

A CRITICAL ANALYSIS ON OBSCENITY

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ABSTRACT

Obscenity is a global and complex issue because it involves other related issues like decency and morality which varies from society to society. We cannot judge obscenity in isolation. It needs a broader perspective to understand the notion of obscenity. The obscenity is directly related to morality and decency¹²⁵⁷. What is immoral for one may not be so for others. The concept of obscenity differs from nation to nation and it depends on the moral and cultural values that have shaped that country. This paper analysis the concept of obscenity in different interpretation with different scenario.

INTRODUCTION

The word obscenity is derived from the Latin word 'obscaena' (offstage). The word can be used to indicate a strong moral repugnance. According to dictionary meaning, 'it is offensive to chastity, delicacy or decency, expressing or presenting to the mind of view something that decent, delicacy and purity forbid to be exposed, offensive to morals, indecent, impure'. When confronted with the concept of obscenity, individuals may be inclined to consider obscenity as synonymous with pornography. The words "pornography" and "obscenity" are frequently interchanged in lay communication; however, they are in fact two discrete definitions of materials which some individuals may consider indecent. Pornography describes sexually explicit material, but it is not a legally defined term. Obscenity, on the other hand, is legally defined; however the legal definition is purposefully vague¹²⁵⁸. The best way to define obscenity is actually to not define it. Not because it would be lewd, overreaching or offensive in diktat but because no one has actually done it. Obscenity changes with time, values, society, popular culture etc. The number of things that have a direct impact on the standards and level of obscenity are many and locking them into one line or a few lines are not possible.

There is no fix definition of obscenity; it changes with the circumstances of case. Literally the word 'obscene' means chastity or modesty whereas legally the word 'obscene' means the tendency of which is deprave those whose minds are open to immoral influence. The word "obscene" is very wide term and whatever is "vulgar" and "indecent" should not

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¹²⁵⁷ Advocate Kriti, "Growing Indecencies or Obscenity In Cyber World And Legal Regime In India", available at, <http://www.legalserviceindia.com/legal/article-1593-growing-indecencies-or-obscenity-in-cyber-world-and-legal-regime-in-india.html>, last accessed on 31-03-2020.

¹²⁵⁸ Twinkle Kataria, "Law Of Obscenity: An Indian Perspective", Journal Of Legal Studies And Research, available at, <http://thelawbrigade.com/wp-content/uploads/2019/05/twinkle.pdf>, last accessed on 31-03-2020.

be construed as such. This is also a global and dynamic phenomenon and can no longer become local and static phenomenon.

Advancement of Science and rapid growth of Information Technology, again complicated and difficult situation, since regulation and identification of an obscenity on Internet is very difficult. The Internet has often condemned over the availability of pornography. The growth of the Internet has created an entirely new medium for the dissemination of any message, images, pictures including pornographic one. Not only content has been criticized, but also its ready availability for users of all ages. The worldwide nature of such material as well as the ability to download images makes the system virtually impossible to censor. The problem over here is graver when we talk about cyber obscenity. Off-line obscenity covers generally, language, literature or representation dealing with erotic, pornographic and sexually perverted subjects. But the obscenity of any matter lies in its effect on the mind of the reader or viewer more than in any definable quality of the matter itself.

Obscenity is a kind of mind pollution and a social problem affecting the society at large. The media has played a major role in promoting obscenity by way of semi-nude ads, videography, news in the form of soft-porn and much more. Women and children are the worst hit by the growth and exposure to obscenity. There is a direct link between the violence being shown in media and the actual act of violence against women. The cases of molestation, sexual harassment and rape are on the rise contributing to this is the constant bombardment of sex, nudity and violence in the media.

Obscenity includes on the one hand what is merely inauspicious, foul and indecent and on the other hand what is immodest and calculated to excite impure emotions and desires. *Craies* says that, "the precise meaning is decidedly ambiguous". In "*State of U. P. v. Thakur Prasad*"¹²⁵⁹, obscenity was defined as: "the word obscene though not clearly defined in the Indian Penal Code, 1860 must be taken as meaning offensive to chastity or modesty, expressing or personating to the mind or view something that delicacy, purity or decency forbid to be expressed; anything expressing or suggesting unchaste and lustful ideas; impure; indecent and lewd." In "*Chandrakanth Kalyandas Kokodhar case*"¹²⁶⁰, it was observed by the Supreme Court of India that "the tendency of the matter is to deprave and corrupt those whose minds are open to immoral influence and into whose hands the book may fall, but if the propagation of idea, opinion or information be for public interest, it would not fall within the mischief of obscenity". The definition of obscenity still isn't clear. It changes with time and depends on the factual circumstances of the case. What was considered obscenity 20 years ago might not be considered so now. Obscenity' is posing a great deal of threat to the Society, since in any civilized society act or conduct of or work of obscenity is liable to be condemned and regulated. In fact, it is very difficult to define the term 'obscenity' and thereby to regulate it. The law which regulates the obscenity all over the world finds itself difficult to have uniformity. Ideological and cultural differences are the causing factors behind that and also of course the problem of identification. Problem, in a nutshell, has been

¹²⁵⁹ AIR 1959 All 49

¹²⁶⁰ AIR 1970 SC 1390

to identify a definition of obscenity that preserves the power of legislature to regulate the worst forms of pornography for public welfare, and yet does not deter freedom of speech and expression.

LEGAL FRAMEWORK IN INDIA

India has exhaustive culture of various communities and the variation in social attitudes and community standards alter the concepts of obscenity. The words indecency, vulgarity, nudity and pornography are not synonym of word 'obscenity'. In the eye of constitution of India both men and women are equal and must be treated in same manner, but in Indian society there is clear distinction between their rules. Therefore to remove this biasness constitution has made certain provisions to favour women. Some of them are Art. 14, Art. 15(i), Art. 15(3), Art. 16, Art. 39(a), Art. 39(d), Art. 42, Art. 46, Art. 47, Art. 51(A)(e), Art. 243.

In any democracy freedom of speech is the most important. The freedom of speech was explicitly recognized as a fundamental right under Article 19 which can be restricted under Art. 19(2) where several grounds were prescribed including "decency or morality and public order". This restriction purports to protect people from depravity and corruption by immoral influence. For the first time in "*Ranjit D. Udeshi v. State of Maharashtra*"¹²⁶¹ the Hon'ble Supreme Court interpreted the word obscene and for this the Apex Court relied on the test followed in the famous *Hicklin's case*, But the test given in the Hicklin's case cannot be followed in every case related to obscenity, because cultural values and moral standard differs from nation to nation, simply sexually explicit is not obscene in Western countries the same may be considered obscene in India. The acceptance of different patterns of elements of 'decency' or 'morality' differs from country to country.

While the constitution provides guarantee to freedom of speech and expression, which is exercised by the media, the criminal law imposes certain restrictions on that freedom for protecting the social or group interests and public tranquillity. Article 19(2) provides certain grounds, basis on which the state can impose reasonable restrictions on this freedom. Media-persons are basically under the same obligation as the people in general to abide by general principles of penal law. Media in its exercise of free criticism may slip either intentionally or through its routine activity into any kind of criminal liability under different circumstances. Different laws relating to obscenity:

Obscenity under The Indian Penal Code 1860

Section 292(1) states that "the publication of a book, pamphlet, paper, writing, drawing, painting, representation, figure, etc., will be deemed obscene, if,- It is lascivious (expressing or causing sexual desire); or Appeals to the prurient interest (excessive interest in sexual matters); If its effect, or the effect of any one of the items, tends to deprave and corrupt persons, who are likely to read, see or hear the matter contained in such materials".

Section 292(2) holds "a person liable to punishment if he- Sales lets to hire, distributes, publicly exhibits or puts into circulation, etc., or Imports or exports or conveys any obscene objects for any of the purpose aforesaid; Takes part in or receives profits from business in the

¹²⁶¹ AIR 1965 SC 881

course of which he knows or has reason to believe that any such obscene objects were made for any of the aforesaid purposes. Advertises or makes known by any means whatsoever that any person is engaged in, or is ready to be engaged in any act which is an offence under this section. Offers or attempts to do any act which is an offence under this section. Section 293 punishes sales, etc., of obscene objects to young people below the age of 20 years”.

The offence is cognizable, bailable, non-compoundable and triable by any Magistrate. On the other hand, section 294 deals with obscene acts and songs. The offence u/s 294 is cognizable, bailable non-compoundable and triable by any Magistrate. In order to constitute an offence u/s 294 following ingredients are to be fulfilled:- The accused – did some act; sang, recited or uttered any song or bailed; Such an act was obscene; The act was performed in a public place; and It caused annoyance to others.

Obscenity under The Information Technology Act 2000

Punishment for publishing or transmitting obscene material in electronic form¹²⁶²; “Whoever publishes or transmits or causes to be published or transmitted in the electronic form, any material which is lascivious or appeals to the prurient interest or if its effect is 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, shall be punished on first conviction with imprisonment of either description for a term which may extend to three years and with fine which may extend to five lakh rupees and in the event of 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 ten lakh rupees.”

Punishment for publishing or transmitting of material containing sexually explicit act, etc., in electronic form¹²⁶³; “Whoever publishes or transmits or causes to be published or transmitted in the electronic form any material which contains sexually explicit act or conduct shall be punished on first conviction with imprisonment of either description for a term which may extend to five years and with fine which may extend to ten lakh rupees and in the event of 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 ten lakh rupees.”

Punishment for publishing or transmitting of material depicting children in sexually explicit act, etc., in electronic form¹²⁶⁴; “Whoever,— (a) publishes or transmits or causes to be published or transmitted material in any electronic form which depicts children engaged in sexually explicit act or conduct; or (b) creates text or digital images, collects, seeks, browses, downloads, advertises, promotes, exchanges or distributes material in any electronic form depicting children in obscene or indecent or sexually explicit manner; or

¹²⁶² Section 67 of *IT Act*, 2000

¹²⁶³ Section 67A

¹²⁶⁴ Section 67B

- (c) cultivates, entices or induces children to online relationship with one or more children for and on sexually explicit act or in a manner that may offend a reasonable adult on the computer resource; or
- (d) facilitates abusing children online, or
- (e) records in any electronic form own abuse or that of others pertaining to sexually explicit act with children, shall be punished on first conviction with imprisonment of either description for a term which may extend to five years and with fine which may extend to ten lakh rupees and in the event of 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 ten lakh rupees:

Provided that provisions of section 67, section 67A and this section does not extend to any book, pamphlet, paper, writing, drawing, painting representation or figure in electronic form— (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 the interest of science, literature, art or learning or other objects of general concern; or (ii) which is kept or used for bona fide heritage or religious purposes. Explanation—For the purposes of this section, —children means a person who has not completed the age of 18 years.

Section 68: Power of Controller to give directions; (1) The Controller may, by order, direct a Certifying Authority or any employee of such Authority to take such measures or cease carrying on such activities as specified in the order if those are necessary to ensure compliance with the provisions of this Act, rules or any regulations made thereunder;

(2) Any person who intentionally or knowingly fails to comply with any order under subsection (1) shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding two years or a fine not exceeding one lakh rupees or with both.

Obscenity under Cable Television Networks (Regulation) Act, 1995

*Power to prohibit transmission of certain programmes in public interest*¹²⁶⁵ - where an officer, thinks it necessary or expedient so to do in the public interest, he may, by order, prohibit any cable operator from transmitting or retransmitting or retransmitting any particular programme if it is likely to promote, on grounds of religion, race, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, linguistic or regional groups or castes or communities or which is likely to disturb the public tranquillity.

Obscenity under The Indecent Representation of Women Prohibition Act, 1986

*Prohibition of advertisements containing indecent representation of women*¹²⁶⁶: No person shall publish, or cause to be published, or arrange or take part in the publication or exhibition of, any advertisement which contains indecent representation of women in any form.

¹²⁶⁵ Chapter V, *Cable Television Networks (Regulation) Act, 1995*

¹²⁶⁶ Section 3 of *The Indecent Representation of Women (Prohibition) Act, 1986*.

*Prohibition of publication or sending by post of books, pamphlets, etc., containing indecent representation of women*¹²⁶⁷: No person shall produce or cause to be produced, sell, let to hire, distribute, circulate or send by post any book, pamphlet, paper, slide, film, writing, drawing, painting, photograph, representation or figure which contains indecent representation of women in any form.

The indecent representation of women Act 1986 is a pioneering legislation to prohibit the indecent representation of women through advertisements, books, pamphlets etc. However the act primarily relates to the print media. There is need to amend the indecent representation of women Act 1986 because since the enactment of the act, technological revolution has created new forms of communication such as internet, cable television, mobile phone, MMS, SMS and satellite based communication. The World Wide Web and Internet is very complex network and is vulnerable to several illegal activities. It is a strong medium of doing illegal activities especially cyber pornography, as “Internet is very prone to porn”.

Obscenity under The Cinematography Act 1952

The Act ensures that films fulfil the objectives prescribed by law. In the Act is a provision for the establishment of a *Central Board of Film Certification* (the Board). This is the regulatory body in India that issues a certificate to the makers of films for public exhibition. Once the Board has examined a film, the Board can: Sanction the film for unrestricted exhibition; Sanction the film for public exhibition limited to adults; Direct such modifications and excisions in the film before sanctioning the film to any of the above; Refuse to sanction the film for exhibition completely. There are mainly four kinds of certifications given by the Central Board of Film Certification:

Universal (U); this type of certifications is the Unrestricted Public Exhibition, and the same holds no limitations for the age groups that may watch the same. They could be family, educational or social oriented themes. This category has fantasy violence and minimal foul language. When a movie is being certified U by the Board, it must ensure that the movie is suitable for a family to watch it together including the children.

Parental Guidance (UA); this type of certification explains that the film is appropriate for all age groups. However, it is in the interest of the children below the age of 12 to be accompanied by their parents. The reason could be that the theme of the movie may not be the most appropriate for the child without the guidance of their parents.

Adults Only (A); as the certification suggests, this type of film is restricted to adults only. Persons above the age of 18 are adults, for the meaning of this certification. The theme may contain disturbing, violent, drug abuse and other related scenes which are not considered suitable for viewing by children who may be influenced by the same negatively. Films that meet the requisites of the abovementioned criteria but are not suitable for exhibition to children or those below the age of 18 shall be certified A.

Restricted to Special Class of Persons (S); this is the last type of the certifications under the board, and the same explains that the films which are rated S are meant for a special class of persons only. For example, doctors. If the Board is of the opinion the with regards to content,

¹²⁶⁷ Section 4

nature and the theme of the film is to be restricted to members of a class of persons or any profession, the above certification shall be given to such film.

Obscenity under The Young Persons (Harmful Publication) Act, 1956

“*harmful publication*”¹²⁶⁸ means any book, magazine, pamphlet, leaflet, newspaper, or other like publication which consists of stories told with the aid of pictures or without the aid of pictures or wholly in pictures, being stories portraying wholly or mainly- Incidents of repulsive or horrible nature; in such a way that the publication as a whole tend to corrupt a young person into whose hands it might fall, whether by inciting or encouraging him to commit offences or acts of violence or cruelty or in any other manner whatsoever;

Penalty for sale, etc. of harmful publications¹²⁶⁹- If a person- (a) sells, lets to hire, distributes, publicly exhibits or in any manner puts into circulation, any harmful publication or (b) for purposes of sale, hire, distribution, public exhibition or circulation, prints, makes or produces or has in his possession any harmful publication, or (c) Advertises or makes known by any means whatsoever that any harmful publication can be procured from or through any person, he shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

Obscenity under The Prasar Bharati (Broadcasting Corporation of India) Act, 1990

“*broadcasting*”¹²⁷⁰ means the dissemination of any form of communication like signs, signals, writing, pictures, images and sounds of all kinds by transmission of electromagnetic waves through space or through cables intended to be received by the general public either directly or through the medium of relay stations and all its grammatical variations and cognate expressions shall be construed accordingly.

Censorship is permitted mainly on the grounds of social interests specified under Art. 19 (2) with emphasis on maintenance of moral values. The film censor Board is specially entrusted to screen off the silver pictures which offensively in vale or deprave public morals through over sex. Today television has become the part of every family, and thus it is responsibility of cable operators not to display obscene, indecent and vulgar programmes. For this central government has made rules known as the cable Television Networks Rules. 1994 which have prescribed a programme code under rule 6.

There are also several other laws in India to prohibit the obscenity some of them are; The Post office Act 1898 which prohibits the transmission of obscene matter over post, The Dramatic performances Act, 1876 which prohibits public dramatic performances which are scandalous, defamatory, seditious or obscene, The customs act 1962 to prohibit importation or exportation of obscene literature, The Press council of India Act, 1978 which prohibits the publication of any things which is obscene, vulgar or offensive to public good taste, which prevent the dissemination of certain publications harmful to young persons, The Emigration Act, 1983 which prohibit emigration of any class or category of persons if proposed work is considered violation of public interest, public policy or human dignity and decency, The

¹²⁶⁸ Section 2 of *The Young Persons (Harmful Publication) Act, 1956.*

¹²⁶⁹ Section 3 of *The Young Persons (Harmful Publication) Act, 1956*

¹²⁷⁰ Section 2(c) of *The Prasar Bharati (Broadcasting Corporation of India) Act, 1990*

Inter-state migrant workmen Act 1976, which prevents the trafficking of women in to the bars, National Commission for women Act, 1990 which ensure constitutional rights of women, Protection of Human rights Act 1993 which provides rights relating to life, liberty, equality and dignity of an individual. Beyond these enactments there are many regulatory bodies and social organisations which curb indecent representations of women. It is a sad commentary that despite the Constitutional articles, legislative provisions, codes, self regulations, and various regulatory bodies, both Print and Electronic Media continue to portray obscene images of women. They focus on sex appeal or physical beauty of women. Transnational companies and their advertisements do have a negative persuasive effect on the viewers of our country, especially youngsters. Then, are given clinched argument by the media that they dish out what the people want. It is because of the non-implementation of our laws in this regard rigorously both in letter & spirit demonstrative of our belief more in breach than in adherence. It is a high time to formulate an umbrella law which holds together all the provisions, giving way to each other rather than conflicting the matters.

OBSCENITY IN DIFFERENT COUNTRIES

The test of obscenity has been laid by several countries based on certain moral principles and decency codes of the particular country. Few of these tests have been also adopted by the Indian courts over time to determine obscenity.

UNITED STATES

In "*Roth v. United States*"¹²⁷¹ the court observed that sex and obscenity are not to be seen as synonyms. It was held that only those sex-related materials which had the tendency of exciting lustful thoughts were found to be obscene and the same has to be judged from the point of view of an average person by applying contemporary community standards.

The U.S. Supreme Court set up a test for obscenity in its 1973 decision "*Miller v. California*"¹²⁷², The Court provided three "basic guidelines":

- Whether the average person, applying contemporary community standards, would find that the work, taken as a whole, appeals to the prurient interest;
- Whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law;
- Whether the work, taken as whole, lacks serious literary, artistic, political, or scientific value; these different guidelines are sometimes called the prurient-interest, patently offensive and serious-value prongs of the Miller test.

Federal law prohibits the possession with intent to sell or distribute obscenity, to send, ship, or receive obscenity, to import obscenity, and to transport obscenity across state borders for purposes of distribution. Although the law does not criminalize the private possession of obscene matter, the act of receiving such matter could violate the statutes prohibiting the use of the U.S. Mails, common carriers, or interactive computer services for the purpose of

¹²⁷¹ 1957 U.S. LEXIS 587

¹²⁷² 413 U.S. 15

transportation. It is also illegal to aid or abet in the commission of these crimes, and individuals who commit such acts are also punishable under federal obscenity laws¹²⁷³.

Federal statutes specifically prohibit obscenity involving minors, and convicted offenders generally face harsher statutory penalties than if the offense involved only adults. United States Code prohibits any individual from knowingly transferring or attempting to transfer obscene matter using the U.S. mail or any means or facility of interstate or foreign commerce to a minor under 16 years of age. Convicted offenders face fines and imprisonment for up to 10 years¹²⁷⁴.

UNITED KINGDOM

In *“Regina v. Hicklin”*¹²⁷⁵, Chief Justice Cockburn laid down that “the test of obscenity is that, whether the tendency of the matter charged as obscene is to deprave and corrupt those whose minds are open to such immoral influences, and into whose hands the a publication of this sort may fall. It is quiet certain that it would suggest to minds, of the young either sex, or even to persons of more advanced years, thoughts as a most impure and libidinous character.” Section 1 of the Obscene Publications Act, 1959 is a crucial piece of law governing content of books, photographs, magazines, video tapes and computer software – defines obscenity as that which tend to deprave and corrupt persons who are likely, having any regard to all relevant circumstances, to read, to see or hear the matter contained or embodied in it.

INTERPRETATION BY JUDICIARY ON OBSCENITY

*“Bobby Art International & Others v. Om Pal Singh Hoon & Others”*¹²⁷⁶ the film *Bandit Queen* by *Shekhar Kapur*, based on the real life story of a dacoit *Phoolan Devi* ran into trouble when *Delhi High Court* banned it for its obscene content; however the *Supreme Court* overruled it and granted it a certificate of exhibition A (i.e. adult films). The court observed that “a film that illustrates the consequences of a social evil necessarily must show that social evil. So far as the Tribunal had permitted them, were in aid of the theme and intended not to arouse prurient or lascivious thoughts but revulsions against the perpetrators and pity for the victim.”

*“Maqbool Fida Husain v. Raj Kumar Pandey”*¹²⁷⁷ MF Husain painted an art work of a nude lady in grief without giving it any title. The untitled painting was sold to a private collector in 2004. Later was included as part of an online charity auction under the name ‘Bharat Mata.’ Husain had no role in this auction. Whether Husain’s portrayal of ‘Bharat Mata’ should be considered obscene and held criminally liable under Section 292 of the IPC. Court considered that art is an important tool of expression. Article 19(2) of the Indian Constitution allows freedom of speech and expression to be restricted on the grounds of public decency and

¹²⁷³ Citizen's Guide to U.S. Federal Law on Obscenity, at, <https://www.justice.gov/criminal-ceos/citizens-guide-us-federal-law-obscenity>, last accessed on 01-04-2020.

¹²⁷⁴ Section 1470 of Title 18.

¹²⁷⁵ Law Reporter 3 Queen's Bench 360 (1868).

¹²⁷⁶ 1996 AIR (SC) 1846

¹²⁷⁷ Crl. Revision Petition No. 114/2007

morality. Obscenity that is offensive to public decency and morality is not protected and where question as to nudity or semi-nudity arises, the particular postures and surrounding circumstances must also be looked into, as should the perspective of the artist, and the idea that art “should not be seen in isolation without going into its onomatopoeic meaning.” It was held that the painting did not violate section 292 of the IPC. Even if some persons may have felt offended at seeing Mother India naked, that was not sufficient to constitute obscenity.

“Aveek Sarkar V. State of West Bengal”¹²⁷⁸ The Supreme Court has held in this case that the photograph of couple, in the nude, is not “obscene” within the meaning of Section 292 of the Indian Penal Code. This judgment is particularly rejects the HICKLIN TEST, the archaic 1868 rule for determining obscenity. In contrast to the Hicklin Test, which was focused on individual or isolated aspects of an entire work that could be deemed obscene, as well as its impact on “vulnerable” sections of society, the Court adopts what it called the “community standards” test: *“A picture of a nude/semi-nude woman, as such, cannot per se be called obscene unless it has the tendency to arouse feeling or revealing an overt sexual desire. The picture should be suggestive of deprave mind (sic) and designed to excite sexual passion in persons who are likely to see it, which will depend on the particular posture and the background in which the nude/semi-nude woman is depicted. Only those sex-related materials which have a tendency of “exciting lustful thoughts” can be held to be obscene, but the obscenity has to be judged from the point of view of an average person, by applying contemporary community standards.”*

In 2015, the AIB group was also in the headlines for its roast show AIB Knockout wherein there were multiple instances where a celebrity was made fun of allegedly in a very rude and offensive manner. In view of this incident, several complaints were filed. The judgement is yet to come in this case but this is going to be an important precedent in future as this case is going to define the limits of freedom of speech and expression for TV shows involving celebrities and their impact on the society.

CONCLUSION

Various legal provisions including acts, rules and codes have been made for highlighting Indian scenario against obscenity. But Just by making the laws will not end all the identity crisis that women of India face a conscious effort by all the males, females and society as a whole has to work to solve this prolonged issue of identity of Indian women. Legislation alone cannot by itself solve such deep-rooted problems and we have to approach them in other ways too. The solution is to find out the ways to control this sort of indecency and obscenity.

Suggestion

- a. Obscenity is causing long lasting damage in society which cannot be checked individually. It needs a Mass Movement through. So the citizen should create Mass Awareness against obscenity.

¹²⁷⁸ (2014) 4 SCC 257

- b. It is the time that people raise their voice against this shameless display of woman's body and her commodification in the name of entertainment, against the shameless and blatant violations of laws, making the society unsafe for our future generation.
- c. Women engaged in offensive representation for economic well being should be realized that empowerment given to them does not mean unwanted social activities those are harmful to society.
- d. The so called social workers, activists, lawyers and media persons should come up to enlighten the society at large about the legal consequences of indecent acts.
- e. The media professionals need to be sensitised on gender issues and a system of rewards may be developed for those who are able to portray women in positive manner. Likewise, stringent punitive action should be taken against those who defy the norms.
- f. As concerned and responsible citizens should raise their voice to stop this sex, violence and vulgarity in media including Television, Newspapers, Films and posters of films.
- g. A complete transformation is required in our jurisprudential thought where the agenda of the judiciary, censor boards, media representatives should be to strengthen civil society.
- h. There's need for a one Cyber legislation which is co-ordinated to look after cyber crimes in all respects.
- i. There is an urgent need for unification of internet laws to reduce the confusion in their application. For e.g. for publication of harmful contents or such sites, we have Indian Penal Code (IPC), Obscenity Law, Communication Decency law, Self Regulation, Information Technology Act 2000, Data Protection Act, Indian Penal Code, Criminal Procedure Code etc but as they deal with the subject vaguely therefore lacks efficient enforceability mechanism.
- j. The State may impose restrictions on internet cafes. The authorities may put curbs on the use of mobile phones in schools and colleges.
- k. The act of accessing obscene material on the computer network should be made a punishable offence.
- l. Indecency should be criminalised in the same manner as obscenity.