

**GOVERNMENT OF INDIA  
INFORMATION AND BROADCASTING  
LOK SABHA**

STARRED QUESTION NO:541  
ANSWERED ON:15.05.2012  
INDECENT ADVERTISEMENTS  
Bauri Smt. Susmita

**Will the Minister of INFORMATION AND BROADCASTING be pleased to state:**

- (a) whether the Government is aware that many advertisements which are demeaning and derogatory to women particularly in the name of personal care appear/are shown in the print/electronic media;
- (b) if so, the details thereof;
- (c) whether such advertisements promote racist stereotypes equating fairness with beauty;
- (d) if so, the details thereof and the reaction of the Government thereto;
- (e) whether the Government proposes to formulate a regulatory framework to prevent the proliferation of such depiction of women in the media; and
- (f) if so, the details thereof and if not, the reasons therefor?

**Answer**

THE MINISTER OF INFORMATION & BROADCASTING (SMT. AMBIKA SONI)

(a) to (f): A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (f) OF THE LOK SABHA STARRED QUESTION NO. 541 FOR ANSWER ON 15.05.2012

(a) Instances of advertisements depicting women in manner that is derogatory to the image of women have come to the notice of the Government.

(b) & (d) The details of cases of indecent advertisements in print and electronic media and the action taken thereon during the last one year are annexed at Annexure-I and II, respectively.

(c) Such advertisements do tend to mislead many people.

(e) & (f) A regulatory framework for advertisements is already in place. So far as print media is concerned, the Government, in pursuance of its policy to uphold the freedom of the press, does not interfere in the functioning of the press. However, Press Council of India (PCI) – a statutory autonomous body has been set up under the Press Council Act, 1978 with the objective of maintaining and improving the standards of the newspapers and news agencies in India and to inculcate principles of self-regulation among the press. In furtherance of its objectives, PCI have formed Norms of Journalistic Conduct under section 13(2)(b) of the Press Council Act, 1978 which cover the principles and ethics of journalism. The norm relating to the subject 'Advertisements' prescribes, inter alia that newspapers should not publish an advertisement containing anything which is unlawful or illegal, or is contrary to public decency, good taste or to journalistic ethics or propriety. The norm also prescribes that the press should adopt a mechanism for vetting of such classified advertisements of health and physical fitness services which are indicative of covert soliciting. There is another norm on the subject 'Obscenity and Vulgarity' which also prohibits indecent portrayal of women in advertisements. The complaints of contents including advertisements in print media, which are in violation of these norms, are adjudicated by PCI under section 14 of the Press Council Act, 1978.

The telecast of advertisement on Private satellite/Cable TV channels is regulated as per the Cable Television Networks (Regulation) Act, 1995 and rules framed thereunder. The Act does not provide for any pre-censorship of the advertisements. However, the Act provides that all the advertisements should be as per the Advertising Code stipulated under the Rules. The code, laying down a whole range of principles to be followed by private satellite TV channels, contain adequate provisions for portrayal of women in a positive and progressive way. Rule 7 (2) (vi) of the Advertising Code provides that no advertisement shall be permitted which in its depiction of women violates the constitutional guarantees to all citizens. In particular, no advertisement shall be permitted which projects a derogatory image of women.

The Ministry has set up a state-of-art Electronic Media Monitoring Centre (EMMC) to monitor and record channels on a 24x7 basis. The EMMC monitors the programmes and advertisements and reports violations to the Ministry. The Ministry has set up an Inter

Ministerial Committee (IMC) to look into the violations of the Advertisement Code. IMC has representatives from Ministries of Home Affairs, Defence, External Affairs, Law, Women and Child Development, Health and Family Welfare, Consumer Affairs and Advertising Standards Council of India (ASCI). Whenever any violation of the Code is noticed by the Ministry, either suo moto or through a complaint, appropriate action is taken as per the Act and Rules framed thereunder.

Advertising Standards Council of India (ASCI), a self-regulatory voluntary organization of advertising industry, has also drawn up a code for self-regulation for the industry. The code has been drawn up by people in professions and industries connected with advertising with a view to achieve the acceptance of fair advertising practices in the best interests of the ultimate consumer. The code inter alia prescribes that the advertisements should contain nothing indecent, vulgar or repulsive which is likely, in the light of generally prevailing standards of decency and propriety, to cause grave or widespread offence. All advertisers, advertising agencies and media are expected not to commission, create, place or publish any advertisement which is in contravention of this code. In cases where the complaint is upheld by the Consumer Complaints Council of ASCI, it advises the advertisers either to withdraw or modify the advertisement. The ASCI code has been incorporated in the Advertising Code prescribed under Cable Television Networks Rules, 1994.

Besides, the Indecent Representation of Women (Prohibition) Act, 1986 comprehensively deals with the subject relating to effective prohibition of the indecent representation of women through advertisements etc. The Act provides for imprisonment and also fine. The law relating to obscenity is also codified in sections 292, 293 and 294 of Indian Penal Code.

In addition, Under Section 2(r) of the Consumer Protection Act, 1986, making false or misleading representation materially misleading the public, giving false or misleading facts etc. have been notified as unfair trade practices and a consumer has the right to seek redressal in consumer forums for any loss suffered on account of such misleading advertisement.