

ORDER

In the matter of complaint against the programme 'Fear Files' telecast on Zee TV at 11 pm on 22/07/2018 and repeated thereafter

This Council has received a complaint from the Electronic Media Monitoring Centre (EMMC) under the Ministry of Information & Broadcasting against the programme 'Fear Files' aired on Zee TV at 11 pm on 22/07/2018 and repeated thereafter.

The complaint stated that through this programme, a childless couple, Kamal and Sujan, visits a greedy transgender *tantrik* to seek his blessings for conceiving a baby. The *tantrik* has two disciples, a woman named Chandrika and a transgender named Sundari. The *tantrik* has illicit relations with Chandrika. Sundari finds out about their relationship and threatens to expose them. Sundari is thrown out of the *tantrik's ashram* and she comes to stay with Kamal and Sujan.

The *tantrik* decides to seek revenge and asks Kamal and Sujan to sacrifice a transgender to have a child. They bring Sundari in an unconscious state to the *tantrik* and he kills her. Then, Kamal is offered flesh of the deceased transgender as *prasad* and she is shown to be eating human flesh. Kamal gets pregnant and Sundari's soul enters Kamal's foetus. She kills Kamal's husband Sujan as he was an accomplice to her murder and Kamal first kills the greedy *tantrik* under the influence of negative soul and then stabs herself. The channel during the course of such depiction ran a disclaimer that it does not promote or endorse any of these things and viewers are not expected to believe in them.

On examining the said depiction, this Council *prima facie* found that the episode violated:

Theme-1 of IBF's Self-Regulatory Guidelines, which deals with 'Crime and Violence'. Category-R bars the depiction of:

"Prolonged or frequent close-up shots of gruesome crime and violence."



BROADCASTING CONTENT COMPLAINTS COUNCIL

Indian Broadcasting Foundation, B-304, Ansal Plaza, Khelgaon Marg, New Delhi 110 049
Email: bccc@bccc.co.in Website: www.ibfindia.com Tel: 91 11 4379 4400 Fax: 91 11 4379 4455

BROADCASTING CONTENT COMPLAINTS COUNCIL

In addition, Point-B also says:

'Prolonged or frequent portrayal of explicit, eccentric or abnormal violence or dangerous behaviour'

The Council, therefore, issued a Notice to the channel on 28/02/2019 in its 80th meeting with a direction to appear before it on 04/04/2019 for a Hearing during its 81st meeting.

In its reply, the channel clarified that the programme 'Fear Files' is always shown during the Watershed Hours and the intent of the story was to portray the ill-treatment of transgenders by society. The script was constructed in a manner to capture the theme of the show. The entire episode, according to the channel, was related to fear and crime shown against the background of murder and revenge of a transgender. The channel also contended that the impugned episode was meant to keep up with the programme's theme and the liberty of showing gruesome and gory close-up shots was taken primarily as the show is not aired during the Normal Viewing Hours and shown only during the Watershed Hours.

During the Hearing, the channel contended that it is a long running show, and since it is telecast during the Watershed Hours, some amount of creative liberty was taken, while the channel's intent was to reflect primarily on the bad treatment meted out to transgenders.

The Council suggested to the channel that such depiction of transgenders is extremely regressive and not in conformity with the spirit of IBF's Self-Regulatory Guidelines. Moreover, the visual of the woman consuming raw human flesh along with the *tantrik* was abhorrent and not worth airing. The channel may also make a note of Rule 6 (1) (a) and (j) of the 'Programme Code' which states:

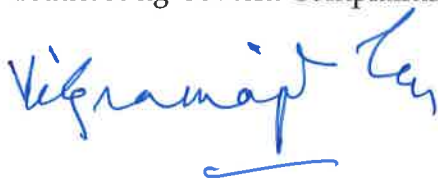
"Offends against good taste or decency."

"Encourages superstition or blind belief."

After examining all aspects of the matter, this Council directs the channel to send a Letter of Apology to it latest by 10 May 2019 for such depiction and never repeat the said episode on its network.

For & on behalf of:

Broadcasting Content Complaints Council



Justice (Retd.) Vikramajit Sen
Chairperson

22/04/2019
NEW DELHI