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Advisory on Portrayal of SC and ST Communities on Television

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 provides special protection for the members of SC and ST communities.

Television is not only a reflection of society but also constructs social realities. Crimes against SCs and STs are rampant in Indian society and range from physical to verbal and sexual assault. Furthermore, although untouchability has been abolished by the Indian Constitution, it is still widely practised, leading to severe forms of discrimination against members of these communities. A survey done by the National Council of Applied Economic Research in 2011-12 found that one in four Indians practises untouchability in some form. Another survey done by Social Attitudes Research for India (SARI), Center for the Advanced Study of India, University of Pennsylvania, in 2018, reiterates these findings in Uttar Pradesh, Rajasthan and Delhi.

Thus, what must be borne in mind by content creators is that the kind of stories portrayed on television, as fiction or fact, shape societal thinking. They do so by setting ideals for human behaviour across social situations while providing avenues to escape one's reality.

Often the language used to degrade caste minorities (including many common idioms and references of caste groups in abuses), originates from negative stereotypes. In *Swaran Singh & Ors. vs. State thr' Standing Counsel & Anr¹*, the Supreme Court has pronounced:

"21. Today the word 'Chamar' is often used by people belonging to the so called upper castes or even by OBCs as a word of insult, abuse and derision. Calling a person 'Chamar' today is nowadays an abusive language and is highly offensive. In fact, the word 'Chamar' when used today is not normally used to denote a caste but to intentionally insult and humiliate someone

The Supreme Court has further explained the position in law thus:

"22. It may be mentioned that when we interpret section 3(1)(x) of the Act we have to see the purpose for which the Act was enacted. It was obviously made to prevent indignities, humiliation and harassment to the members of SC/ST community, as is evident from the Statement of Objects & Reasons of the Act. Hence, while interpreting section 3(1)(x) of the Act, we have to take into account the popular meaning of the word 'Chamar' which it has acquired by usage, and not the etymological meaning. If we go by the etymological meaning, we may frustrate the very object of the Act, and hence that would not be a correct manner of interpretation.

¹ Swaran Singh & Ors. vs. State thr' Standing Counsel & Anr. (2008) 12 SCR 132

23. *This is the age of democracy and equality. No people or community should be today insulted or looked down upon, and nobody's feelings should be hurt. This is also the spirit of our Constitution and is part of its basic features. Hence, in our opinion, the so-called upper castes and OBCs should not use the word 'Chamar' when addressing a member of the Scheduled Caste, even if that person in fact belongs to the 'Chamar' caste, because use of such a word will hurt his feelings. In such a country like ours with so much diversity - so many religions, castes, ethnic and lingual groups, etc. - all communities and groups must be treated with respect, and no one should be looked down upon as an inferior. That is the only way we can keep our country united.*

24. *In our opinion, calling a member of the Scheduled Caste 'Chamar' with intent to insult or humiliate him in a place within public view is certainly an offence under section 3(1)(x) of the Act. Whether there was intent to insult or humiliate by using the word 'Chamar' will of course depend on the context in which it was used."*

Further in *Arumugam Servai v. State of Tamilnadu*², the Supreme Court held that:

"10. In our opinion uses of the words 'pallan', 'pallapayal' 'parayan' or 'paraparayan' with intent to insult is highly objectionable and is also an offence under the SC/ST Act. It is just unacceptable in the modern age, just as the words 'Nigger' or 'Negro' are unacceptable for African-Americans today (even if they were acceptable 50 years ago)."

Also, in *Manju Devi v. Omkarjit Ahluwalia*³, the Supreme Court observed:

"The use of the word 'Harijan' 'dhobi' etc., is often done by people belonging to the so-called upper castes as words of insult, abuse and derision. Calling a person by these names nowadays is abusive language and is offensive. It is basically used nowadays not to denote a caste but to intentionally insult and humiliate someone. The Court believes that one should always keep one thing in our mind and heart that no people or community should be insulted or looked down upon, and nobody's feelings should be hurt."

The law provides mandatory minimum imprisonment for commission of any offence under the Act.

According to the 2011 census, a total of 16.6% and 8.6% of the Indian population belongs to the SC and ST communities respectively. This is no small number. Therefore, attention must be paid to ensure that words of insult and derision towards SC and ST groups are excluded from scripts. These include words denoting the names of castes used as insults or words used with an intention to degrade a person due to his/her membership to a certain caste group, even if they are shown to be belonging to that caste group (as notified by the

² *Arumugam Servai v. State of Tamilnadu*, (2011) 6 SCC 405

³ *Manju Devi v. Omkarjit Ahluwalia*, (2017) SCC 13 439

Constitution (Scheduled Castes) Order, 1950 and The Constitution (Scheduled Tribe) Order, 1950).

Therefore, the Council advises the following:

- To exercise extreme caution in order to avoid hurting the sentiments of people belonging to the SC and ST communities.
- The channels, while depicting the stories of members of the SC and ST communities, must ensure that the nuance and humanness of the stories are communicated sensitively and that the violence displayed does not lead to re-traumatization of the communities/victims.
- While portraying stories which are based solely on social evils such as untouchability and casteism, channel should not engage in victimization of the people from SC and ST communities.
- The Council understands that many stories possess a moral or ethical dimension requiring portrayal of the 'good' and the 'evil', including depiction of characters doing evil deeds. However, while doing so, the channel must ensure that it doesn't use language that is unlawful and which might hurt the sentiments of a particular community. Thus, BCCC asks channels to be cautious and balanced while depicting scenes pertaining to these communities as even an isolated episode scene taken out of context can cause unrest among these communities.

For & on behalf of
Broadcasting Content Complaints Council


Justice (Retd.) Gita Mittal
Chairperson