IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24897 of 2013

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Jagadish Singh aging 42 son of Sri Ramadhar Singh R/O North Dahiyawan Tola, Teacher Colony, Chapra- 841301, P.O- Chapra, P.S- Chapra Town, District- Chapra, Town- Chapra.

... ... Petitioner

Versus

1. The State Of Bihar through Director Bihar Health Services, New Secretariat, Patna
2. The Chief Secretary, Old Secretariat, Patna- 800001.
3. The District Magistrate, District of Patna, Patna.
4. The Director General of Police, Bihar, Police, Patna.
5. The Union of India through the Minister of Information and Broadcasting, North Block Delhi.
6. The Chairperson, Censor Board of India, Santacruz, Mumbai.

... ... Respondents

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Appearance :

For the Petitioner	:	Mr. Dharmendra Kumar Sinha, Mr. Ravi Shankar Ganguli, Advocates
For the Times of India	:	Mr. Siddhartha Prasad, Mr. Om Prakash Kumar, Advocates
For M/s E. T.V.	:	Mr. Avinash Kumar Singh with Mr. Kamleshwar Pandey, Advocates
For Respondent	:	Mr. Sandeep Kumar Mr. Rohit Raj Mr. Akash Shankar, Advocates
For Respondent	:	Mr. Sriram Krishna, Advocate
For the Union of India	:	Mr. S.D. Sanjay, Addl. S.G. Mr. A.K. Pandey, SCGC Mr. R.K. Sharma, C.G.C.
For the State	:	Mr. Pawan Kumar, AC to AG

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CORAM: HONOURABLE THE CHIEF JUSTICE
And
HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

24 12-12-2019 The petitioner has prayed for following reliefs:-

> *"(i) To hold and declare that any indecent exposure of women shall not only be a subject of social obligation but the same shall also be guided under*

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(i) The Indecent Representation of Women (Prohibition) Act 1986,
(ii) The Indecent Representation of Women Rules, 1987,
(iii) The Cinematograph Act, 1952, The Cable Television Network Regulation Act, 1995
(iv) and The Cable Television Network Rules, 1994.

(ii) To hold and declare that respondents are responsible for allowing liberty to the organisers and producers of such indecent films/serials and advertisement in television, magazines, newspaper and hoardings.

(iii) To hold and declare that anything which is not allowed under the aforesaid Act, should be banned with immediate effect and the respondents should take immediate steps to make that ban effective, by stopping such advertisements in media, by removing such hoardings at the road sites and by stopping the circulations of such banned advertisement in newspaper and magazines.

(iv) To hold and declare that exposing women to the limit of indecency is bad. Hence may be banned with immediate effect and to further fix the limit of exposure of the women in media and films along with the direction to the concerned respondents to frame rules and regulations in which the limitations of obscenity and exposure be defined so that the organisers may take suitable steps while making these kinds of films and advertisement material.

(v) To hold and declare that if any exposure of women is found violating the law laid down for such Act it could be punishable according to the prescribed provisions.

(v) To hold and declare that the advertisements of drugs and medicines as provided under section 3, 4,5 and 6 of the "The Drugs and Magic Remedies (Objectionable Advertisement) Act, 1954" shall not be made and if it is found advertised, the provisions of

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> *penalty under section 7 of the same Act shall be made applicable with immediate effect."*

It is seen that the present petition is pending since 2013. In the petition, the petitioner contends violation of the provisions of the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954; The Indecent Representation of Women (Prohibition) Act 1986; The Indecent Representation of Women Rules, 1987; The Cinematograph Act, 1952; The Cable Television Network Regulation Act, 1995; and The Cable Television Network Rules, 1994; and the relevant Rules framed thereunder.

We notice that in the petition, averments with regard to the infraction of such Statutes/Rules are unspecific, vague and unsubstantiable. Save and except for annexing two advertisements issued in the vernacular newspapers and similar clippings annexed subsequently, p*rima facie*, there is nothing on record to establish that any one of the authorities has violated any of the provisions under the aforesaid Statutes.

We also noticed that prior to filing of the instant petition, no spade-work was done by the petitioner ascertaining or verifying, or correctness of the news items as also infraction/violation of the Acts or the Rules.

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Be that as it may, Mr. Gaguli, learned counsel for the petitioner, invites attention to the interim order dated dated 18.05.2015 which reads as under:-

> *"Almost all the respondents are served and they are also represented through their respective counsel. In many cases detailed counter affidavits are also filed. It is also brought to our notice that a matter, which involves almost identical questions being Writ petition (Civil) No. 963 of 2013, is pending before the Hon'ble Supreme Court. To a specific question put by us, the learned counsel, who filed a copy of the same, submitted that no interim order was passed by the Hon'ble Supreme Court restraining the High Courts or other courts from proceeding in matters of this nature.*
>
> *The endeavour of the petitioner is only to ensure that the general public are not misled through advertisement pertaining to deceptive drugs promising quick or immediate relief even in respect of chronic diseases, and that there are instances that general people have fallen into deeper trouble by taking such medicines believing that the advertisements to be true. The Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 covers the field.*
>
> *Another concern of the petitioner is about use of indecent pictures of women in print and electronic media for promoting the sale of products. The Parliament enacted the Indecent Representation of Women (Prohibition) Act, 1986, prohibiting such activities. Apart from this, the States have also made laws in this behalf.*
>
> *Whatever be the interest of the manufacturer of the product to promote the sales or of the publishers to earn revenue through such advertisement, the law made in this regard cannot be permitted to be violated.*

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> *There appears to be some laxity at various levels, i.e. at the Central and the State Government in this behalf. One cannot expect the pouring of the advertisements of the indecent pictures, which are otherwise prohibited in law but for such indifference. Recent increase in crime against women can certainly be attributed at least in part, to these developments. The Court cannot remain oblivious to such patent violations.*
>
> *However, the question as to whether any particular advertisement or publication constitutes violation of law, is a matter to be decided by the concerned authority, as and when situation is brought to its notice.*
>
> *Pending further orders, we direct that it shall be open to the petitioner or anyone to bring to the notice of the authority of the State and the Central Government, whenever they notice the advertisement in respect of drugs in contravention of the provisions of the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 or publication or telecast of the indecent pictures in the print and electronic media which is prohibited under the Indecent Representation of Women (Prohibition) Act, 1986. As and when such incidents are brought to the notice, the authorities of the State and the Central Government shall put the violating agency on notice and take action as provided under the relevant enactments. If the violation is found to be recurring, the feasibility of withdrawing or cancelling the permit or licence shall also be considered."*

Having given our thoughtful consideration, we are of the considered view that interest of justice would be met, lest the petition is disposed of making the said order absolute. The order is also speaking one. Ordered accordingly.

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We clarify that it always would be open for the petitioner or anyone else to approach the authorities under the Statute inviting attention of infraction of Act/Rules or seek enforcement thereof.

The writ petition stands disposed of.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

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