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Obscenity and Vulgarity in India: A Legal Perspective

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The research document investigates India's obscene and vulgar legal system through a historical study while exploring modern standards and social-cultural dynamics. The research evaluates the legal validity of these laws against Article 19(1) (a), which grants Indian citizens freedom of speech and expression in the Indian Constitution. The paper investigates how digital media, together with technological advancements, affect how obscenity laws are interpreted and executed by legal authorities within the online content framework. This paper demonstrates that Indian obscenity laws suffer from ambiguous definitions, which enable discriminatory enforcement which resulting in arbitrary decision-making. Research indicates that obscenity legislation impacts most heavily on marginalised communities in addition to artistic expression and dissenting voices, which generates serious anti-discrimination and fundamental rights concerns. The paper recommends changes to find better alignment between the freedom of speech constitutional guarantee and the requirements of maintaining social order and public morality.

Keywords: *obscenity, vulgarity, artistic expression and obscenity, and community standards.*

INTRODUCTION

In India, obscenity and vulgarity remain controversial elements that challenge the limits between personal liberties and community ethics. The latest YouTube show, India's Got Latent, sparked the debate on obscenity and its legal purview in India. The legal definition

of obscenity exists under Indian law, while vulgarity serves as an offence against social standards. The study examines the definitions that differentiate vulgarity and obscenity, as well as their legal framework in Indian legislation, along with an analysis of judicial interpretations.

Vulgarity and obscenity function as distinct categories in Indian society, though they share overlapping characteristics concerning social norms. Through its definition, vulgarity signifies coarse behaviour, along with offensive language, which breaks established rules of decency and proper taste standards. Under legal definitions, obscenity means material that embodies sexual content while lacking intellectual or educational value to accomplish either arts or science objectives or politics. Furthermore, it turns prurient interests on. The law defines obscenity through its power to degrade and corrupt anyone who is likely to be attracted to such immoral influences.¹

Historically, the definition of obscenity has evolved because of social norm adjustments, together with several legal reading shifts and technological developments. Changing public perspectives about sexual matters and expression alongside cultural diversity make what was formerly classified as obscene hard to classify as such today. Laws regarding obscenity need to be reassessed repeatedly to guarantee they stay relevant alongside present-day values. Many countries have implemented legislation which prohibits hate speech targeting individuals based on their ethnicity, race, nationality or religion because obscenity mostly pertains to speech that offends individual dignity.

India's extensive historical background, together with its diverse cultural customs, makes understanding vulgarity and obscenity in the country an intricate matter. Different historical Indian writings and traditions demonstrate multiple standpoints about sexual matters, as well as public shows and societal ethical conduct. Multiple texts within Indian culture balance their representation of eroticism through sensual content with moral accounts of decency. Colonial authorities enacted new obscenity laws under Victorian moral values to manage the social and cultural mission of occupied territories.² The traditional Indian customs and expressions frequently encountered conflicts with these newly imposed laws.

¹ James Weinstein, 'Extreme Speech, Public Order, and Democracy: Lessons from the Mass Media' in Ivan Hare and James Weinstein (eds), *EXTREME SPEECH AND DEMOCRACY* (OUP Oxford 2009)

² Rekha Pande, 'The History of Feminism and Doing Gender in India' (2018) 26(3) *Revista Estudos Feministas* <<https://doi.org/10.1590/1806-9584-2018v26n358567>> accessed 19 July 2025

Indian post-independence laws work to harmonise traditional cultural values with contemporary understanding of freedom alongside protection of order and decency.³ Legal and social debates about obscenity in India have persistently explored how to maintain equilibrium.

The study evaluates the legal system that controls obscenities and vulgar content in India through an investigation of its historical development alongside its current structure, while analysing future obstacles. The research scrutinises the constitutional basis for obscene legislation and its compatibility with the granted freedom of speech and expression rights. The study proposes solutions to achieve better harmonisation between personal freedoms and community standards alongside maintenance requirements of public order and morality. This paper investigates the dual relationship of legal frameworks with social values and cultural environments to enhance comprehension of obscenity complexities in India.

MEANING OF OBSCENITY AND VULGARITY

The most important thing in understanding this topic is to get to know the meaning of these terms in general and in a legal sense.

Black's Law Dictionary defines the word 'obscenity' as 'the quality, state, or condition of being morally abhorrent or socially taboo, esp. as a result of referring to or depicting sexual or excretory functions'.⁴ There is no exclusive definition of obscenity or vulgarity. According to the Merriam-Webster dictionary, an **obscenity** is any utterance or act that strongly offends the prevalent morality of the time.⁵ According to the Cambridge dictionary, 'Obscene means anything offensive, rude, or shocking, usually because of being too obviously related to sex or showing sex.'⁶

The Oxford Dictionary defines 'obscenity' as 'the state or quality of being obscene; offensive or disgusting by accepted standards of morality or decency.' So, obscenity can be referred to any material, act, or behaviour which is considered offensive to accepted standards of decency or morality, generally relating to sexuality. In legal terms, obscenity is considered

³ Granville Austin, *WORKING A DEMOCRATIC CONSTITUTION: The History of the Indian Experience* (OUP 2003)

⁴ Bryan A. Garner, *Black's Law Dictionary* (11th edn, Thomson Reuters West 2019)

⁵ 'Obscenity' (Merriam-Webster) <<https://www.merriam-webster.com/dictionary/obscenity>> accessed 15 May 2025

⁶ *Cambridge Learner's Dictionary* (4th edn, Cambridge University Press 2012)

any conduct which involves explicit representations of sexual conduct which are seen as indecent, lascivious or offensive. The core idea behind the term 'obscenity' is its potential to deprive individuals of their moral sensibilities, particularly by luring actions or thoughts that are seen as corruptive or harmful to public decency.

In India, the legal definition of obscenity can be primarily found in Section 292 of the Indian Penal Code, which criminalises the distribution, exhibition, or sale of obscene materials, including books, films, pictures, or other content. The definition of 'obscene' under this previous provision of IPC was interpreted through judicial decisions to reflect the prevailing standards of morality and decency within society. Under this section, anything is 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.⁷

The Merriam-Webster Dictionary defines 'vulgarity' as 'the state or quality of being vulgar; crude, coarse, or unrefined in manner, language, or behaviour.'⁸

Vulgarity, while it is closely related to obscenity, differs in its focus. It refers to language, behaviour, or expressions that are crass, crude, or lacking in refinement. Vulgarity typically refers to a coarseness of expression or demeanour that may not necessarily be sexually explicit but is still offensive or inappropriate according to accepted social norms. While it is subjective, it is generally seen as socially inappropriate, immodest, or lacking in grace.

Vulgarity in public spaces, particularly in media and entertainment, often relates to the use of offensive language or imagery that might be deemed disrespectful or distasteful by certain segments of society. Unlike obscenity, which often has a sexual connotation, vulgarity may relate to any number of behaviours or expressions that violate commonly accepted standards of civility or politeness.

⁷ Indian Penal Code 1860, s 292

⁸ 'Vulgarity' (Merriam-Webster) <<https://www.merriam-webster.com/dictionary/vulgarity>> accessed 18 May 2025

LEGAL FRAMEWORK FOR OBSCENITY AND VULGARITY IN INDIA

Provision under BNS: Section 294⁹ of the Bharatiya Nyaya Sanhita criminalises and regulates obscene material for purposes of public decency and morality. It replaces the similar provision under the Indian Penal Code 1860 and is symptomatic of the changing legal perspective about obscenity in India through the technological boom and social change. The section seeks a fine balance between public morality protection and the allowed freedom of expression.

The sale, distribution, or production of pornographic items, such as books, drawings, and electronic content, is covered under 294 BNS. Lewd materials, cater to unsuitable interests, or have the potential to undermine public morals are considered obscene. While content produced for the public good, such as literature, art, or religious reasons, is exempt, this section penalises violators to maintain community decency. The protection of morality and the preservation of the right to free speech are balanced by the law.¹⁰

The Information Technology Act 2000: The Information Technology Act, 2000 (IT Act), substantially broadened obscenity law applications to incorporate online content under its jurisdiction. Through the IT Act, the government manages online content, including obscene materials, while establishing consequences when such content is distributed electronically. The IT Act establishes its definition of obscenity through Section 67, which details all provisions regarding the electronic transmission of obscene content. The IT Act punishes those who distribute such electronic materials or make others distribute them or allow electronic dissemination of material that is lascivious or appeals to the prurient interest or whose effects tend to create corruption and depravity in likely readers based on relevant circumstances.¹¹

Law enforcement utilises the IT Act to ban online content when it matches criteria for being offensive, as well as causing harm and constituting a threat to national security. The extensive wording within Section 67 of the IT Act produces concerns because of potential misapplication while simultaneously affecting Internet users' communication rights. People have criticised the Act because it fails to explain 'obscenity' clearly in the digital space, thus

⁹ Bhartiya Nyaya Sanhita 2023, s 294

¹⁰ *Ibid*

¹¹ Information Technology Act 2000, s 67

creating situations where authorities enforce rules differently and people choose to censor themselves.

Section 67A prohibits the publishing or transmitting of any sexually explicit material in electronic form and provides punishment for it.

Section 67B relates to children being used for depicting them in any sexually explicit content online and provides for punishment for any person indulging in any such act.

The Indecent Representation of Women (Prohibition Act) 1986: Under this law, showing indecent images of women in advertisements, publications, writings, paintings, figures or any similar format is forbidden and should lead to punishment. Any act that pictures, depicts, describes or otherwise presents a woman's body, forms or body parts in ways that offend, humiliate or are disrespectful and may cause harm to morals or society is referred to as Indecent Representation of Women.¹²

The Cinematograph Act 1952: Under the Act, the Central Board of Film Certification is allowed to ensure that films are free from material that may disturb the audience. To improve the Cinematograph Act 1952, there were some amendments which were introduced in 2023. Under the 1952 Cinematograph Act in India, the CBFC oversees film classification and show restrictions to resolve matters of obscurity. Under the provisions of Section 5A of the Act, the Central Board of Film Certification (CBFC) possesses the authority to evaluate films before public screening and can either issue 'A' certificates or 'S' certificates whenever films do not meet unrestricted viewing standards. The CBFC reviews films under Section 5B guidelines, which require them to maintain public order and decency and morality standards according to law. The Central Board of Film Certification has specific guidelines regarding violence in films, which direct members to exclude cruel imagery and avoid scenes that can cause viewers to become desensitised, stated the CBFC.¹³

Cable Television Networks (Regulation) Act 1995: Under this Act, the programmes that harm or disrespect social values are checked, and penalties consist of imprisonment and payment of fines. According to Sections 6(1)(o) of the Cable Television Networks Rules and 05 and 5-A of the Act, programs considered unsuitable should not be shown without

¹² Indecent Representation of Women (Prohibition Act) 1986, s 2(c)

¹³ Cinematograph Act 1952

restrictions for everyone to watch. The Act is an instrumental tool in keeping a check on obscenity in digital media.

JUDICIAL PERSPECTIVE

The judicial view of the law of obscenity in the country has developed into very distinct laws within the past decade, based on different judgments trying to establish a proper endeavour towards striking a balance between the freedom of speech and expression of a man and the morality and decorum. This tension is chiefly found in Article 19(1) (a) (freedom of speech) and its reasonable restraints under Article 19(2) of the Indian Constitution.

The standards have evolved where courts now consider the intent, context and overall message of a material that is possibly obscene. The judiciary is becoming more aware of the changing social mores and global exposure. Courts try to reconcile freedom of artistic and literary expression on the one hand and the interests of public decency on the other hand. Films, digital content, and online speech are viewed in different ways than books or art.

Test to determine the vulgarity and obscenity in India: Regina v Hicklin¹⁴ was the first landmark case that established a key test for determining obscenity under British law. In this case, there was a publication containing material that was considered obscene. The issue was whether the publication violated the law on obscenity, and the court needed parameters to determine what constitutes obscene material.

The court in this case established the **Hicklin Test** to determine whether a publication is obscene. The principle for determining obscenity laid down in this case can be summarised as follows:

- Obscenity is judged based on the effect of the material on vulnerable or impressionable people, particularly children or others who might be easily influenced.
- The court ruled that any material that tends to 'deprave and corrupt' those who are likely to read, see, or hear it could be considered obscene, regardless of whether it was meant for a specific audience or not.
- The test for obscenity did not require that the material be judged in its entirety, but could be judged by its 'tendency' to harm certain groups. This means that individual

¹⁴ *Regina v Hicklin* [1868] LR 3 QB 360

excerpts or parts of a publication could be deemed obscene if they were thought to have a corrupting influence on readers.

The **Hicklin Test** focused on the tendency of material to corrupt; it did not consider the artistic merit, social value, or the context of the entire work. This test was criticised for being overly broad and not able to provide the context or the overall quality of the work.

In **K A Abbas v Union of India**¹⁵, the Supreme Court of India analysed obscenity regulations in the film industry through this case. The court evaluated the content of Satyam Shivam Sundaram because it was suspected of displaying sexual material. The court executed the Hicklin Test to determine whether the movie crossed obscene thresholds. A film or publication can become classified as obscene based on how much it corrupts the audience's minds.

Even though the Hicklin Test received mention in this particular case, the Supreme Court proceeded to develop additional approaches for assessing obscenity by evaluating artistic merit alongside social value and content characteristics. Time has shifted public opinion towards a complete understanding of societal values combined with contextual factors, whereas the Hicklin Test originally aimed at protecting children from potential harm.

Shift in India: Indian courts slowly altered their adherence to the Hicklin test by evaluating both the complete content context alongside its artistic and scientific value and the intended communication goals of authors. The courts introduced novel obscenity assessments through community standards testing and reasonable person criteria to evaluate if content would shock the reasonable social standards, instead of focusing on vulnerabilities.

For instance, in the case of **Ranjit D. Udeshi v State of Maharashtra**¹⁶, the Supreme Court of India defined that obscene material judgments would be determined through evaluation of local community values rather than depending solely on the disruption of weak individuals. In this case, three modifications were introduced to the Hicklin test, which are as follows:

- Sex and nudity in art and literature cannot solely be the evidence of obscenity.

¹⁵ *K A Abbas v Union of India & Anr* (1971) SCR (2) 446

¹⁶ *Ranjit D Udeshi v State of Maharashtra* (1965) 1 SCR 65

- For a work to be considered as obscene, both the obscene and non-obscene parts must be considered to evaluate the work as a whole.
- Publication for the public good can be considered a good defence against the charge of obscenity.

In **Aveek Sarkar v State of West Bengal**¹⁷, the court made a vital advancement for Indian obscenity laws. Under Section 292 of the Indian Penal Code, the court reviewed the obscenely displayed photographs inside a published magazine that were found on the calendar. The case revolves around magazine editor Aveek Sarkar, who, along with his publication, received charges of obscenity because they published photographs that authorities alleged to be pornographic and obscene. Publications of nude imagery involving a female subject appeared in the magazine as well as the calendar. A legal complaint filed under Section 292 of the IPC argued that the photographs distributed by them were both obscene and improper for public morals.

The Supreme Court examined two main points: whether the photographs posed by Aveek Sarkar fall under the definition of obscenity and if they crossed the boundaries of Section 292 of the IPC. Indian law and community standards needed evaluation by the court to determine whether the presented images qualified as obscene and how Indian society would understand their potential obscenity.

The Court held the following:

- i. The Supreme Court ruled that obscenity evaluation cannot depend exclusively on public moral offences in this case. The court established that obscenity should be evaluated in depth to assess if the material presents cultural value or artistry.
- ii. The only public index of obscenity the Supreme Court considered was the presence of artistic merit within the photographed material. The judiciary established that obscene material determination should incorporate assessment of social and artistic meaning and artistic worth. Since the images received do not face obscenity classification because they demonstrate artistic value, the court decided against classifying the photographs as obscene despite their depiction of nudity.

¹⁷ *Aveek Sarkar v State of West Bengal* (2014) 4 SCC 257

- iii. Context plays a fundamental role in deciding whether something qualifies as obscene, according to the Court. The case involved photographs from a magazine fashion spread, indicating their professional artistic nature since their purpose went beyond seductive appeal or audience endowment or degradation.
- iv. The court mentioned how community standards serve as the examination method that decides if materials qualify as obscene materials. The court recognised two points regarding obscenity evaluation: both present-day community norms should be used, but their understanding needs to reflect Indian society's widespread opinions. The definition of obscenity differs between communities across different areas within the nation.
- v. The Court established that both freedom of expression rights and public moral protection requirements require proper balancing. The courts established that all forms of creativity and ideas should remain unimpeded through art and literature, including photography, unless genuine threats to public order or morals exist.

According to the *Aveek Sarkar v the State of West Bengal*¹⁸ case, a proper judgment of obscenity requires considering both the objective moral standards as well as the overall circumstances surrounding the creation and dissemination of the material. The artistic value of the substance functions as the primary element that decides whether it should be classified as obscene. Despite its importance, the court recognised that Indian communities differ, so they paid attention to artistic freedom within their legal assessments. The judgment used freedom of speech and expression to highlight its importance when understanding the creative works of art, literature and media across India.

This legal decision established new ground in Indian obscenity laws because it made clear that artistic freedom, social standards and personal expression need to be taken into account. Work that has genuine artistic value needs special consideration for evaluating its balance between communication rights and public moral standards. The result of the *Aveek Sarkar* case led India toward a progressive interpretation of obscenity by redefining its limits without rigid moral boundaries.

¹⁸ *Ibid*

In **Prakash Jha Productions Pvt. Ltd. v Union of India**, the SC set guidelines to uphold equal protection between free speech and keeping content decent. The court decision set rules to keep communication rights balanced with public decency safeguards. The decision recognised the challenges of regulating online digital content, including OTT platforms and proposed material assessment based on specific context to define vulgar or obscene content. Both artistic goals and real-life benefits help the court decide how dangerous a work is for limits on free expression.

In **XXX v State of Kerala (2023)**, the Kerala High Court made a groundbreaking decision by stating that mere nudity lacks obscenity status in the present day. Non-sexual artistic portrayals of a woman's body will not automatically qualify as obscenity under judicial interpretation. The Court held that 'mere sight of the naked upper body of the woman should not be deemed to be sexual by default, and the depiction of the naked body of a woman cannot per se be termed to be obscene, indecent, or sexually explicit.'

In **Apoorva Arora & Anr v State (Govt. of NCT of Delhi) & Anr**¹⁹ [College Romance Web Series Case], the modern court proceedings enhanced legal definitions through this latest case by confirming the following principles:

- i. Profane language or vulgar expressions do not automatically qualify something as obscene in content.
- ii. Obscenities can only be established when sexual content surpasses vulgar language.
- iii. The success or failure of all content in the determination of obscenity status.

Through these continuous cases, we can be certain that the courts have played an instrumental role in shaping the law related to obscenity in India. Since there is no precise provision of Law which determines the purview of obscenity, it is the courts who are entrusted with the responsibility of drawing the boundaries in relation to obscenity.

RIGHT TO FREEDOM OF EXPRESSION AND OBSCENITY

In India, the right to freedom of speech and expression is guaranteed under Article 19(1)(a) of the Constitution. However, this right is not absolute, and it comes with certain reasonable restrictions under Article 19(2) to maintain public order, morality, and decency. How far

¹⁹ *Apoorva Arora & Anr v State (Govt of NCT of Delhi) & Anr* (2024) SCC OnLine SC 325

reasonable restrictions can be imposed is a question which continuously arises before the courts. What comes under the purview of these restrictions is something which is not exclusive, and courts determine it from case to case. *Kaushal Kishor v State of Uttar Pradesh*²⁰ clarified that freedom of speech is subject to reasonable restrictions, and obscene speech can be curtailed if it harms public order and morality.

Through Article 19(1)(a) of the Constitution of India, every citizen receives the right to express their thoughts without restrictions. The democratic society needs this fundamental right to enable free communication of ideas, together with opinions and information exchange. Under the freedom of speech and expression rights, all citizens possess the opportunity to share thoughts using words, writing, printing, imagery and any other available communication tools.

Freedom of speech is not freely accessible to all citizens since Article 19(2) of the Constitution enforces reasonable limitations upon this constitutional right. Article 19(2) enables the government to enforce reasonable restrictions on communication rights when protecting India's national sovereignty and state security, together with preserving friendly international relations, maintaining public order, protecting moral standards and stopping the inducement of offences and libel or court contempt. Interpretations of Article 19(1)(a) with Article 19(2) serve as key elements in discussions about obscenity laws' constitutional validity within India.²¹

The courts have shown different interpretations of 'decency' and 'morality' within Article 19(2) because these terms are inherently subject to individual judgment. How society defines decency and morality differs according to the cultural standards and religious doctrines, along with local social values. The ambiguous nature of obscenity makes it difficult to define it in clear objective terms. The authorities commonly use Article 19(2) to support obscenity regulations and laws through balancing personal freedoms against societal protection goals and public order requirements.²²

Through continuous judicial balancing, Indian courts work toward uniting the rights of free expression with requirements of order and public morality. The courts evaluate several

²⁰ *Kaushal Kishor v State of Uttar Pradesh & Ors* (2023) 4 SCC 1

²¹ *Ajay Goswami v Union of India & Ors* (2007) 1 SCC 143

²² *K A Abbas v Union of India & Anr* (1971) SCR (2) 446

criteria, which include proper artistic quality alongside society's value contribution and present-day community standards, when determining these types of cases.²³ The Hicklin test, seeing potential to corrupt, has evolved through time with new considerations added.

The judiciary functions by verifying that restrictions on freedom of speech and expression remain rational and balanced and avoid capricious rules. The evaluation must balance the envisioned effects of such limitations on personal rights with the overall public welfare concerns. The courts maintain that artists must maintain their artistic freedom to spark dialogue regarding social topics. The concept of human dignity brings essential value to the interpretation process, along with the adjudication and development of content in the justice system.²⁴ Indian law functions continuously to find a proper equilibrium between free speech protection and societal standards of decency throughout the Indian legal system.

SOCIO-CULTURAL CONTEXT: OBSCENITY AND SOCIAL NORMS

Indian definitions of obscenity depend heavily on social norms and cultural values throughout the nation. Indian society exhibits tremendous diversity through its array of social conventions, alongside its many cultural ideas, along with its religious customs and regional customs. Multiple factors from different regions produce different opinions about obscenity, which makes defining it universally impossible. Different regional expressions that society accepts as standard may qualify as obscene content in other parts of India. Traditional values commonly oppose present-day expressions of sexual freedom, together with personal autonomy in their various forms. The ongoing conflict generates disputes regarding what types of speech society finds acceptable to permit within its boundaries. Different factors, such as religion and caste, along with class and geographical region, influence how people view obscenity.²⁵

The views of Indian society about obscenity underwent a significant transformation because of both globalisation and Western cultural influences. The greater availability of various expressions from media platforms, as well as through internet channels with cultural events, has led people to challenge their long-established norms. Society has engaged in discussions

²³ *Aveek Sarkar v State of West Bengal* (2014) 4 SCC 257

²⁴ Upendra Baxi, *THE FUTURE OF HUMAN RIGHTS* (3rd edn, OUP India 2007)

²⁵ Shakuntala Rao, 'The Globalization of Bollywood: An Ethnography of Non-Elite Audiences in India' (2007) 10(1) *The Communication Review* <<https://www.tandfonline.com/doi/full/10.1080/10714420601168491>> accessed 19 July 2025

about cultural appropriation while facing concerns for loss of Indian values, in addition to the effects foreign media has on traditional Indian culture. Foreign media, alongside digital content, makes it harder to define and enforce the laws regarding obscenity. Social media has developed new ways for users to transfer their thoughts with each other.

The obscenity laws are used by society as instruments for monitoring population behaviour while sustaining established social order structures. Lawmakers maintain these statutes to subdue opposition and regulate particular population groups as well as uphold dominant power systems. Such laws enable selective enforcement, through which some groups and types of expression become targets even though others get overlooked. Broader enforcement of discrimination leads to challenges to basic human rights. Obscenity laws used for social control methods create troubling issues regarding potential misuse, together with the necessity of improved transparency and responsibility in their enforcement process.

DIGITAL MEDIA AND OBSCENITY: NEW CHALLENGES

The developing Internet and social media platforms have changed the definition of obscenity because they pose new challenges for authorities who enforce obscenity laws. Through social media and online platforms, people now find simple methods to make, distribute and consume obscenities despite minimal monitoring. The expansion of explicit sexual content and intense forms of harassment alongside objectionable material has become widespread due to online growth. The World Web presents major difficulties for law enforcement to control obscenity laws that extend beyond national borders.

The situation becomes challenging to prosecute offenders because hosting servers exist outside Indian borders. Moves made by creators and distributors of obscene content online enjoy anonymity as a protective mechanism that hinders the identification of criminals. The challenges of maintaining proper content management and the connection between freedom of expression and social standards cause difficulties for social media platforms. There has been public criticism for how social media platforms manage their content, as they both exclude valid expressions and poorly handle inappropriate materials.

Combating obscenity online requires solving various legal boundaries and resolving anonymous behaviour and worldwide internet issues. The enforcement of proper online obscenity rules requires international partnerships to fight illegal content distribution

effectively.²⁶ The process of regulating online obscenity includes information exchanges alongside joint enforcement programs and standardised content rules creation.

Various instances of online censorship within India have triggered public court proceedings that bring essential concerns about both freedom of expression and administrative due process. The government faces numerous legal disputes which seek to limit its power to restrict what users can view through Section 67 of the IT Act. Legal defences against online censorship emphasise two core points about Section 67 of the IT Act, namely its unclear parameters and insufficient procedural mechanisms, together with its ability to deter free speech. The ongoing cases underline the need for India to develop a more balanced approach when regulating online content since their future implications remain vital.²⁷

CONCLUSION

The Indian obscenity regulations contain unspecific meanings that lead to discriminatory enforcement, resulting in disproportionate consequences for marginalised groups and artistic freedoms. The Constitution protects freedom of speech, yet these legislative statutes represent a notable threat to it. The reform of such laws becomes necessary to find an optimal relationship between personal rights and community standards, while maintaining law and order. The correct equilibrium between constitutional rights along with societal values becomes essential for developing an inclusive, equitable and democratic establishment.

There are no legal provisions on vulgarity, and it's only through the help of a case that we can ascertain what level of vulgarity amounts to obscenity. It is essential to contextualise it in a more precise manner to ensure that standards with regard to vulgarity and obscenity are set straight.

The establishment of freedom of speech boundaries should acknowledge both the fundamental rights of individuals alongside the preservation of public order and moral values. Obtaining equilibrium between freedom of expression and obscenity law requires precise guidelines and improved awareness alongside all-inclusive application standards.

²⁶ 'Comprehensive Study on Cybercrime' (*United Nations Officer of Drugs and Crime*)
<<https://www.unodc.org/unodc/en/organized-crime/comprehensive-study-on-cybercrime.html>> accessed 22 May 2025

²⁷ Akansha Singh, 'Section 67 of Information Technology Act, 2000' (*iPleaders*, 24 April 2024)
<<https://blog.iplayers.in/section-67-of-information-technology-act-2000/>> accessed 19 July 2025

Labels of restriction must be reasonable and non-discriminatory according to laws that protect free expression, and all parties - including the judiciary support this framework.

Society requires more knowledge about freedom of speech and expression to develop an environment of mutual understanding between different perspectives. Educational programs aimed at the general public should begin to teach people about speech freedoms, together with their boundaries, as well as the risks involved when obscenity legislation is misused. People should develop critical thinking abilities together with media literacy skills because these skills enable them to differentiate between protected speech and damaging material. Current initiatives need support that facilitates culture-based understanding between various population segments.

Civil society organisations pursue essential roles by serving both to fight for obscenity law reforms and support freedom of expression rights. The groups must gain backing to support their campaigns for obscenity law reforms while they conduct oversight, oppose discriminatory censorship actions and deliver legal assistance to defenceless targets. A functioning partnership between civil society organisations and governmental entities, and judicial representatives will result in fair obscenity regulations based on human rights standards.