

IN THE SUPREME COURT OF INDIA  
CIVIL EXTRAORDINARY JURISDICTION  
WRIT PETITION (CIVIL) NO. 287 OF 2000.

In the matter of :

COMMON CAUSE  
( A Registered Society )

... Petitioner.

Versus

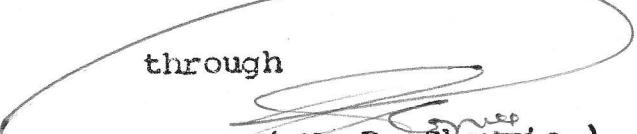
- (1) Union of India,  
Ministry of Information  
& Broadcasting,  
Shastri Bhawan,  
New Delhi - 110001  
through its Secretary.
- (2) Union of India,  
Ministry of Home Affairs,  
North Block, Central Sectt.  
New Delhi - 110001  
through its Secretary. ... Respondents.

I N D E X

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Petitioner

through

  
( H. D. Shourie )  
Director, COMMON CAUSE

Place : New Delhi

Dated :

SYNOPSIS OF THE WRIT PETITION

This Writ Petition aims at presenting to the Hon'ble Court a situation that has arisen in the country by the continuously mounting tendency of presentation and adoption of scenes of violence and sexual abuse in the programmes and serials which are being telecast for the viewers of TV in India, for seeking issue of directions of the Hon'ble Court through the Respondents, Ministry of Information & Broadcasting and Ministry of Home Affairs, to examine in their respective spheres the need to undertake measures for enforcing appropriate guidelines and norms for adoption by TV channels.

TV channels in the country have very fast multiplied during the past few years. Whereas there was only one TV channel ( of DOORDARSHAN ) in 1992 there are now more than 50 TV channels presently operating, with indication of further increase of this number for presentation of programmes in different languages of the country. The number of TV sets presently being used in the country is stated to be about 70 million, and the viewers are estimated to be between 300 - 350 million people, comprising the viewership of family members including children. These numbers are expected to further expand in the coming years.

Presentation of violence and sex on the TV screen and viewing of these by members of family, particularly the children, can obviously have deleterious effects and mental impact on the viewers. The matter has attained serious dimensions with the multiplication

The Humble Petition of the Petitioner abovenamed,  
MOST RESPECTFULLY SHEWETH :

1. That TV has now become a very important instrument for entertainment and dissemination of information. It is estimated that there are now not less than about 70 million TV in the households, which are catering to an audience of 300 - 350 million people. Ten years ago India had access only to one channel, Territeriestal DOORDARSHAN I. During these ten years the number of channels has increased to more than 50 besides the foreign satellite and cable channels which are being received in about 20 million homes with viewership of over 100 million. Some of these are 24-hour channels.
2. That TV viewing in our country in reality is a family affair. TV Programmes and Serials are produced by Producers for viewing for the entire family. Children often watch these alongside the elders. These programmes and serials on working days are largely viewed from about 7.00 P.M. to late at night, till 11.00 P.M. and often beyond; on holidays these are viewed also during day time.
3. That TV serials and programmes generally put across scenes of violence. The violence depicted on TV screen includes crime, thrillers, horrors, vulgarity, obscenity etc. The usual assessment of viewership rating, by the Producers and channel operators, in the interest of securing advertisement revenue, which is the prime target for earning profits, is the incidence of crime and thrills. It is now an established fact that success of programmes on TV is the amount

of revenue, and the advertisements are dependent on thrills including crimes, sexual assault and obscenity that is contained in a programme for impressing the viewers.

4. Crime unfortunately being an inescapable part of life in every society it has been internationally recognised that there may have to be presentation at most five to six scenes of physical violence in half-hour viewing episode. This norm is flagrantly violated in our country. In a number of our serials the scenes of violence aggregate up to 25, and often include extreme acts such as murder, bombing and burning. In addition there are excessive scenes of verbal abuse and bizarre sound-effects including loud disturbing music, and also scenes of psychological violence. Occasional eerie sound-tracks, scenes of hallucinations and nightmare, help to build up an atmosphere of terror. There are also scenes of hair-raising chases with cars crashing into one another, exploding, turning turtle, somersaulting in the air, flinging down cliffs etc. Awe-inspiring fights often include slashing, clopping, pumping bullets, plunging knives, spilling blood, splitting heads. To these are added computerised special effects, blood-curdling sounds of pain and spine-chilling music, adding to the frightening dimensions of presentation of violence on the small screen. There is an obvious tendency to glorify violence; violence is often used to settle conflicts/between good and evil; in the name of rendering justice there are no holds to the degree of brutality shown.

5. That there is a very serious growing concern in the country about the effect of TV presentation of such violence and sexual abuse, particularly on the children who view the programmes. It is generally recognised that children view the TV programmes and serials on the average of about three to four hours every day. Parental efforts to keep them away from TV are obviously not fruitful. The cartoon programmes which are prepared primarily for children, are also replete with scenes of glorified violence. Indian television is for family viewing; most households have only one TV; members of the family, children and adults see the programmes together. It is also worth being noted that children under the age of seven years have difficulty distinguishing reality from fantasy.

6. That it has been estimated that five channels alone (DDI, DDII, ZEE, SONY, STAR PLUS) offer 50 to 60 serials every day. All these channels present more or less the same kind of fare, consisting of drama serials and comedies, which carry considerable lot of violence, sexual abuse; comparatively less in DD programmes than in others. It is also a noteworthy fact that all the serials and programmes, including even the news, are loaded with advertisements, to the extent that in every serial and programme there is invariably a break every ten to fifteen minutes, in which there is presentation of advertisements. Serials drag on for months, each day's presentation being interrupted by a number of advertisements, often carrying glazy and flickering shots, and loud, jarring presentation which the viewers have invariably to tone down. The

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advertisements are often repeated ad nauseam, throughout the day, in various programmes and serials. Of course, it is understandable that revenue from advertisements is the main incentive for producers of TV programmes and serials, and this has been the chief reason for multiplication of channels, but the fact cannot be ignored that ultimately the burden of expenditure on advertisements falls on the consumers who pay for the products thus advertised extensively.

7. That the above circumstances of existence of a number of channels, abnormal expansion of TV viewership in the country, and unfortunate impact of presentation of scenes of violence and sexual abuse in the programmes and serials on the minds of viewers including the children, necessitate that the matter, which is of great importance for the entire country and future development of its people, should be seriously examined by the concerned authorities, the Respondents, Ministry of Information & Broadcasting and Ministry of Home Affairs, for determining as to what measures can be devised and adopted for eliminating the chances of worsening of the general situation of crime and violence in the country, how the channels and producers can be persuaded to adopt appropriate self-regulatory measures, how the system of imbibing in the producers norms and guidelines can be evolved and enforced, and how the defaulters can be suitably dealt with. For meeting these requirements following suggestions are offered for issue of directions by the Hon'ble Court to the two Respondents, Ministry of Information & Broadcasting and Ministry of Home Affairs :

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- (i) All TV channels should be directed to adopt self-regulatory measures which should ensure that the scenes and presentation of all forms of violence and sexual abuse should be minimised in their programmes and serials so that presentation of these to the viewers does not have likelihood of creating undesirable impact, particularly taking into consideration the problems relating to their viewing by children. They should be directed to communicate within two months, to the Respondent, Ministry of Information & Broadcasting, what self-regulatory measures they would be adopting towards this objective.
  - (ii) The TV channels should fix time, not earlier than 10.00 P.M., in which any serials and programmes which have inescapable scenes of sex or violence can be telecast, avoiding their being telecast, as originals or repeats during hours earlier than 10.00 P.M., which are generally the family viewing hours.
  - (iii) Practice should be adopted of putting across a written or verbal warning before the beginning of any serial or programme which has likelihood of depiction of sex and violence.
  - (iv) As a measure of self-regulation the TV channels should adopt a written Code of Practices concerning sex and violence, keeping also particularly in view the problems

relating to children.

- (v) The Respondent, Ministry of Information & Broadcasting, should enforce adoption of self-regulatory measures by each of the TV channels, and it should also make appropriate arrangements for monitoring the levels of violence and sex in the programmes and serials telecast by the respective channels.
- (vi) The modern developments of installation of V-chip on TV sets, decoders or cable transmitters for blocking out violence should be examined for enforcement.
- (vii) Child specific programmes should be encouraged for being telecast by all channels. This should include mandatory telecast of children programmes in the afternoon and on week-ends.
- (viii) Programmes and serials should aim at showing that violence is punished and not rewarded, that violence has negative impact, that alternatives to violence should be always explored for solving problems, add strong anti-violence messages in the story, and avoid violent and abusive language in the presentation of programmes.
8. The present Petition is being preferred bonafide, in the interests of justice and in public interest.
9. No other Writ Petition or other proceeding has been initiated by the Petitioner before any other High Court or before this Hon'ble Court in regard to the subject matter of the present petition.

10. The Petitioner has no alternative equally efficacious remedy in law for the cause of action being agitated herein.

P R A Y E R

In the above premises, it is prayed that this Hon'ble Court be pleased :

(i) to issue a writ or in the nature of certiorari and/or mandamus and/or any other appropriate writ, order or direction directing the Respondent No.1, Ministry of Information & Broadcasting, in consultation with the Respondent No. 2, Ministry of Home Affairs where necessary, to prescribe definite norms and guidelines for minimisation of presentation of scenes of violence and sexual abuse in the serials and programmes which are telecast by TV channels, for avoidance of undesirable mental impact on the viewers including particularly children, and to ensure that the TV channels and producers of programmes and serials adopt self-regulatory measures to that end, including the laying of emphasis on following among others connected necessary requirements:

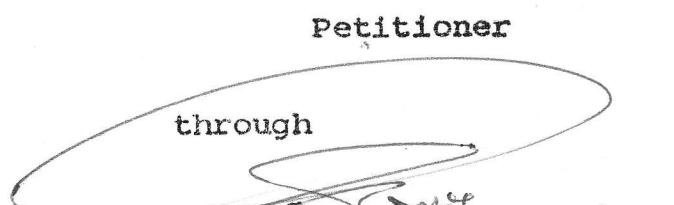
(a) Fix time, not earlier than 10.00 P.M., for telecasting any serials and programmes in which there are any scenes depicting violence or sex, and avoiding

their being telecast as repeats during hours earlier than 10.00 P.M.;

- (b) Adopt the practice of putting across written or verbal warning before the beginning of any serials or programmes which have presentation of violence or sexual abuse in any form;
- (c) The Respondent No. 1, Ministry of Information & Broadcasting, in consultation with the Ministry of Home Affairs where necessary, should lay down procedure for monitoring the programmes and serials telecast by the channels and for initiating appropriate and effective action against defaulter in relation to the prescribed norms and guidelines;
- (d) Efforts should be made to persuade advertisers not to give advertisements in any such programmes and serials telecast by foreign channels wherein there are scenes of violence and sexual abuse;
- (e) Adopt the modern measures of installation of V-chip in TV sets decoders or cable transmitters for blocking out violence;

- (f) Where presentation of any scenes of some violence may be considered indispensable for depiction of a story, serial or programme, the approach adopted by TV channels should be to demonstrate in their programmes that violence is punished and not rewarded, to include alternatives to violence in solving problems, to put across strong anti-violence messages in the story depicted in the programme, and to avoid use of violent and abusive language to the maximum extent possible.
- (ii) to pass such other and further Orders as may be deemed necessary and proper on the facts and in the circumstances of the case.

FOR WHICH ACT OF KINDNESS, THE PETITIONER SHALL, AS IN DUTY BOUND, EVER PRAY.

Petitioner  
through  
  
( H. D. Shourie )  
Director, COMMON CAUSE

Place: New Delhi.

Dated:

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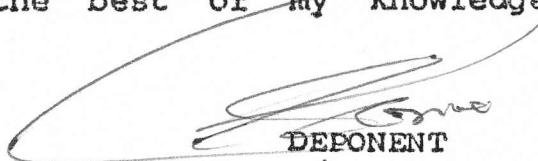
UNION OF INDIA.

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A F F I D A V I T

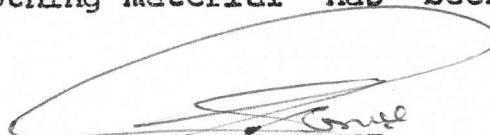
I, H. D. Shourie son of late Shri S. L. Shourie, aged 88 years, Director, COMMON CAUSE, A-31, West End, New Delhi - 110021, do hereby solemnly affirm and state as follows :

1. That I am the Director of COMMON CAUSE, the Petitioner Society in the above Writ Petition, that I am aware of the facts of the case and am competent to depose thereon.
2. That the Writ Petition aforesaid has been prepared by me and I say that the contents thereof are true and correct to the best of my knowledge and belief.

  
DEPONENT

Verification :

I, the Deponent, abovenamed do hereby verify at New Delhi on this day of June, 2000 that the contents of the affidavit aforesaid are true and correct to the best of my knowledge, that no part of it is false and nothing material has been concealed therefrom

  
DEPONENT