

Obscenity Laws in India: Ranveer Allahbadia Controversy

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In India, **obscenity laws** aim to maintain a balance between **freedom of speech** and protecting **public morality**. With the rise of **digital platforms** and social media, defining what is **obscene** has become more complex. Recently, the investigation of **Ranveer Allahbadia** and **Samay Raina**, following controversial remarks on their YouTube show, has brought attention to how these laws are applied in modern times.

These controversies reflect ongoing debates about what constitutes **obscene content** and how such content should be regulated, especially when it involves **digital platforms** like YouTube.

What is Obscenity Under Indian Law?

In Indian law, **obscenity** refers to content that is excessively sexual, morally corrupting, or **lascivious**. Here's how it's addressed in the law:

1. Section 294 of the Indian Penal Code (IPC):

- This law makes it illegal to **sell, display, or distribute** obscene material, whether it's in the form of books, paintings, videos, or even online content.
- **Punishment:** Up to 2 years in jail and a ₹5,000 fine for first-time offenders.

2. Section 67 of the Information Technology Act (IT Act), 2000:

- This law specifically addresses the **online publication or transmission** of obscene material.
- **Punishment:** Up to 3 years imprisonment and a fine of up to ₹5 lakh for first-time offenders.

How Has the Law Evolved Over Time?

The way courts in India understand **obscenity** has changed over time, especially in response to **changing social values**.

1. **Early Rulings:** The first significant Indian case on obscenity was **Ranjit D Udeshi v. State of Maharashtra (1964)**, where the **Supreme Court** used the **Hicklin Test**. This test judged whether a piece of content could **corrupt impressionable minds** (like children). This was a **strict approach** to obscenity.
 2. **Changing Standards:** The UK and US also reconsidered their definitions of obscenity:
 - The **UK** moved away from the **Hicklin Test** and adopted a more **holistic approach**, where content was judged as a whole.
 - The **US** adopted the **community standards test**, considering whether content appealed to **prurient interests** (sexual desire) based on **society's current values**.
 3. **India's Shift:** In 2014, the **Supreme Court** in **Aveek Sarkar v. State of West Bengal** moved away from the **Hicklin Test** and began using the **Community Standards Test**. This means content is now judged based on **modern societal values** rather than outdated moral views.
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Obscenity in Online Content: Key Court Rulings

As more content is shared online, **Indian courts** have made rulings that clarify the definition of obscenity in digital spaces.

1. **Supreme Court Ruling on College Romance (2024):**
 - In a case involving the YouTube series *College Romance*, the **Supreme Court** quashed charges of **obscenity** against the show's creators. The case centered on accusations that the show used **vulgar language** and **sexual discussions**.
 - The Court ruled that **vulgar language** does not automatically make content obscene unless it specifically **arouses sexual desires**. In this case, the language used in the show did not cause lustful feelings, so it was not obscene.
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The Ranveer Allahbadia Controversy

The controversy involving **Ranveer Allahbadia**, **Samay Raina**, and **Apoorva Makhija** has drawn attention due to **obscene remarks** made during an episode of *India's Got Latent*. These comments, which included inappropriate questions about **sex** and **parents**, sparked public outrage.

As a result, **complaints** have been filed under several sections of the **Bharatiya Nyaya Sanhita (BNS), 2023**:

- **Section 79:** Criminalizes words or gestures that **insult the modesty of a woman**, with **up to 3 years** in prison and a fine.
- **Section 196:** Deals with **promoting enmity** between different social or religious groups, with penalties including imprisonment or fines.
- **Section 296:** Addresses **obscene acts** in public, with **up to 3 months** imprisonment or a fine.
- **Section 3(5):** States that if several people participate in an **obscene act**, they are all equally

responsible for the punishment.

Frequently Asked Questions (FAQs) About Obscenity Laws in India

1. What are Sections 292, 293, and 294 of IPC?

- These sections **criminalized** obscene materials, sales to minors, and obscene public acts, which have now been replaced by similar provisions in the **BNS**.

2. What is obscenity under BNS?

- **BNS** defines **obscenity** as content that is **lascivious** or **sexually explicit**, and punishes those involved under **Sections 294, 296**, and digital laws.

3. Is obscenity a crime in India?

- Yes, **obscenity** is considered a **punishable offense** under **BNS** and the **Information Technology Act, 2000**.

4. What is obscenity in cyberspace?

- It refers to the **online publication** or **transmission** of sexually explicit material, which is punishable under **Section 67** of the IT Act.

5. What is Section 67 of the IT Act?

- **Section 67** penalizes **publishing** or **transmitting obscene material** online, with penalties of up to **3 years** imprisonment and a fine of **up to ₹5 lakh**.

Conclusion

The issue of **obscenity** in India continues to be a subject of debate, especially with the rise of digital content. While **freedom of expression** is important, the law also aims to protect public morality. Over the years, the courts have shifted toward using the **Community Standards Test** to assess content, considering **current societal values** rather than adhering to outdated standards. As technology advances, it's crucial for the law to continue evolving in response to **new forms of media** and changing public perceptions.