply given by the Ministry of Information and Broadcasting, New Delhi, dated 22.10.2020 reads as follows:

" Please refer to your RTI Applications dated 23.09.2020, received on 30.09.2020, on the subject cited above, it is to state that this CPIO is mandated to look into the violation of Programme Code and Advertising Code as prescribed under the Cable Television Networks (Regulation) Act, 1995 and the Cable Television Networks Rules, 1994 do not provide for pre-censorship of any programme and advertisement, telecast on private

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satellite TV Channels. However, it prescribes that all programmes and advertisements telecast on private satellite TV Channels should be in conformity with the prescribed Programme and Advertising Codes enshrined under the said Act and the Rules thereunder, which contain a whole range of parameters to regulate programmes and advertisements. Appropriate action is taken as and when violation of said Codes is established."

5. From the above, it is clear that there is no censorship for the advertisements and programmes, which are being telecasted on Satellite TV Channels. In view of that, the respondents have to answer on the censorship of the programmes telecast on satellite TV Channels as contemplated under Section 5(A) of the Cinematographic Act 1952.

6. Mrs.Victoria Gowri, learned Assistant Solicitor General of India takes notice for the first respondent.

7. Mrs.J.Padmavathi Devi, learned Special Government Pleader, takes notice on behalf of the respondents 2 to 4.

8. Post the matter on 01.12.2020.

sd/-

11/11/2020

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

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ORDER

IN

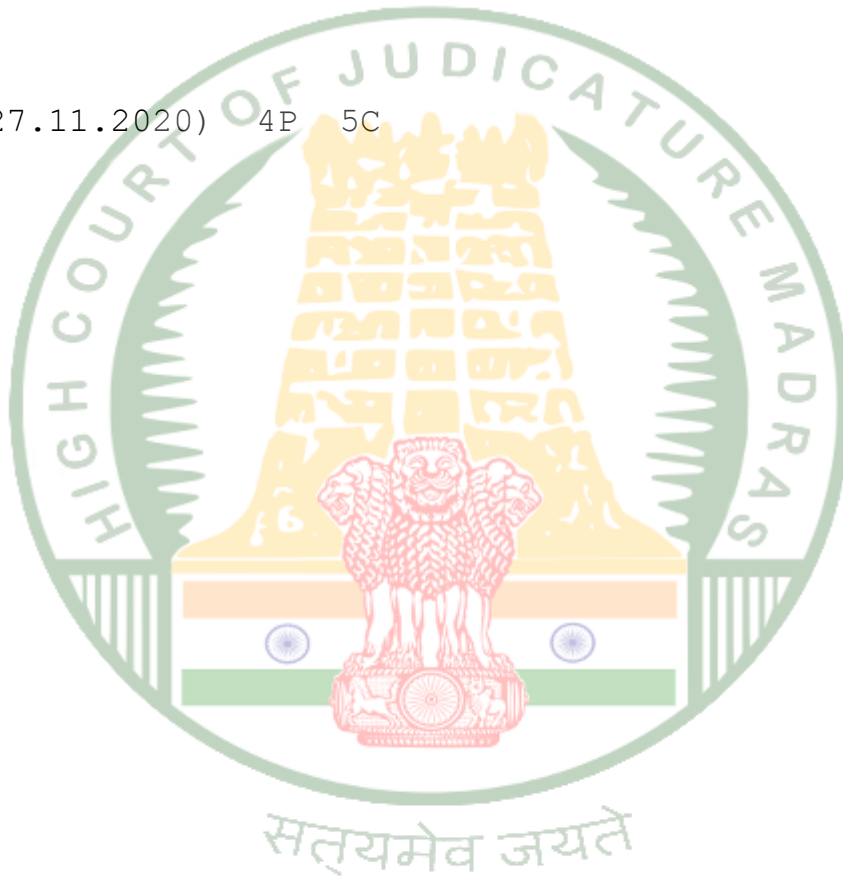
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Date :11/11/2020

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