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WP-3290-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE ANAND PATHAK

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HON'BLE SHRI JUSTICE HIRDESH

ON THE 1st OF MARCH, 2025WRIT PETITION No. 3290 of 2025*SWATI AGRAWAL**Versus**UNION OF INDIA AND OTHERS*

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Appearance:

Shri Yogesh Chaturvedi-Advocate for petitioner along with petitioner.

Shri Praveen Kumar Newaskar-Deputy Solicitor General for respondent No.1/UOI.

Shri A.K. Nirankari-Government Advocate for respondent No.2&3.

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ORDER

Per. Justice Anand Pathak

Heard on admission.

2. The instant petition is preferred by petitioner under Article 226 of the Constitution of India (in the nature of Public Interest Litigation) seeking following reliefs:-

"11.1 The writ of madamus, prohibition or any other writ may kindly be issued in the present matter.

11.2 Respondent No.1 to 3 or the appropriate authorities may kindly be directed to frame and implement appropriate guidelines or rules mandating that all movie theatres across India strictly adhere to the



advertised showtime on movie tickets.

11.3 In the alternative, Respondent No.5 to 9 may kindly be directed to clearly specify two separate timings on the ticket: one for the opening of the theatre for entry and another for the start of the movie show.

11.4 Direct Respondent No. to 3 take necessary action against the Respondents 5 to 9 for engaging in unfair trade practices, and to impose penalties or sanctions as deemed appropriate in accordance with law.

11.5 Allow the cost of petition.

11.6 Pass any other order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

3. Petitioner is a law student pursuing his Bachelor of Law at Gwalior. She is crestfallen by the *modus operandi* of multiplex cinemas; wherein, these cinemas put advertisements rolling for more than the stipulated time and cause inconvenience to moviegoers. On tickets, time for movie is mentioned but when moviegoer goes to movie-hall, then movie starts at much later point of time and this period is consumed in displaying advertisements. If time is correctly mentioned over the ticket, then person can make his/her schedule accordingly, avoiding anxiety and rush to reach movie-hall.

4. Learned counsel for petitioner raised the point of 'Concept of



Captive Audience'. According to her, by prolonging the advertisement trail, time for watching movie is extended. The time which is consumed to display advertisements is the time during which a person who is watching movie is treated as 'Captive Audience'. Whether he likes or not, he has to go through the agony of sitting in the hall waiting for movie to start. Learned counsel for petitioner, through various provisions of law including Cinematograph Act, 1952 and Consumer Protection Act, 2019 as well as Article 21 of Constitution of India, asserts that such unfair trade practice ought to be stopped. Petitioner fairly submits that she is not against displaying of advertisements but wants movie exhibitors to display correct time for start of movie so that audience may adjust their time schedule accordingly. If anybody wants to see advertisements (trailers/teasers included), then he/she can certainly is at liberty to observe.

5. Petitioner further refers that in State of Connecticut (USA), an Act is under contemplation requiring scheduled start time disclosures in motion pictures advertisements. Therefore, suitable provisions be incorporated in this regard in India also. Petitioner preferred a detailed representation *vide* Annexure-P/7 address to the Principal Secretary, Ministry of Information and Broadcasting, New Delhi in this regard. She seeks thoughtful consideration over said representation.

6. Petitioner also relied upon the judgment passed by Apex Court in the case of **I. R. Coelho (Dead) by LRs vs. State of T.N.** reported in (2007) 2 SCC 1 to rely upon 'Right to Choose' as a Fundamental Right and as one of the attributes of Article 21 of Constitution of India.



7. Shri Praveen Kumar Newaskar, Deputy Solicitor General for respondent/UOI opposed the prayer regarding issuance of notice. According to him, this petition is not maintainable.

8. Shri A.K. Nirankari, Government Advocate for respondents/State also opposed the prayer.

9. Heard.

10. After considering the rival submissions and going through the representation (Annexure-P/7) referred by petitioner which is addressed to Principal Secretary, Ministry of Information and Broadcasting, New Delhi and the issue raised, it appears that issue at present is not ripened for adjudication before this Court. It is to be discussed and decided at policymaking stage as well as at the stage of administrative decision-making so that multiple stakeholders involved into it, may be consulted and due deliberations/discussions be carried out at appropriate level by the concerned authorities. Thereafter, if required, appropriate decision/guidelines be prepared and passed.

11. At present, the Court does not intend to enter into the arena of subjectivity. Objectivity can only be ensured once all stakeholders are discussed on this issue. Therefore, respondent No.1 has to take call in this regard.

12. In view of the above discussion, petitioner is at liberty to submit copy of petition along with her representation in detail, delineating the issue objectively. If such representation and documents are preferred by petitioner before the concerned authority, then the authority shall objectively discuss



and decide the issue in accordance with law, in view of suggestions received from different stakeholders.

13. Before parting, this Court expects the authorities to engage in meaningful discussion with all stakeholders because one can not forget that **"Time is a valuable Resource"** and how the divergent views can be reconciled, is to be seen by the respondents.

14. With aforesaid observation, petition stands **disposed of**.

15. It is made clear that this Court has not expressed any opinion on merits of the case and merit of the issue has to be decided by the concerned authorities only.

(ANAND PATHAK)
JUDGE

(HIRDESH)
JUDGE

(Dubey)