

Very Urgent - On vulgar song insulting Hindus being broadcasted

Expand Messages

Jan Swabhiman Nov 3, 2007

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The Union Minister*

Ministry of Information & Broadcasting

Government of India

and

The Chairperson

The Central Board of Film Certification

Bharat Bhavan, 91-E, Walkeshwar Road,
Mumbai - 400 006.

Sub: Reply seeked on demand for immediate ban on vulgar song from movie "Bhool Bhulaiyaa" insulting culture and religion which is being openly broadcasted and shown in cinema halls

Namaste:

This is with regards to an objectionable song from movie "Bhool Bhulaiyaa" being broadcasted in all prominent TV and Radio Channels and also shown in cinema halls since October 12, 2007.

Please note that the this song is in gross violation of Articles 19, 21 and 25 of Constitution, makes mockery of Fundamental Duties and comes under purview of Section 268, 295(a), 292, 292(a), 293, 294, 295, 298 of Indian Penal Code.

(Details attached in Appendix 1 and Appendix 2 of this letter)

The screenshots of the song which insults Hinduism and Indian culture is provided in

http://satyavidya.org/index.php?option=com_content&task=view&id=62&Itemid=30 and the lyrics are reproduced in Appendix 4. The video can be viewed from movie website <http://www.bhoolbhulaiyaa.com> and through all major TV channels where it is being broadcasted continuously.

*Based on this, considering that this is a matter of urgent intervention, kindly let us know your stand and what steps you intend to take on this issue with appropriate justifications within next 14 days.

*

Also let us know why and how this song and its video got approved for public broadcast in the first place.

The letter and details are being sent to both the Information & Broadcasting Ministry and the Central Board of Film Certification because this comes under the purview of both the authorities. It is assumed that both will do the needful to ensure respect for culture and upholding law of the land.

The letters are also being sent through registered post (as listed in official websites of the I&B Ministry and Censor Board) with photos of screenshots. Also links are being provided to view the screenshots online through website in this email.

In absence of any reasonable reply, we would be forced to take this matter further and seek legal and public intervention in this case of clear violation of laws and gross insult to religion and culture.

Vande Mataram

Sanjeev Newar

President

*Jan Swabhiman Welfare Society (Reg No: S-55879)

** (A charitable society registered under Societies Registration Act XXI of 1860 and approved under Section 80G of IT Act, 1961)*

Attachments:

1. *Appendix 1* ♦ Details on how the song is objectionable and insulting to sentiments of Hindus and other Indians and request for intervention
 2. *Appendix 2* ♦ Sections of some Laws and Articles that the song violates
 3. *Appendix 3* ♦ Details of producer and crew of the song
 4. *Appendix 4* ♦ Lyrics of the objectionable song
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*Appendix 1***

Details on how the song is objectionable and insulting to sentiments of Hindus and other Indians

The song in contention has a grossly vulgar depiction of the pristine Indian culture through suggestive gestures and mimicry of Rama and Krishna by saffron-clad semi-nude girls and lead actor in front of statue of Buddha singing a prurient song with chants of "Hare Rama Hare Krishna". *(Screenshots and lyrics are attached for reference in Appendix 6 and 4 respectively)*

This is a serious affront to ethos of millions of Indians and even people living abroad who have huge respect for Rama, Krishna, Buddha. This can set untoward precedence and have damaging implications in future.

We, the law abiding citizens of earth, who have respect for Indian values seek intervention from your ministry to prevent this mockery of our respected culture through song "Hare Rama Hare Krishna" of movie "Bhool Bhulaiyaa" on a priority basis on following grounds:

1. Semi-nude pant-less girls dancing suggestively wearing saffron tops with mantras written severely maligns our culture and sentiments of millions.
2. Posing of girls and lead actor in dhyana position in pant-less clothings in front and on lap of statue of Lord Buddha is affront to Buddha and millions who respect Lord Buddha.
3. Vulgar mimicry of Lord Krishna by posing to play flute with hands by lead actor and the supporting girls who are vulgarly dressed in saffron clothes as if they are sanyasins is in extreme bad taste and derogatory to values of millions.

4. Vulgar mimicry of saints by posing to chant mantras by opening and closing fists in saffron clothes by lead actor and vulgarly dressed girls is very insulting.

5. Love-making prurient lyrics mixed with chants of "Hare Rama Hare Krishna" is grave insult to legends like Rama and Krishna who are believed to be epitome of perfection by millions.

6. Saffron clothes are worn for thousands of years by sages and saints who have risen above carnal desires and seek God alone. This represents the most respected stage of human life as per Hinduism. Thus mimicking their clothes and chants vulgarly maligns our culture.

7. In particular, this is extremely insulting to women sanyasins due to obscene depiction of saffron-clad girls.

8. This tendency of insulting religious sentiments needs to be checked promptly and this can become a trend in coming times.

If similarly, vulgar videos are made in future regarding other respected figures like Prophet Muhammad, Guru Nanak, Shivaji, Mahaveer etc, this can lead to communal disharmony and violence. So this needs to be checked promptly.

9. Recently, there were huge uproars and disharmony when Prophet Muhammad was depicted wrongly in a cartoon and someone dressed like Guru Gobind Singh. It needs to be ensured that this is not repeated. Freedom of Speech cannot infringe upon cultural and national ethos and public decency.

10. Earlier bans have been imposed on scenes, sequences and phrases from movies and songs which could potentially hurt public sentiments. To quote a few, lyrics of following movies have been changed in past - Aatish (1994), Khuddar (1994), Dulara (1994) for being obscene or insulting to religious sentiments.

11. The song is presenting a very wrong image of Indian culture and Hinduism through all channels of communication across the world - internet, TV, Radio, etc. This is spreading fast and hence needs to be checked at the earliest.

We seek your intervention on following:

1. Immediate ban on this controversial song (Hare Rama Hare Krishna◆)
2. Immediate and complete stopping of broadcast/ promotion/ sale of this song/trailer/promo on TV, Radio, CDs, Web and all other forms of multimedia
3. Lawful action against those directly or indirectly involved in creation and promotion of this insulting song - Producer, Director, Distributors, Actors, Singers, Lyricist, Choreographer etc
4. Ensuring a mechanism in Information & Broadcasting Ministry to stop such things being approved for broadcast in future
5. Ensuring a mechanism in Censor Board to prevent approval of such insulting mockery of Indian culture

We request your intervention on a priority basis to protect the religious and cultural sentiments of millions and help promote a respectful image of Indian culture worldwide.

*Appendix 2***

Sections of Laws and Articles that the song violates

* *

1. Article 19 , Article 21 and Article 25 of Constitution of india.

a. Article 19

19. Protection of certain rights regarding freedom of speech, etc.◆(1) All citizens shall have the right◆

*(a) *to freedom of speech and expression;

*(b) *to assemble peaceably and without arms;

*(c) *to form associations or unions;

*(d) *to move freely throughout the territory of India;

*(e) *to reside and settle in any part of the territory of India; and

* * * * *

*(g) *to practise any profession, or to carry on any occupation, trade or business.

(2) Nothing in sub-clause (*a*) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence.

(3) Nothing in sub-clause (*b*) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the sovereignty and integrity of India or public order, reasonable restrictions on the exercise of the right conferred by the said sub-clause.

(4) Nothing in sub-clause (*c*) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the sovereignty and integrity of India or public order or morality, reasonable restrictions on the exercise of the right conferred by the said sub-clause.

(5) Nothing in sub-clauses (*d*) and (*e*) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, reasonable restrictions on the exercise of any of the rights conferred by the said sub-clauses either in the interests of the general public or for the protection of the interests of any Scheduled Tribe.

(6) Nothing in sub-clause (*g*) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the general public, reasonable restrictions on the exercise of the right conferred by the said sub-clause, and, in particular, nothing in the said sub-clause shall affect the operation of any existing law in so far as it relates to, or prevent the State from making any law relating to, ♦

(*i*) the professional or technical qualifications necessary for practising any profession or carrying on any occupation, trade or business, or

(*ii*) the carrying on by the State, or by a corporation owned or controlled by the State, of any trade, business, industry or service, whether to the exclusion, complete or partial, of citizens or otherwise.

The freedom provided by Article 19(1)(a) is put to reasonable restriction on the grounds of public order, health, morality, or on the ground of incitement to any further offence.

Also the freedom of free profession of trade and occupation provided by Article 19(1)(g) is reasonably restricted in the interests of general public provided by Article 19(6) in the Constitution of India.

So if the rights guaranteed under Article 19(1) deter public order, health, morality, or incite any offence or is against the general interests of public is violation of fundamental rights.

This song is contradictory to the moral and ethics enshrined in Hinduism.

b. Article 21

21. Protection of life and personal liberty. ♦ No person shall be deprived of his life or personal liberty except according to procedure established by law

Also Article 21 provides for right to live with dignity and right to livelihood as integral facets of right to life. Thereby freedom to profess religion on cultural and customary edifice is indispensable for dignified living. The song here by maligning the cultural and religious sentiments of

HINDUS has infringed the latter's right to life.

Constitution of India casts a duty to ensure that fundamental rights are made available to citizens of this country. Right to life is one of the most important rights which is ought to be interpreted liberally and which should not be of animal existence only and should be given widest possible amplitude as provided by Hon'ble Supreme court of India in many landmark cases.

c. Article 25

25. Freedom of conscience and free profession, practice and propagation of religion. ♦♦(1) Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion.

or prevent the State from making any law ♦

(*a*) regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice;

(*b*) providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus.

Explanation I. ♦♦♦The wearing and carrying of *kirpans* shall be deemed to be included in the profession of the Sikh religion.

*Explanation II. ♦♦In sub-clause (*b*) of clause (2), the reference to Hindus shall be construed as including a reference to persons professing the Sikh, Jaina or Buddhist religion, and the reference to Hindu religious institutions shall be construed accordingly

Also Article 25 provides for freedom of conscience and

free profession and propagation of religion. But it is subject to public order, morality and health . This implies that although the song producers and promoters are free to profess and practice their religion as per their whims, beliefs, and perceptions but they are not entitled to provoke the sentiments of any other person by immoral representations contradicting public order and sentiments .The song producers and promoters by their capricious and insensitive act have offended the moral and dignity of Hindus.

2. The song producers and promoters cannot overlook the Directive Principles of State Policy guaranteed under Part III and Part IV of the Constitution of India.

3. The song producers and promoters have also forbidden to abide by the fundamental duties enshrined in the Constitution of India in Article 51A

51A. Fundamental duties. ♦It shall be the duty of every citizen of India♦

(a) to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;

(b) to cherish and follow the noble ideals which inspired our national struggle for freedom;

(c) to uphold and protect the sovereignty, unity and integrity of India;

(d) to defend the country and render national service when called upon to do so;

(e) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of

women;

(f) to value and preserve the rich heritage of our composite culture;

(g) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;

(h) to develop the scientific temper, humanism and the spirit of inquiry and reform;

(i) to safeguard public property and to abjure violence;

(j) to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement.

The Fundamental duties directs the state and its citizens to abide by the constitution and respect its ideals , which includes upholding religious sanctity and harmony. The obscene representation by the song producers and song promoters of mocking the historic religious tenets and symbols scrupulously defy the ideals of the constitution.

Also the directives provides for valuing and preserving our rich heritage and composite culture. And by aping and grotesque caricature of religious gestures and ideals, not only the song producers and song promoters have shown their thoughtlessness towards sanctity of hindu religion but also this act of theirs exhibit negativity and erosion of our already degrading culture globally.

Constitution of India in the chapter of fundamental duties provide for renouncing practices derogatory to the dignity of women. But featuring of women in vulgate and semi clad fashion nails a stigma on the spirit of upliftment of women gender who forms the barometer of any civilized society. And also is disrespectful to historical and cultural image and spiritual aura associated with saffron-wearing women sanyasins.

4. *Indian Penal Code Violations*

(a) The song producers and song promoters by their act of nuisance attract the provisions of Indian Penal code also for causing public nuisance under Section 268 of IPC

Section 268. Public nuisance

A person is guilty of a public nuisance who does not act or is guilty of an illegal omission which causes any common injury, danger or annoyance to the public or to the people in general who dwell or occupy property in the vicinity, or which must necessarily cause injury, obstruction, danger or annoyance to persons who may have occasion to use any public right.

A common nuisance is not excused on the ground that it causes some convenience or advantage.

(b) The song producers and song promoters by their malicious acts have also outraged religious sentiments of hindu religion there by punishable

under Section 295(a) of IPC.

Section 295A. Deliberate and malicious acts, intended to outrage religious feelings or any class by insulting its religion or religious beliefs
1[295A. Deliberate and malicious acts, intended to outrage religious feelings or any class by insulting its religion or religious beliefs.

Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of 2[citizens of India], 3[by words, either spoken or written, or by signs or by visible representations or otherwise], insults or attempts to insult the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to 4[three years], or with fine, or with both.]

(c) That the song producers and song promoters are guilty under Sections 292 , 292A , 293 , 294, for the following offences :

- for selling obscene objects ,
- grossly indecent and scurrilous ,
- to young people ,
- in the form of acts or songs

Section 292. Sale, etc., or obscene books, etc.

1[292. Sale, etc., or obscene books, etc.

2[(1) For the purposes of sub-section (2), a book, pamphlet, paper, writing, drawing, painting, representation, figure or any other object, shall be deemed to be obscene if it is lascivious or appeals to the prurient interest or if its effect, or (where it comprises two or more distinct items) the effect of any one of its items, is, if taken as a whole, such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it.]

3[(2) Whoever-

(a) Sells, lets to hire, distributes, publicly exhibits or in any manner puts into circulation, or for purposes of sale, hire, distribution,

public exhibition or circulation, makes, produces or has in his possession any obscene book, pamphlet, paper, drawing, painting, representation or figure or any other obscene object whatsoever, or

(b) Imports, exports or conveys any obscene object for any of the purposes aforesaid, or knowing or having reason to believe that such object will be sold, let to hire, distributed or publicly exhibited or in any manner put into circulation, or

(c) Takes part in or receives profits from any business in the course of which he knows or has reason to believe that any such obscene objects are, for any of the purposes aforesaid, made, produced, purchased, kept, imported, exported, conveyed, publicly exhibited or in any manner put into circulation, or

(d) Advertises or makes known by any means whatsoever that any person is engaged or is ready to engage in any act which is an offence under this section, or that any such obscene object can be procured from or through any person, or

(e) Offers or attempts to do any act which is an offence under this section,

Shall be punished 4[on first conviction with imprisonment of either description for a term which may extend to two years, and with fine which may extend to two thousand rupees, and, in the event of a second or subsequent conviction, with imprisonment of either description for a term which may extend to five years, and also with fine which may extend to five thousand rupees].

5[Exception-This section does not extend to-

(a) Any book, pamphlet, paper, writing, drawing, painting, representation or figure-

(i) The publication of which is proved to be justified as being for the public good on the ground that such book, pamphlet, paper, writing, drawing, painting, representation or figure is in the interest of science, literature, art of learning or other objects of general concern, or

(ii) Which is kept or used bona fide for religious purposes;

(b) Any representation sculptured, engraved, painted or otherwise represented on or in-

(i) Any ancient monument within the meaning of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), or

(ii) Any temple, or on any car used for the conveyance of idols, or kept or used for any religious purpose.]]

Section 292A. Printing etc. of grossly indecent or scurrilous matter or matter intended for blackmail

Whoever, -

(a) Prints or causes to be printed in any newspaper, periodical or circular, or exhibits or causes to be exhibited, to public view or distributes or causes to be distributed or in any manner puts into circulation any picture or any printed or written document which is grossly indecent, or in scurrilous or intended for blackmail, or

(b) Sells or lets for hire, or for purposes of sale or hire makes, produces or has in his possession, any picture or any printed or written document which is grossly indecent or is scurrilous or intended for blackmail; or

(c) Conveys any picture or any printed or written document which is grossly indecent or is scurrilous or intended for blackmail knowing or having reason to believe that such picture or document will be printed, sold, let for hire distributed or publicly exhibited or in any manner put into circulation; or

(d) Takes part in, or receives profits from, any business in the course of which he knows or has reason to believe that any such newspaper, periodical, circular, picture or other printed or written document is printed, exhibited, distributed, circulated, sold, let for hire, made, produced, kept, conveyed or purchased; or

(e) Advertises or makes known by any means whatsoever that any person is engaged or is ready to engage in any Act which is an offence under this section, or that any such newspaper, periodical, circular, picture or other printed or written document which is grossly indecent or is scurrilous or intended for blackmail, can be procured from or through any person; or

(f) Offers or attempts to do any act which is an offence under this section * [shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Provided that for a second or any subsequent offence under this section, he shall be punished with imprisonment of either description for a term which shall not be less than six months ** [and not more than two years].

Explanation I-For the purposes of this section, the word scurrilous shall be deemed to include any matter which is likely to be injurious to morality or is calculated to injure any person:

Provided that it is not scurrilous to express in good faith anything whatever respecting the conduct of-

(i) A public servant in the discharge of his public functions or respecting his character, so far as his character appears in that conduct and no further; or

(ii) Any person touching any public question, and respecting his character, so far as his character appears in that conduct and no further.

Explanation II-In deciding whether any person has committed an offence under this section, the Court shall have regard inter alia, to the following considerations-

(a) The general character of the person charged, and where relevant the nature of his business;

(b) The general character and dominant effect of the matter alleged to be grossly indecent or scurrilous or intended for blackmail;

(c) Any evidence offered or called by or on behalf of the accused person as to his intention in committing any of the acts specified in this section.

Section 293. Sale, etc., of obscene objects to young person
1[293. Sale, etc., of obscene objects to young person.

Whoever sells, lets to hire, distributes, exhibits or circulates to any person under the age of twenty years any such obscene object as is referred to in the last preceding section, or offers or attempts so to do, shall be punished 2[on first conviction with imprisonment of either description for a term which may extend to three years, and with fine which may extend to two thousand rupees, and, in the event of a second or subsequent conviction, with imprisonment of either description for a term which may extend to seven years, and also with fine which may extend to five thousand rupees].]

Section 294. Obscene acts and songs
1[294. Obscene acts and songs

Whoever, to the annoyance of others-

(a) Does any obscene act in any public place, or

(b) Sings, recites or utters any obscene song, ballad or words, in or near any public place,

Shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.]

(d) The song producers and song promoters by mocking the pious and holy gestures and " gehua vastra (saffron clothes)" which is symbolic of ancient hindu saints and *sanyasis* have offended the sentiments of hindu community thereby making them liable under Section 295 of IPC

Section 295. Injuring or defiling place of worship with intent to insult the religion of any class

Whoever destroys, damages or defiles any place of worship, or any object held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as a insult to their religion, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

(e) The song producers and song promoters by chanting the pious hindu mantra " hare Rama hare Krishna " in an unholy and insulting manner derogatory to the hindu sentiments attract the penal action

under Section 298 of IPC .

Section 298. Uttering, words, etc., with deliberate intent to wound the religious feelings of any person

Whoever, with the deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person or makes any gesture in the sight of that person or places any object in the sight of that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

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*Appendix 3** *

Details of producer and crew of the song

Directed by Priyadarshan

Produced by Bhushan Kumar, Krishan Kumar

Written by Neeraj Vora, Madhu Muttam

Starring Akshay Kumar, Vidya Balan, Amisha Patel, Shiny Ahuja,
Vineeth

Music by Pritam, Ranjit Barot

Cinematography by S. Thiru

Choreographer by Ganesh Acharya

Editing by N. Gopalakrishnan, Arun Kumar

Distributed by Eros International (U.S.); Super Cassettes Industries
Ltd.

Release date(s) October 12, 2007

Production House ♦ T Series

M/s. Super Cassettes Industries Ltd.

Plot No. 5, Film Centre,

Noida ♦ 201301

*Appendix 4***

Lyrics of the objectionable song

Ram ram ram ram♦

Where's she at, I m searching for this fine shoddy
And you think like i be gettin naughty
I m for you, you know I dont play that
Cause I mean it when you hear me say that

Madly searching for this fine shoddy
In my world the number one hotiee
Every where she make 'em(them) go crazy
Gosta get me, he has not yet made it

Teri aankhe bhool bhulaiya, baatein hai bhool bhulaiya
Tere sapnoo ki galiyon mein, I keep looking for you baby.
Teri aankhe bhool bhulaiya, baatein hai bhool bhulaiya
Tere sapnoo ki galiyon mein, You keep driving me so crazy.
Dil mein tu rehtein hai, betabi kehti hai
I keep praying all day..
All day.. all night long
Hare ram hare ram, hare krishna hare ram - 4

ohhh oooo

I wanna know what your thinking when you'r alone
Cause i m wishing i could call on your phone
Talk to you right through the middle of the night
Casue i think i m struck by love at first sight
You represent my dream to perfection
Cram de la cram, you're top of selection
Will you do your hair close..?/

Tu meri khamoshi hai, tu meri madhosi hai
Tu mera hai aafsaana
making me so happy, shaking my body
Tu hai aawara dhadkhan, tu hai raaton ki tadpan
Tu hai meri dil jaana
anything about you, baby i like it
Teri zulfon ke neeche, meri kwaboon ki janat
Teri baahon mein aake, bechaini ko milti raahat
My only wish is if i ever ever could make you mine
Every one pray with me,
All day, all night long
Hare ram hare ram, hare krishna hare ram - 2

Ohhh hooo

I have been watching you all day long..
I have been watching you.. watching you.. i have been calling your name -2
All day.. all night long

Tere vaade pe jeena, teri kasmooon pe marna
Baaki aab kuch na karna
Lets talk about it, lets get started
Chahe jaaga ya sooya deewanepan mein kohya
Duniya se aab kya dharna
Move on looking, life is all party
Tere ehsaanson ki gherayi mein dooba rehta hun
Tu meri jaan banjaye her moh har rab se kehata hun
Everyone's talking about us, whereever i go
My love is rocking baby, com'on now com'on
Hare ram hare ram, hare krishna hare ram - 4

ohhhooo

Teri aankhe bhool bhulaiya, baatein hai bhool bhulaiya
Tere sapnoo ki galiyon mein, I keep looking for you baby.
Teri aankhe bhool bhulaiya, baatein hai bhool bhulaiya
Tere sapnoo ki galiyon mein, You keep driving me so crazy.
Dil mein tu rehtein hai, betabi kehti hai
I keep praying all day..
All day.. all night long
Hare ram hare ram, hare krishna hare ram - 4