

## **Portrayal of child delivery in Indian Tv Advertisements vis-à-vis Right to Privacy of Women.**

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**Abstract:** *Pregnancy and child birth are a matter of great happiness for any woman but at the same time it is a matter concerning her privacy too. But it has been observed that there is a recent trend in the field of Indian advertising where child birth has been trivialized to cash in on profits by the private players. The showing of child delivery of a woman in derogatory manner is indeed an infringement on the right to privacy of a woman. The researcher, through this paper, would like to highlight the cases that have been on trend in the present scenario of advertising in India; and evaluate to what extent the privacy of a woman is hampered through such portrayal. The trend of showing the process of normal child delivery started in India, first, in movies like 'Salaam Namaste' and '3 Idiots'. But recently two big companies, the MTS Internet Service Provider and Cadbury 5 Star have started their advertising campaign through the portrayal of women in labour and finally delivering their babies. These campaigns are being aired on national television and it is felt that such indecent portrayals of women are a strict violation of their right to privacy of women as an entire class. The researcher would also analyze the recent laws prevalent in our country to check on such violation of the right to privacy.*

**Keywords:** *Advertisements, woman, child delivery, violation, right to privacy*

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### **Objectives**

1. To give a detailed analysis on the concept of Right to privacy.
2. To compile comprehensive case studies of occasions when a woman is portrayed as delivering a baby in television advertisements.
3. To find out if such portrayal affects the right to privacy of woman.
4. To find out if there is any law or code to protect such portrayal.

### **Research Question**

Is portrayal of child delivery, through advertisements on national television, a violation of the Right to privacy of woman?

### **Research Design**

The research is a Descriptive and Diagnostic one. We have done case studies of advertisements that contain clippings of woman portrayed as delivering babies. Moreover it will be an exploratory study as not much literature was available on the topic and the study in this field is a new one so we have to explore the possible ways in which we can protect the rights of women. The data are mainly collected through secondary sources like books, newspapers, magazines and internet sources and primary sources like interviews.

### **I. Introduction**

We have all along witnessed in the early Indian movies that when the mother goes into labour pain, the mid-wife would ask for a bucket of hot water and cover the lady with curtains and then there is a cut-away shot; finally letting us hear the cry of the baby so that it is understood by the audience that the baby is born. Later the mid-wife would come out with the baby and announce whether it is a boy or a girl to the father and other relatives in waiting.

The trend of showing the process of normal child delivery started in India, first, in Bollywood movies like 'Salaam Namaste' where actress Preity Zinta delivers a baby. Later we also saw the same kind of child delivery scene in the movie '3 Idiots' where actress Mona Singh delivers a baby through normal procedure.

But recently two big companies, the MTS Internet Service Provider and Cadbury 5 Star have started their advertising campaign through the portrayal of women in labour and finally delivering their babies. These campaigns are being aired on national television and it is felt that such indecent portrayals of women are a strict violation of their right to privacy of women as an entire class.

## **Advertising And Woman**

Market economy runs with an extreme motive of profit; numerous attempts are being taken up to promote its business interest. Globalization has facilitated this process. Only the marketization can help sustain in competition. Private enterprises always try to innovate strategies to sell their products. One such attempt is advertisement. Media barons and conglomerates have flourished manifold. Numerous entertainment channels have sprung up leading to the rise in entertainment programmes and advertisements as well. Advertisement is the tool through which private companies project and promote their commodities. In other words advertisement helps promote goods for commercial gains.

Through advertisements products and services are projected to provoke the public. It pushes consumerism into them which in turn serve the interests of multinational corporations. Products like gadgets, electronic and house hold items, chocolates, travel, financial and insurance goods etc advertised to increase the interest in these things amongst the public and to create prospective customers.

In the advertisements women are predominantly employed to promote products and services. In every item they are utilized whether it requires their presence or not

But the recent trend has surpassed all limits. The advertisers have all along been using woman to vouch for their products through their beauty, elegance and sensuality. But now these advertisers have gone to the extent of exploiting the decency of woman in national television by showing the delivering babies on screen without any sense of secrecy or veil.

The producers of good in order to sustain themselves and their products in this competitive age has resorted to derogatory advertisements where they have gone to such low level where ethics or decency no longer matters.

## **Right To Privacy**

The Indian Constitution does not explicitly guarantee the Right to privacy as a fundamental right.

The right to privacy is a rapidly developing concept. It was Thomas Cooley, an American scholar, who, about a century ago, described the Right to privacy as a right to be left alone.

The right to privacy has been recognized by the International Convention of Human Rights, 1948. Article 12 of the Universal Declaration of Human Rights states, "No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence nor to attack upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks."

The power to make these laws is derived from the constitution. "Privacy" is not a subject in any of the three lists in Schedule VII of the Constitution of India. That is the State list, the Union list or the Concurrent list. Thus, only the Indian Parliament is competent to legislate on privacy since it can be interpreted as any other matter not enumerated in List II and List III. Till date, there is no specific enactment on Privacy.

Judicial activism has brought the Right to Privacy within the realm of Fundamental Rights. Article 141 of the Constitution states that "the law declared by the Supreme Court shall be binding on all courts within the territory of India." Therefore, the decisions of The Supreme Court of India become the Law of the Land.

The Supreme Court of India has come to the rescue of the common citizens, time and again by construing the Right to privacy as a part of the Fundamental rights to protection of life and liberty under Article 21 of the Constitution, which states, 'No person shall be deprived of his life or personal liberty, except according to procedure established by law.'

## **II. Case Studies**

The researcher would be discussing about two case studies which became a huge sensation on national television very recently in India.

1. MTS Advertising Campaign
2. Cadbury 5 Star Advertising Campaign

### **1. MTS**

Sistema Shyam TeleServices Ltd. (SSTL) is a venture, involving equity participation by Sistema JSFC {LSE: SSA} of Russia, the Russian Federation and the Shyam Group of India. Sistema is the majority shareholder in the Company which operates its telecom services under the MTS brand. MTS is well recognized in India and worldwide for its commitment to high quality and innovative telecom solutions. Sistema spent USD four million on the making and airing of the ad and that the commercial has won accolades world over MTS has recently been ranked by Millward Brown as 82nd most valuable brand in the world

MTS has launched an ad film to underline the superiority of its 3G Plus data network, keeping with its focus on the 'net gen'. The film was premiered as a bit-torrent for online audiences to download before digital and social legs kicked in. It was on air from 27 February. (Source: <http://www.campaignindia.in>)

26th March, 2014 is the day when the Brand MTS completed five years in India. It was on 26th March, 2009 that brand MTS was first launched in the country. As part of the 5th anniversary celebrations, MTS will be offering a FREE MBLAZE ULTRA DONGLE + 10 GB DATA to all babies born on 26th March 2014. This comes close on the heels of the immensely successful MTS' Born For The Internet Campaign.

According to Leonid Musatov, Chief Marketing & Sales Officer – MTS India, “Brand MTS as part of its 5th anniversary celebrations in India wanted to do something unique for data customers. Given the recent success of MTS' Born For The Internet campaign, it was only fitting that we rolled out something as innovative as offering an MBlaze Ultra dongle, bundled with 10 GB data to parents of all babies born on 26th March, 2014.” (Source: <http://www.mtsindia.in/>)

Underlining the data superiority of its 3GPlus network in India, MTS India has launched a new campaign, which features a new born baby who is familiar with technology and is exploiting the internet right from birth. The campaign sign off – “Born for the Internet” – is a reference to both the MTS network, which was created to deliver a great data experience, and to the MTS customer – today's digital natives for whom the internet is a way of life.

The TVC stars a ‘Born for the internet’ baby exploiting the net straight from birth. In a labour room, a woman is being coaxed by the doctor to ‘push’, while the father and nurses watch anxiously. The baby arrives all of a sudden, with a sound and a jab with its index finger to the doctor's nose. The animated baby rises from under the sheet shocking some of the staff. Grabbing the father's tablet (branded MTS), it searches for ‘how to cut the umbilical cord’, and then cuts it -- clicking its fingers confidently to get a pair of scissors from the nurse. The baby goes on to take a ‘selfie’ with the nurse and posts it online. Falling off the bed much to the worry everyone else, the baby crawls to a laptop on the floor and logs into an MTS account. After creating accounts on multiple social networking sites, it even goes on to broadcast a video before using the GPS system to navigate out of the hospital ward. The shocked receptionist is viewing a video of the baby on Youtube as the protagonist makes his exit. The film signs off with the super: ‘Born for the internet. MTS 3GPlus Network.’ (Source: <http://www.campaignindia.in>)

Finally, the baby walks out of the clinic and the receptionist already watching a video of the baby on YouTube. As the baby walks out, supers appear on screen saying, “Born for the internet. MTS 3GPlus Network.”

Creativeland Asia brought the narrative to life by combining cutting-edge graphics technology with exceptional visual storytelling. Creating a human from scratch in CGI is one of the hardest challenges still posed by post-production; and creating a baby with such detailed characterful qualities and emotions was a whole new challenge on top of that. (Source: <http://www.campaignbrief.com>)

Elaborating on the campaign, Amitesh Rao, Director – Brand & Media, MTS India said, “We needed a campaign to reinforce our strongest differentiator – the fact that we have designed and optimised the MTS 3GPlus network specifically for data. At the same time, we needed to be true to the MTS brand that talks to today's 24x7, always-on, data hungry consumer, for whom the internet is the biggest opportunity platform. The challenge, of course, was to do all of this in an engaging and entertaining manner, which is what the story of a new-born baby going online to announce himself to the world does perfectly.”

Speaking about the TVC, Sajan Raj Kurup, Founder and Creative Chairman, Creativeland Asia, the agency behind the campaign, said, “The script for the film began with the simple insight that today's kids seem so comfortable with technology, devices and the internet even as babies. When I see them (including my own daughter) handle tablets, mobiles and laptops, I have always joked that they look like they were born with it. We just pushed that thought a little further. It took six months of painful labour. And the baby is finally out there.”

Kurup further said, “The film was released in the Torrent world even before it has been aired on television. We thought it was apt considering that the MTS 3GPlus network is designed to handle uploads and downloads at breakneck speeds. Something that today's internet generation is hungry for.”

The TVC has been produced by Smuggler Films and directed by Guy Shelmerdine.

The TVC was produced by Smuggler Films and directed by Guy Shelmerdine and was shot on location in Prague. Four real babies were cast to provide the body of the baby along with reference for expressions, lighting and skin texture. Glassworks London created the CGI assets, using real expressions from our babies to build up a CGI head that was as realistic in character as it was in texture and appearance. (Source: <http://www.campaignbrief.com>)

“When you see a script like this you just have to make it happen, whatever the technical obstacles are. Ideas like this are born to be made”, said Chris Barrett Co-MD of Smuggler London.

### **Expert Take On How Is The Mts New Baby Formula?**

Naresh Gupta, Managing Partner, Bang in the Middle remarked, “There are many things that the campaign did right. The way they released the ad on a Bit Torrent site, the way they created the social content around FourSquare and Twitter, the way they tried to seed the commercial first with the internet generation. The

TVC by itself is well made, has a cute baby formula, has done a lot of things by the book to go viral. For me, that is where the good things of the commercial end. The TVC by itself is not that path breaking. It does not tell the story of internet baby in a similarly different way. What it shows are usual stuff that we know babies can do with connected devices today. There is no intrigue in that. Personally, I do not like using babies (even if it is a white baby for brown parents) commercially. There is no reason to push commercial messages through babies; at a certain level it even contravenes the self-regulation guidelines that many marketers have started to use. I wish the TVC had kept the same edginess that the social media had.”

Gone are the days when you could see mom’s playing with their chubby little angels in baby products ads. The babies have indeed become smarter and can literally exploit the internet straight from birth. At least, this is the highlight of the latest ad from MTS. This ad reinforces the belief that right from dancing babies in Kit Kat, Evian and Tata Docomo ads, kids have surely come a long way and they are the new love of marketers.

The ad has used cutting-edge graphics technology to make the baby look real. It has done a great job in creating a baby with such detailed qualities and emotions. The ad is based on the simple insight that today’s kids are very comfortable with technology and the internet.

However, the whole idea that kids use technology in a way as if they were born with it has been taken way too seriously by the brand. Some of the instances where the baby cuts his umbilical cord through the help of Google Search and the use of navigation seem a bit too exaggerated. (Source: <http://www.exchange4media.mobi>)

Though, it is an endearing effort by the brand and the ad has surely garnered a huge response in the highly cluttered telecom category but the question remains if the delivery process of the child should have been a part of the advertisement?

## **2. Cadbury 5 Star**

Cadbury India has launched a multimedia campaign for its chocolate brand 5 Star. The TVC conceptualised by Ogilvy & Mather went on air on 11 February.

Cadbury India steps out of the familiar zone of the Ramesh-Suresh duo in the latest campaign for its 5 Star brand and takes seriousness head-on. The ad depicts seriousness as a ‘social disease’ that needs to be treated and pitches 5 Star as the revolutionary new treatment for seriousness.

The ad traces the genesis of seriousness and how it assumed endemic proportions, before revealing 5 Star as a solution in the typical style of a pharmaceutical advert, with a doctor demonstrating how the chocolate brand works on the body and brain to cure seriousness.

The ad opens with a voice-over saying that centuries ago children were born happy. It shows newly-born children laughing out loud. But one fine day, a dangerous disease changed everything and children were born ‘serious’. The ad shows several children behaving seriously, like grown-ups. A doctor then introduces the cure to this problem – a bar of 5 Star. The chocolate bar cures a grumpy boss and the ad ends with the line, ‘Cadbury 5 Star andar, seriousness bahar’.

Abhijit Avasthi, national creative director, O&M, said, “For many years the communication in and around 5Star has been providing people with a sense of levity and lightness. The whole thought of ‘Jo kaye kho jaaye’ has been to tell people that they can switch off thanks to the product. We have been doing this for the last eight to nine years and wanted to move the bar a little higher in terms of what the brand can mean to youngsters. And we thought it would be nice to take up a cause which 5 Star can legitimately try and address.”

According to him the brand has always entertained people with a sense of levity and lightness. However, this time the brand has launched a new campaign to cure seriousness. “People in India have become too serious and they take every situation seriously. 5 Star wants people to get rid of this self-imposed seriousness and, therefore, we have launched this anti-seriousness campaign,” he said. He also added that Ramesh and Suresh are still very much associated with the brand.

The brand will shortly roll out other elements of the campaign spawning across multiple media, which will help consumers experience the new brand advancement across all relevant touch points.

### **Expert Take On The Question Is The Anti-Seriousness Stand Intriguing?**

Raghu Bhat, Founder Director, Scarecrow Communications remarked, “I was intrigued by the baseline – ‘Seriousness Bahar’ and found it interesting. The anti-serious brand platform is loaded with possibilities and can be a polarising, disruptive point of view, which can find many takers. However, I wasn’t able to completely understand how Cadbury 5 Star can get rid of seriousness. Also, the film is packed with so much that it takes more than a couple of viewings to get the message. The visual device of using grown up faces on baby bodies is something that people might find hard to comprehend. On the flip side, the product section is absolutely smashing. I particularly loved the device of a hand holding the 5 Star like an injection. Compared to Ramesh-Suresh, this campaign requires a bit of figuring out as the storyline is more complex.”

Ramesh and Suresh, the two very popular and hilarious faces of the brand, have reinvented 5 Star and ads featuring the two iconic figures have always been endearing. But the brand has widened its canvas and has decided to cure seriousness through the new ad.

The campaign is based on a powerful insight that people have become too serious in life. They should rather be free of pressure and shrug off the seriousness that follows them everywhere. The campaign uses humour and comic relief to cure this disease that is plaguing everyone.

The ad uses characters that are noticeable and will attract the consumer's attention. The ad ends very well when the doctor shoves a bar of 5-Star like an injection down the grumpy boss' throat to cure his seriousness. It is a well-executed ad that will garner eyeballs. (Source: <http://www.exchange4media.mobi>)

A Cadbury India spokesperson said: "The new campaign attempts to relate to consumers at a cultural level. The focus of the brand has always been strongly associated with humour and the brand intends to entrench its positioning with youth across India." (Source: Economic Times)

### **III. Advertising Related Laws In India**

The Government of India has not set up a regulatory body in India to regulate advertisements. But as in due course depending on the nature of the grievances, the power to regulate advertisements may be exercised by a vast variety of authorities, including the courts, Central and State Governments, tribunals or the police authorities. In addition to that numerous legislations also deal with advertisement provisions in part not in toto unfortunately. The rules, regulations and legislations include the following:-

1. Advertising Standards Council of India (ASCI)
2. Constitution of India
3. Consumer Protection Act, 1986
4. Information Technology Act, 2000
5. Indian Penal Code, 1860
6. The Young Persons (Harmful Publications) Act, 1956
7. Indecent Representation of Women (Prohibition) Act, 1986
8. The Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003
9. The Cigarettes (Regulation of Production, Supply and Distribution) Act, 1975
10. The Drugs and Magic Remedies (Objectionable Advertisements) Act, 1955
11. The Drugs and Cosmetics Act, 1940
12. The Emblems and Names (Prevention of Improper Use) Act, 1950
13. Securities and Exchange Board of India (SEBI) (Stock-brokers and Sub-brokers) Rules, 1992 - Code of Conduct for Stock-brokers
14. Securities and Exchange Board of India (SEBI) (Prohibition of Fraudulent and Unfair Trade Practices relating to Securities Market) Regulations, 1995
15. Securities and Exchange Board of India (SEBI) (Mutual Funds Regulation), 1996: SEBI Guidelines for Advertisements by Mutual Funds
16. Securities and Exchange Board of India (SEBI) (Disclosure and Investor Protection Guidelines), 2000
17. The Prenatal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994
18. The Transplantation of Human Organs Act, 1994
19. The Representation of the People (Amendment) Act, 1996
20. The Lotteries (Regulation) Act, 1998
21. The Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992
22. The Competition Act, 2002
23. The Contract Act, 1872
24. The Civil Defense Act, 1968

But in the cases related to the rights of a woman only two law/code count:

#### **a. The ASCI Code**

To scrutinize certain principles and fairness in the sphere of advertising, Advertising Standards Council of India was established in India in 1985. ASCI deal with complaints received from consumers and industry against such advertisements which are false, misleading, indecent, illegal, leading to unsafe practices or unfair to competition and are in contravention to the advertising code. Even though there is no as such provision for regulating advertisement policy in the Constitution of India, which should be adopted by press or media, the Supreme Court has given guidelines for the same through a series of decisions

**b. Indecent Representation of Women (Prohibition) Act, 1986**

Indecent Representation of Women (Prohibition) Act, 1986 prohibits indecent representation of women through advertisements or in publications, writings, paintings, figures or in any other manner and for matters connected therewith or incidental thereto. (<http://legalonline.blogspot.in/2011/04/advertisement-laws-of-india-its-time.html>)

**IV. SUGGESTIONS**

The researcher, in her period of study on this topic, has found some serious defects in areas not directly related to the topic of research.

The researcher sent electronic mails to seek the opinion of some of the most important NGOs working for the protection of the rights of woman but even after repeated reminders and requests none of them bothered to reply to the query mentioned in the research question; except a few.

The NGOs/Organisations that were contacted were:

Name of NGO	Person to be contacted	Email id	Address	State
Joint Women's Programme	Dr.(Ms.)Jyotsna Chatterjee, Director	jwp@airtelmail.in	Flat 301, Shri Ram Residence Ahinsa Khand- 2 Indirapuram, Gaziabad	Delhi & NCR
STOP	Ms. Roma Debabrata, President	romadeba@vsnl.com	A – 25, Ground floor Chitranjan Park New Delhi-110 019	Delhi & NCR
Apne Aap Women Worldwide	Ms. Ruchira Gupta, Executive Director	ruchiragupta@gmail.com	D-56, Anand Niketan	Delhi & NCR
Human Rights Law Network	Mr. Colin Gonsalves Advocate	Colin.gonsalves@hrln.org	576,Masjid Road Jungpura,New Delhi14	Delhi & NCR
AIDWA	Ms.Sudha Sundaraman	aidwacec@gmail.com	121,VP House Rafi Marg New Delhi	Delhi & NCR
Action India	Gowri Choudhury, Director	actionindia1976@gmail.com	National Secretariat PWDVA, 2005 C/o Action India 5/27A, Jangpura-B New Delhi-14	Delhi & NCR
The National Alliance of Women (NAWO)	Dr. Ruth Manorama, President	Ruth.manorama@gmail.com	U-9, IInd Floor, Green Park Extn, New Delhi - 110016	Delhi & NCR
Centre for Feminist Legal Research	Ratna Kapoor, Director	cflr_45@yahoo.com	C/602,1st Floor New Friends Colony New Delhi-110 065	Delhi & NCR
Centre for Social Research	Ms. Ranjana Kumari, Director	ranjanakumari@csrindia.org	2,Institutional Area, Nelson Mandela Marg C-1 Vasant Kunj, New Delhi -70	Delhi & NCR
Navjyoti India foundation	Dr. Kiran Bedi, Executive Director	admin@navjyoti.org.in	Khasra No. 99, Village Mohammadpur, Majri Karala, Near Sector- 22, Rohini Delhi - 110 081	Delhi & NCR
SHAKTI VAHINI	Lokendra Kaushik, Coordinator	shaktivahini@yahoo.co.in	H-11, 2nd Floor, Hudson Lines, Kingsway Camp , New Delhi 110009	Delhi & NCR
Maitri	Office	maitri.india@maitri.org.in	J-92 , Anant Ram Dairy Complex R K Puram, Sector- 13, INDIA New Delhi- 110066	Delhi & NCR
Smile Foundation	Meena Batra, Project Director	sneha.shakti@snehamumbai.org	V-11, Green Park Ext New Delhi 110016	Delhi & NCR
Smile Foundation	Meena Batra, Project Director	snehamumbai@snehamumbai.org	V-11, Green Park Ext New Delhi 110016	Delhi & NCR
Sapna		ngo.sapna@gmail.com		
All India Women's Conference	Mrs. Veena Kohli, President	president@aiwc.org.in	Sarojini House, 6 Bhagwan Dass Road, New Delhi-11000	Delhi & NCR

YWCA of India	Office	ywcaind@airtelmail.in	10, Parliament Street New Delhi-110001	Delhi & NCR
Sakshi		connect@sakshingo.org	D-332 Defence Colony New Delhi 110024, India	Delhi & NCR
Jagori	Abha Bhaiya Director	jagori@jagori.org	B-114, Shivalik Malviya Nagar New-Delhi	Delhi & NCR
Human Rights Law Network	Office	contact@hrln.org	Human Rights Law Network c/o Socio-Legal Information Centre 576, Masjid Road, Jungpura New Delhi - 110014	Delhi & NCR
Naz Foundation	Sangini	sangini97@hotmail.com	Sangini (India) Trust, c/o Naz Foundation, PO Box 3910, Andrews Gunj, New Delhi 110049,	Delhi & NCR
Swadhina	Srichandra Venkataramanan, Asst. Secretary	mainoffice.swadhina@gmail.com	Swadhina 34/C Bondel Road, Ballygunge, Kolkata (Calcutta) 700019 India	Kolkata

Of all the above NGOs contacted repeatedly over and over again, just two of them responded. One is Swadhina of Kolkata and the other is Apne Aap Women Worldwide of Delhi. The former is the only one from the above list that responded with genuine concern and interest but the latter (Apne Aap Women Worldwide) just responded in a single line, **“I have not seen the ad so cannot comment.”** (Source: Personal interview by the Researcher)

The finding of the researcher is rather shocking that most of these NGOs are just a shield of minting money and nothing else. Had these NGOs been actually bothered about the state of violation of rights of woman then they would have definitely cared to reply.

Asian Centre for Human Rights (ACHR) report — ‘India’s Funds to NGOs Squandered’ — alleges that the Union Government’s funding amounting to hundreds of crores to voluntary organisations was a scam and in dire need of reform as the audit by the Comptroller and Auditor-General of India (CAG) was infrequent, inadequate and does not include the NGOs. The report points out that as per replies received under the RTI Act, the Central Ministries and the State governments provided at least Rs. 6,654.35 crore as grants to NGOs and voluntary organisations between 2002-03 and 2008-09 — Rs. 4,757 crore by the Centre and Rs. 1,897 crore. ACHR Director Suhas Chakma noted that beyond blacklisting of NGOs there was no accountability, while field surveys found that bribes played a major role in approval of projects. The ACHR urged the Centre to ask all Ministries to do away with the current process of recommendations by the District Magistrates and the State governments, and invite applications through open call for proposals and consider projects on merits by independent evaluators. It urged the government to ask all departments to make information pertaining to grants to voluntary sector available under the RTI Act. Mr. Chakma said the CAG report concluded that 7,916 fund utilisation certificates from the grantees for grant worth Rs. 96.79 crore from 1981-2009 were not obtained under the scheme of Grants-in-Aid for voluntary agencies. The CAG noted that the possibility of misutilisation of funds or fraud cannot be ruled out as majority of agencies who took grants neither came back to the National Afforestation & Eco-Development Board for the next installment after release of first installment nor did they furnish progress reports. “From pre-funding assessment to evaluation of the activities implemented [by NGOs], there are no mechanisms. The funding given to NGOs are not subject to the CAG audit while the decision-making process of funding by the officials too has never been subject to any evaluation.” he said. (Source: Hindu, January 22, 2013)

Further another report shows the gross state of affairs in the state of NGOs in India. The Delhi high court has called for toughening of licensing norms for **NGOs observing that 99% of them are "fraud" and "merely money making devices"**. “Most private run so called philanthropic organizations do not understand their social responsibilities. 99% of the existing NGOs are fraud and simply moneymaking devices. Only one out of every hundred NGOs serve the purpose they are set up for. There is a need for toughening of licensing norms and legislature has to keep this in mind”, a bench headed by Justice Pradeep Nandrajog said. The stinging remarks came while the court was hearing a petition filed by children homes Chatravas and Arya orphanage challenging government's refusal to grant them license under the Women and Children's Institutions (Licensing) Act, 1956 and insisting on registration under the Juvenile Justice Act. (Source: Hindustan Times, March 5, 2013 )

Some of the suggestions that the researcher would like to put forward are mentioned as follows:

1. It is an undisputed fact that advertisement plays a vital role in building up any business. The aim of advertisement is to attract the sales and enhance the visibility of the products and services of the company among the consumers. Through an advertisement, a company can build an image which it wants to make in the minds of the people. Therefore, nowadays, companies spend a huge amount of their resources on advertising and promotional strategies. Thus it is evident that there are no specific legislations governing advertising in India, other than ASCI even which is not up to the mark to govern advertising spectrum. It is evident that all that is needed a codified uniform legislation for Advertising Laws.
2. We should also have laws like the Indecent Displays (Control) Act 1981 which is an Act of Parliament covering Scotland, England and Wales but not Northern Ireland. It is concerned with preventing the display of "indecent" material to the unsuspecting public. The Act does not define indecency, although it does give some directions as to how a display can be considered indecent. It establishes that "If any indecent matter is publicly displayed the person making the display and any person causing or permitting the display to be made shall be guilty of an offence".
3. We should also have laws like the Indecent Advertisements Prohibition Act, 1963 that is enforced in Bangladesh. It defines:
  - (a) "advertisement" includes any notice, circular or other document, displayed on any house, building or wall, or published in any newspaper or periodical, and any announcement made orally or by any means of producing or transmitting light or sound, but does not include trade circulars issued by manufacturers of drugs to medical practitioners.
  - (b) "indecent" includes whatsoever may amount to any incentive to sensuality and excitement of impure thoughts in the mind of an ordinary man of normal temperament, and has the tendency to deprave and corrupt those whose minds are open to such immoral influence, and which is deemed to be detrimental to public morals and calculated to produce pernicious effect, in depraving and debauching the minds of persons.
4. We should have such laws that are binding on both the producers and advertisers of the products. Unless the laws are strict, advertisers will not be cautious regarding their violations of other's rights.
5. It is also the duty of the aware citizens and institutions like judiciary to raise their voice through Public Interest Litigations against airing of such advertisements on national Television.
6. Under the Cable Television Networks (Regulation) Act, the ministry issues directions to television channels or cable TV operators to stop airing an ad and not to the advertisers. But unless the advertisers are booked and given penalty, the menace of such advertisements would be seem more often in national television.
7. Philanthropic institutions should understand their duties and responsibilities well and should go out to all minimum extent to protect the weak and the vulnerable sections of the society for which they are set up. These organizations should not shy away from their responsibilities.

## V. CONCLUSION

The Delhi High Court on April 1, 2014 stayed operation of the Advertising Standards Council of India's order that asked Sistema Shyam Teleservices Ltd not to air after April 7 2014 an advertisement which the company claims to depict the speed of its Internet service. Justice Manmohan stayed ASCI's March 24, 2014 decision holding the advertisement's contents as "gross and indecent" and "offensive especially to women" and asked SSTL to not broadcast it after April 7, 2014. Central government's standing counsel Neeraj Chaudhari told the court that the Ministry of Information and Broadcasting has not passed any direction to give effect to ASCI's order. Chaudhari said that under the Cable Television Networks (Regulation) Act, the ministry issues directions to television channels or cable TV operators to stop airing an ad and not to the advertisers.

The positive and good way to look at it is through the words of Prof. Avinash Mantri (Brand Consultant and Faculty in Advertising and Brand Management, SIES College, Navi Mumbai) who says, "It is not at all the violation of the rights to privacy of a woman. It is one of nature's most beautiful moments- giving birth. More sleazy acts like cameras irrelevantly focusing on private parts and general skin show don't raise an outcry from women groups and are beamed into living rooms of families." (Source: Personal interview by the Researcher)

The researcher would like to conclude with the words of Ms. Srichandra Venkataramanan, Asst. Secretary at Swadhina (a voluntary organisation for woman and children based in Kolkata) who says: "There is no doubt about the fact that showing child birth is a gross violation of the privacy rights of women. Child-birth is a scientific as well as a private moment for any woman - that is one reason why even in the remotest areas where delivery is done at home or during accidental deliveries during travel the first action that is taken is to create a barrier surrounding the woman with the help of whatever is available around. Though we agree that the

child-birth depicted in the advertisements or movies is an enacted situation but often it dilutes the importance of child-birth itself by making it appear as a fun situation (case in point the MTS advertisement!). Another thing which is often overlooked is the impact of the advertisements on children. Any child today knows that babies are born through the mothers but most children below the puberty age have no idea about how a child is delivered. So openly depicting a child-birth provides them only confusing ideas and arouses more and more questions in their mind. Also for a mother to watch the advertisement with her child is highly embarrassing for her. Such depictions take away the sanctity associated with child-birth and exposes the most private moment of a woman's life.” (Source: Personal interview by the Researcher)

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