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## Obscenity Laws in India: Challenges, Constitutional Scrutiny, and the Digital Dilemma

Humaira Sadaf<sup>a</sup> Aziz Umar<sup>b</sup>

<sup>a</sup>Faculty of Law, Jamia Millia Islamia, New Delhi, India <sup>b</sup>Faculty of Law, Jamia Millia Islamia, New Delhi

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*The issue of public obscenity becomes a matter of deliberation not merely among the legal community, but is also significantly imperative for the public. Balancing freedom of speech and expression with that of public morality becomes an intricate task for the regulating authorities, as societal reforms lead to reforms in morality. The absence of a statutory definition of Obscenity in the country is a big predicament in fairly interpreting the principle determining an action as obscene. The article traces the historical evolution of laws governing Obscenity by highlighting various tests to measure Obscenity. The article attempts to be innovative by emphasising a harm-based test for determining obscenity. This test can act as a game changer in the reformation of Obscenity laws, as this test puts liability based on the magnitude of harm caused by any expression to the public. The Article emphasises the need to transform Indian Obscenity laws by standardising the test to measure the liability arising from any obscene expression, and also opines to enact a modern statute to regulate Obscenity that can adopt the morality standards of contemporary society.*

**Keywords:** *obscenity, freedom of speech & expression, public morality, artistic freedom, vulgarity.*

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## INTRODUCTION

The word obscene is derived from the Latin term *Obscenus*, which means 'offensive, especially in terms of modesty'.<sup>1</sup> The Oxford Law Dictionary defines obscenity as something 'Offensive or disgusting concerning the standard of morality and decency'.<sup>2</sup> However, giving any particular definition of obscenity is an arduous and meticulous task, due to varying interpretations of obscenity under different legal forums. Obscenity deals with lascivious, prurient, depraved, and corrupt acts that lack a specific definition in a statute or codified law, thus opening space for judicial interpretations.

The challenge is that while the Indian Constitution provides reasonable freedom of speech and expression to all its citizens, *Bharatiya Nyaya Sanhita* and other criminal statutes simultaneously restrain freedom of speech by penalising obscene expressions. Moreover, some wrong interpretations of this phenomenon harm the citizens' freedom of speech and expression. Therefore, striking a balance between the two approaches becomes imperative to uphold community standards and women's dignity while simultaneously ensuring freedom of speech (Article 19(1))<sup>3</sup> and individual liberty (Article 21)<sup>4</sup>.

The issue of public obscenity laws in India recently sparked controversy when an award-winning podcaster and social media influencer, Ranveer Allahbadia, along with other panellists, was booked with multiple FIRs throughout India, alleging transmission of putative content that was vulgar and obscene. This unfortunate event makes it crucial to understand India's obscenity laws and the dynamics of change in the Technosphere. This Article intends to elucidate the nuances in India's Obscenity laws and emphasise the need for possible reforms in determining the liability for Obscene expression.

## EVOLUTION AND LEGAL FRAMEWORK OF OBSCENITY LAWS IN INDIA

Since the Roman Catholic Church took the initiative in the fourth century by outlawing a few heretical publications, the prosecution of obscenity has been relevant. The Sacred Congregation of the Roman Inquisition was founded by Pope Paul III in 1542 and was charged with suppressing sinful and heretical literature. In the 1720s, bookseller Edmund

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<sup>1</sup> 'Obscene' (*Academic*) <<https://etymology.en-academic.com/25617/obscene>> accessed 07 April 2025

<sup>2</sup> *Ibid*

<sup>3</sup> Constitution of India 1950, art 19(a)

<sup>4</sup> Constitution of India 1950, art 21

Curll became the first person in England to be found guilty of obscenity. He had released a slightly sexual edition of *Venus in the Cloister*, also known as *The Nun in Her Smock*.<sup>5</sup>

In 1856, the Act was passed to prohibit the sale or exposure of pornographic books and images. Later, obscenity began to be penalised after the advent of the criminal laws in India before independence, i.e., in 1860. This indicates the origin of obscenity as a crime since the Victorian Era. Till today, the debate on this issue continues in various ways depending upon the legal and critical assessment by the law experts. The criminal laws of India, the Indian Penal Code (IPC), currently *Bhartiya Nyaya Sanhita* (BNS), outlaw' obscenity under various sections but fail to define and interpret the phenomenon, which can ensure stability with freedom of expression of multiple stakeholders.

This offence, introduced in the Victorian era of moral conservatism, sought to preserve and shape the morals of society to a large extent.<sup>6</sup> The IPC on obscenity grew out of English Law, which made the courts guardians of public morals. But the need to protect society against the potential harm that may arise from obscene material and to ensure respect for freedom of expression must be balanced with the free flow of information. This made the government a moral guardian to decide what society shall be reading or viewing.<sup>7</sup>

## MAJOR LAWS ON OBSCENITY

In BNS, obscenity is covered by sections 294<sup>8</sup>, 295<sup>9</sup>, and 296<sup>10</sup>. Sales of pornographic literature, etc., are covered in Section 294. Section 295 addresses the selling of pornographic literature to minors, among other things, whereas Section 296 addresses pornographic performances and music. The Information Technology Act of 2000 and the Cinematograph Act of 1952 are important laws that deal with obscenity. With the increasing dominance of technology and media, it's important to carefully filter content before sharing it with the public and to hold accountable anyone who breaks these rules.

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<sup>5</sup> 'The Law Relating to Obscenity Under IPC' (*School of Law, University of Kashmir*, 28 April 2020) <<https://law.uok.edu.in/Files/5ce6c765-c013-446c-b6ac-b9de496f8751/Custom/OBSCENITY.pdf>> accessed 02 April 2025

<sup>6</sup> Mohit Kandpal, 'Evolution of Obscenity from the Victorian Era to the Republic of India' (*Society for Advancement of Criminal Justice*, 15 September 2020) <<https://www.nujssacj.com/post/evolution-of-obscenity-from-the-victorian-era-to-the-republic-of-india/>> accessed 08 March 2025

<sup>7</sup> *Ibid*

<sup>8</sup> *Bharatiya Nyaya Sanhita* 2023, s 294

<sup>9</sup> *Bharatiya Nyaya Sanhita* 2023, s 295

<sup>10</sup> *Bharatiya Nyaya Sanhita* 2023, s 296

The Central Board of Film Certification was tasked by the Cinematograph Act 1952<sup>11</sup> with regulating and certifying films to ensure that they do not include any objectionable, filthy, or obscene content before they are shown to the public. To make some changes to the act concerning this matter, the Cinematograph (Amendment) Bill, 2023 was passed. The dissemination of pornographic content via electronic means is punishable under the Information Technology Act of 2000. The penalties for publishing or sending pornographic content electronically are covered in Section 67<sup>12</sup>. The penalties for publishing or sending sexually explicit content electronically are covered in Section 67A<sup>13</sup>. The penalties for posting or sending electronic content that shows youngsters engaging in sexually explicit behaviour, etc., are covered by Section 67B<sup>14, 15</sup>

### TESTS FOR DETERMINING THE OBSCENITY

One comes across the legal quagmire when deciding the test of obscenity or what are those essentials that demarcate an act or a conduct as obscene. Legal experts share different perspectives regarding this issue. Moreover, various benchmarks have been adopted by other countries' courts to determine and measure the liability, which are explained below comprehensively. The courtrooms have given judgments on numerous cases dealing with obscenity and have enlisted different tests, which are Miller's Test, the Hicklin test, and the Community Standard test. These tests are used to substantiate what is considered obscenity and when it becomes an offence punishable in society.

**US Model to Measure Obscenity:** Following the Supreme Court of the United States' ruling in *Miller v California*,<sup>16</sup> where brokers advertise sexually explicit content in a restaurant in California, the accused was charged under various penal provisions of the California Penal Code. Moreover, the California Supreme Court, by delivering judgment in this case, developed a comprehensive test for measuring any expression to be obscene, which came to be known as the Miller test.

**The following are the important findings of this test:**

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<sup>11</sup> Cinematograph Act 1952

<sup>12</sup> Information Technology Act 2000, s 67

<sup>13</sup> Information Technology Act 2000, s 67A

<sup>14</sup> Information Technology Act 2000, s 67B

<sup>15</sup> 'Obscenity Laws in India' (*Drishti Judiciary*, 18 September 2023)

<<https://www.drishtijudiciary.com/editorial/obscenity-laws-in-india>> accessed 30 March 2025

<sup>16</sup> *Miller v California* [1973] 15 US 413

1. The prudent individual applying contemporary community norms encounters that the Work, taken as a whole, appeals to the prurient interest.
2. The actions demonstrate, in an offensive manner, sexual conduct specifically defined by the applicable state law;
3. The work, taken as a whole, lacks serious literary, artistic, political, or scientific value.<sup>17</sup>

**UK Model to Measure Obscenity:** The other is the Hicklin Test, which defines obscenity as any content that has the potential to corrupt and deprave people whose minds are susceptible to such immoral influences. The *Regina v Hicklin*<sup>18</sup> case from England served as the basis for the test. Hidayatullah, J., reportedly used a modified version of the Hicklin test in *Ranjit D. Udeshi v State of Maharashtra*. Hidayatullah J. made three significant changes to the Hicklin test in his ruling for the Court.

The first of the three main deviations from the English Hicklin test is that sex and nudity in literature and art are not proof of obscenity. There had to be something more. It took more than just sex to corrupt and deprave. Furthermore, the task must be evaluated as a whole. Still, offensive words or passages must also be balanced against the work's non-obscene sections, and it must be determined whether the non-obscene sections were so overwhelming as to obscure the offensive content or the offensive content is so unimportant that it can be ignored.<sup>19</sup>

**South Africa and Canada Harm-Based Test:** The Constitutional Court of South Africa and the Canadian Supreme Court have laid down the provisions of the harm-based test that focuses on the true essence of obscenity. The Canadian Supreme Court held the fundamentals regarding the harm-based test in the *Butler v R*,<sup>20</sup> which divided obscene expression into three broad categories:

- Those that showed violent, explicit sex.

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<sup>17</sup> Dhananjay Kumar Mishra, 'Limit of Community Standard Test' in Obscenity jurisprudence of the Indian Supreme Court' (2022) 8(2) Veethika  
<<https://qtanalytics.in/journals/index.php/VEETHIKA/article/download/1486/843/2444>> accessed 15 March 2025

<sup>18</sup> *Regina v Hicklin* [1868] LR 3 QB 360

<sup>19</sup> Adarsh Kumar, 'Study on the Hicklin Test and Its Impact on the Obscenity Laws in India' (2023) SSRN  
<[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=4498153](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4498153)> accessed 23 March 2025

<sup>20</sup> *Butler v R* [2010] UKPC 19

- Those that showed nonviolent explicit sex but subjected participants to dehumanising and degrading treatment.
- Nonviolent explicit sex that was neither dehumanising nor degrading. The goal of censoring such content is to safeguard the community from damage, not to uphold morals.<sup>21</sup>

The Apex Court of South Africa in *De Reuck v DPP*<sup>22</sup> upheld the constitutionality of the provision of a statute that criminalised the creation, distribution, or possession of child pornography. The Court ruled that the objectification and sexualisation of children violate their right to dignity. The minds of children are not structured in a manner to consume such material, leading to problems like desensitisation and psychosexual distortion. Hence, the law is constitutionally protected.

The harm-based test stands out because it allows judges to look at harm in many different ways, whether it's harm to society, to women, to moral values, or the constitutional principle of equality. This test substantiates other tests because of its objectivity and precision to a large extent. Being less opinionated, declines the traditional community-based test, providing legitimacy over the right to expression and emphasising whether the subject matter causes demonstrable harm or not. All these nuances indicate that it should be adopted within the country.

## JUDICIAL TRENDS AND CONSTITUTIONAL SCRUTINY

It is imperative to understand that it is only by the Right to freedom of speech and expression that every individual gets the choice to demonstrate their thoughts and feelings. The United Nations Declaration on Human Rights (UDHR) also recognises this right as not merely restricted to expressing personal opinion in totality but also the liberty to question, receive, and impart their perception through any media.

Indian Constitution under Article 19(1)<sup>23</sup> explicitly asserts this right uniquely that all citizens of India have the potential to ponder, speak, listen, and impart their respective cognition freely without any fear or apprehension of censorship or unjustified punishment. Meanwhile, the Constitution also recognises the nature and tendencies of human desires and

<sup>21</sup> Raj Krishna and Rahul Singh, 'Law of Obscenity and Freedom of Expression: Where to Draw the Line?' (SCC Online, 21 July 2022) <<https://www.sconline.com/blog/post/2022/07/21/law-of-obscenity-and-freedom-of-expression-where-to-draw-the-line/>> accessed 23 March 2025

<sup>22</sup> *Tasco Luc De Reuck v Director of Public prosecutions and others* [2004] 1 SA 406 (CC)

<sup>23</sup> Constitution of India 1950, art 19(1)

the ability to cause cues in case of unrestricted or unregulated recognition of the absolute right under Article 19 (2)<sup>24</sup>. This provides reasonable restrictions on any expression that is against the public interest at large.

The arrival of mass media and broadcasting in the 18<sup>th</sup> and 19<sup>th</sup> Century, while on one end provided artists an opportunity to demonstrate and articulate their perceptions and sentiments, but also gave unreasonable immunity to the chance of abuse of these platforms through the obscene and immodest content detrimental for the holistic development of society and its youth. Therefore, in the absence of any vivid doctrine or guidelines to determine Obscenity, the role of the Judiciary becomes vital to precisely interpret the same in a way that serves the common good.

### ROLE OF INDIAN JUDICIARY

The Indian Judiciary has inevitably tried its best to balance public morality with individual liberty in various landmark precedents. However, no standardised test has been adopted by them to interpret any expression to be obscene or against the established community standards. Liability will be decided on a case-by-case, circumstantial, and timely basis rather than making any particular test the sole criterion to determine the liability.

In *Ranjit D. Udeshi v State of Maharashtra*,<sup>25</sup> the Apex Court applied the English 'Hicklin Test' to determine obscenity. The court upheld the conviction order of the appellant for keeping and selling the vulgar and obscene book solely based on the tendency of the material to deprave and corrupt the mind of that individual who is open to the harmful impact of the same on their mentality, ignoring all the possible aspects.

In *KA Abbas v Union of India* film showcasing the real-life struggle of sex workers and prostitutes in Bombay. This case became very significant because it was the first reference where US-led tests received consideration to some extent. The Hon'ble Court held that the terminology sex and obscenity shall not always be considered similar in all aspects. Further, the Court held that the approach least capable and most depraved must not always be viable to determine the liability, and the court, before entrusting liability, must measure the impact of expression on the development and harmony of the society.

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<sup>24</sup> Constitution of India 1950, art 19(2)

<sup>25</sup> *Ranjit D. Udeshi v State of Maharashtra* (1962) 64 Bom LR 356

In *Samaresh Bose v Amal Mitra*,<sup>26</sup> the Hon'ble Apex Court put some benchmarks or guidelines for the judges or bench to consider before determining an expression liable for obscenity. The court directed that the Judge must first, before entrusting liability, put himself in the same situation as a writer and try to understand his perception.

Secondly, the Judge deciding the matter shall also put himself in the situation of the reader, considering the era or contemporary society, and specifically emphasise the possible implications to the psychology of the reader. Secondly, the judge should also try to see things from the reader's point of view, keeping in mind the period and the society they live in, and focus on how the content might affect the reader's mind.

The case of *Bobby Art International v Om Pal Singh*<sup>27</sup> is the testimony of how our society, in the name of public morality and decency, even bars the displaying of any bitter truth of exploitation prevalent in society. The Hon'ble court in this case denied broadcasting the movie showing how exploitation against women in village society converted her into a hardcore criminal. The movie could not have done justice until Humiliation against her was not demonstrated.

In the case of *Maqbool Fida Hussain v Raj Kumar Pandey*, criminal complaints were filed against the famous Artist M.F. Hussain, alleging that auctioning the painting depicted a nude lady in grief during the Kashmir Earthquake. The Hon'ble Court held that the painting did not in any way arouse the sexual interest of any of the viewers. The court further directed that the expression of sex is not always obscene. Likewise, the expression of nudity is not always obscene. Thus, the Court acquitted M.F. Hussain of all the charges.

The case of *Aveek Sarker v State of Maharashtra*<sup>28</sup> is considered a landmark case where the approach of the Supreme Court to view and determine obscenity has changed drastically from the century-old 'Hicklin Test' to a community standard test.

In this case, a semi-nude picture of a woman was published in a Newspaper Magazine. The Apex court held that the image is not itself obscene if it does not have the tendency or capacity to corrupt the mind of an individual having ordinary prudence. Thus, the publishers were not held liable as it does not carry the capacity to corrupt the minds of normal individuals.

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<sup>26</sup> *Samaresh Bose v Amal Mitra* (1985) 4 SCC 289

<sup>27</sup> *Bobby Art International v Ompal Singh* (1996) 4 SCC 1

<sup>28</sup> *Aveek Sarkar v State of West Bengal* (2014) 4 SCC 257

## PUBLIC OBSCENITY VERSUS ARTISTIC FREEDOM: A BLURRED LINE

**Debate over what constitutes 'public obscenity' in contrast to personal expression:** It is essential to draw attention to the blurry boundary between freedom of speech and obscenity. As society grows and cultural values evolve, it's important to update these laws so they reflect the goals and feelings of a diverse country. Furthermore, it's critical to distinguish between acceptable artistic expression and public conversation and obscenity. The regulations should be implemented carefully, considering context, creative aim, and public impact. Finding the ideal balance necessitates having a thorough awareness of societal dynamics and being prepared to modify the law to reflect evolving trends.<sup>29</sup>

Individuals need to be held back from unleashing ghastly fantasies in the name of Article 19(1)(a), since the right is reasonable and susceptible to restriction under Article 19(2). They are, namely, to preserve public order, safeguard social mores, and avoid harm to consumers. Even though it's unclear and depends on personal views, obscenity usually means content that is offensive or explicit and can morally harm or corrupt people. Content should neither be sexually explicit nor have the capability of inciting lustful ideas in vulnerable minds, regardless of the medium used in transmission.

## ANALYSE SECTION 294 & 296 OF BNS ALONG WITH RELATED SECTIONS OF THE IT ACT

Section 294 of the BNS<sup>30</sup> makes it an offence to sell, show, or exhibit pornographic material, and first offenders are to be punished with up to two years' imprisonment and a ₹5,000 penalty. Section 296<sup>31</sup> Addresses obscene behaviour or the application of abusive words in public. Moreover, Section 67 of the IT Act criminalises it more gravely to upload pornographic material on the web. Obscenity is measured in terms of whether or not the material as a whole induces sexual thoughts. In March 2024, the Supreme Court dismissed charges against the creators of the YouTube web series *College Romance* under IPC Section 292<sup>32</sup> and IT Act Section 67.

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<sup>29</sup> Rishika and Raj Krishna, 'To Speak Or Not To Speak: Understanding The Thin Line Between Free Speech And Obscenity' (*Live Law*, 19 February 2025) <<https://www.livelaw.in/articles/to-speak-or-not-to-speak-understanding-the-thin-line-between-free-speech-and-obscenity-284427/>> accessed 26 March 2025

<sup>30</sup> Bharatiya Nyaya Sanhita 2023, s 294

<sup>31</sup> Bharatiya Nyaya Sanhita 2023, s 296

<sup>32</sup> Indian Penal Code 1860, s 292

It was alleged that the show involved vulgar language and involved students offensively discussing and partaking in sexual activities. The court held that there was a fine line between obscenity and language that is 'foul, indecent, and profane'. Similarly, multiple complaints were filed against actor Ranveer Singh in 2022 for a nude photoshoot, which led him to undergo interrogations by the Mumbai Police.<sup>33</sup> Similar repercussions were faced by Karan Johar for his vulgar comment in the AIB show in 2013, resulting in the registration of an FIR against him.

### **CHALLENGES IN DEFINING PUBLIC MORALITY IN A DIVERSE SOCIETY**

Obscenity is challenging to define because it is subject to cultural, religious, and social variation. It varies relative to societal norms. Offensive in one, normal in another. Philosophically and religiously based moral norms change constantly. With digitalisation, traditional censorship cannot match the explicit content, particularly on social media. Online platforms' international reach complicates enforcement. Obscenity now includes any content that disturbs decency, though mass acceptance of such content is gradually changing.

### **THE ROLE OF THE ENTERTAINMENT INDUSTRY IN DETERMINING NOTIONS OF OBSCENITY**

The entertainment industry must scrutinise its content before delivering it to its consumers. On the one hand, we witness Indian society being very puritanical. On the other hand, we can also notice a decline in moral standards, and shows like *India's Got Talent* are a clear example of this. The majority of the entertainment comes at the cost of objectifying women, which lowers the dignity and morality of a female, which is evident from the songs, movies, and advertisements since time immemorial. The jurisprudence needs to maintain an equilibrium between the two extremes, laying down rules that primarily protect the true essence of our constitution and fulfil its purpose towards the citizens.

### **THE RECENT CASE OF RANVEER ALLAHABADIA AND THE DIGITAL AGE DILEMMA**

The sensational topic of podcaster Ranveer Allahabadia uttering vulgar, obscene, and highly immoral phrases has landed him in trouble after the profanity he used on such a platform

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<sup>33</sup> 'Ranveer Allahbadia Remark Row: India's Obscenity Laws Explained' *Deccan Herald* (12 February 2025) <<https://www.deccanherald.com/india/ranveer-allahbadia-remark-row-indias-obscenity-laws-explained-3401943#3/>> accessed 26 March 2025

that attracts massive audiences comprising all ages. His remarks triggered controversies regarding the true definition of obscenity and at what point it breaches the boundaries of morality and becomes an indictable offence.

The influencer Allahabadia in the show India's Got Talent hosted by Samay Raina has been booked for an incest joke: Would you rather watch your parents have sex every day for the rest of your life or join in once and stop it forever? Consequently, multiple FIRs were registered against Ranveer, one from his native place, Maharashtra, and others from Guwahati and Jaipur. He had been facing criticism from the entire country, along with death threats. Though the court granted him interim protection against the arrest and also directed that no further FIRs would be registered against him, they called him a pervert, indicative of a vulgar and dirty mind.<sup>34</sup>

The judges contend that humour is an element of creativity that the entire family can enjoy. Hence, one cannot use such abusive humour that mentally sabotages its viewers of all ages and genders. His content might evoke many such depraved minds to use profanity for gaining ephemeral publicity. He faced heavy backlash after his statement; even the CM of Maharashtra, Mr. Devendra Fadnavis, stated that everyone has limits and if anyone crosses them, actions will be taken. The accused wrote a letter of apology to the National Commission of Women (NCW), admitting his inappropriate act and promising to be more mindful of his speech and actions in the future.

The Hon'ble Court directed the removal of all episodes of the show IGL, along with confiscation of his passport, and prohibited him from posting any content online for a particular duration, after the contentions made by his legal representative, Abhinav Chandrachud, that approx. Two hundred eighty workers are employed under Allahabadia, so to protect their livelihood, he has been granted a second relief to proceed with his podcasting videos on YouTube, subject to morality and decency, along with an undertaking that will suit all ages. The legal panel, along with the Solicitor General, had directed the centre

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<sup>34</sup> Debby Jain, 'Dirty Mind, Perverted': Supreme Court Berates YouTuber Ranveer Allahabadia, Stays His Arrest in FIRs for Obscenity' (*Live Law*, 18 February 2025) <<https://www.livelaw.in/top-stories/dirty-mind-perverted-supreme-court-berates-youtuber-ranveer-allahabadia-stays-his-arrest-in-firs-for-obscenity-284228/>> accessed 26 March 2025

to pursue a middle pathway that neither imposes censorship nor impinges on the right to free speech and expression, but remains in the ambit of 19(4)<sup>35,36</sup>

Lastly, the authorities have decided to develop limited restrictions that protect the morality of Indian standards concerning such comedy shows. It is working to introduce specific guidelines that preserve the purity of the content and simultaneously fulfil its purpose of entertaining the masses, owing to which the authorities have invited suggestions from government stakeholders, media professionals, and the general public to help draft the directives.

## SUGGESTIONS

It's time the authorities take this important issue seriously and take strong action against activities or expressions that harm the minds of people in society. The government should make the following reforms and the Higher courts (curb such unlawful conduct in the future.

1. The paramount issue is the lack of a clear definition of Obscene or Obscenity by any statute or court precedent, often leading to the expression being interpreted as obscene. At the same time, it was only the representation of their artistic skills, which resulted in the infringement of their freedom of speech and expression.<sup>37</sup>
2. Another critical problem is the absence of any vivid or definite test to measure obscenity. Presently, the Apex court holds the view that any action will be deemed obscene based on the facts and circumstances of the individual case. This can negatively impact the quality of interpretation of the courts. Lack of any standard test may result in the misuse of the provisions.
3. The Indian courts should now adopt the South African and Canadian model of the Harm-based test to determine obscene expressions. This test can substitute other tests because of its modern approach in dealing with the expressions based on the magnitude of Harm that is created to the public, especially targeting women's dignity and the mental status of youth.

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<sup>35</sup> Constitution of India 1950, art 19(4)

<sup>36</sup> Rishika (n 30)

<sup>37</sup> Ria Verma, 'Obscenity and Its Laws in India' (*iPleaders*, 07 February 2023)

<<https://blog.ipleaders.in/obscenity-and-its-laws-in-india/>> accessed 30 March 2025

4. The government should establish a single, central law to strictly control the misuse of social media, banning and censoring any activity that harms women's dignity or disrupts social harmony.

## CONCLUSION

The environment surrounding the regulation of Obscenity law in India is still encountering a lot of complexity in ensuring a balance between reasonable freedom of speech and expression and public morality. Although, Indian constitution explicitly ensures all citizens' freedom of speech and expression under Article 19(1) but these rights are not absolute, and reasonable restrictions can be imposed under the purview of Article 19(2).

The other important predicament surrounding the obscenity law is the absence of any acceptable definition of Obscenity, triggering inconsistent and biased interpretation by the judiciary in several instances.

The Hon'ble Judiciary used various parameters or tests to interpret any expression as obscene, including Hickin Test, Community standard test and most recently, harm-based test. However, the lack of standardised parameters in interpreting the Obscenity continues to pose a serious implication on providing justice to the aggrieved. Moreover, Harm-Based test is gradually becoming an acceptable test as it acts as the best test in deterring actual harm caused to any individual.

Recent controversies, like in the case of Ranveer Allahbadia case strongly emphasise the pressing need to formulate a modern framework which can adopt the global present society's needs and also comply with international community standards and norms. Furthermore, there is also. The urgent need is that the Indian court adopt a methodology which can ensure the balance between the freedom of expression and public morality.

In conclusion, it becomes necessary that the concerned authorities should adopt the modern legislative framework to govern the obscenity laws in India in order to curb immodesty and indecency in society. The lack of statutory. A framework for regulating such abusive expression poses a threat to the overall sustainability of the Indian youth population.