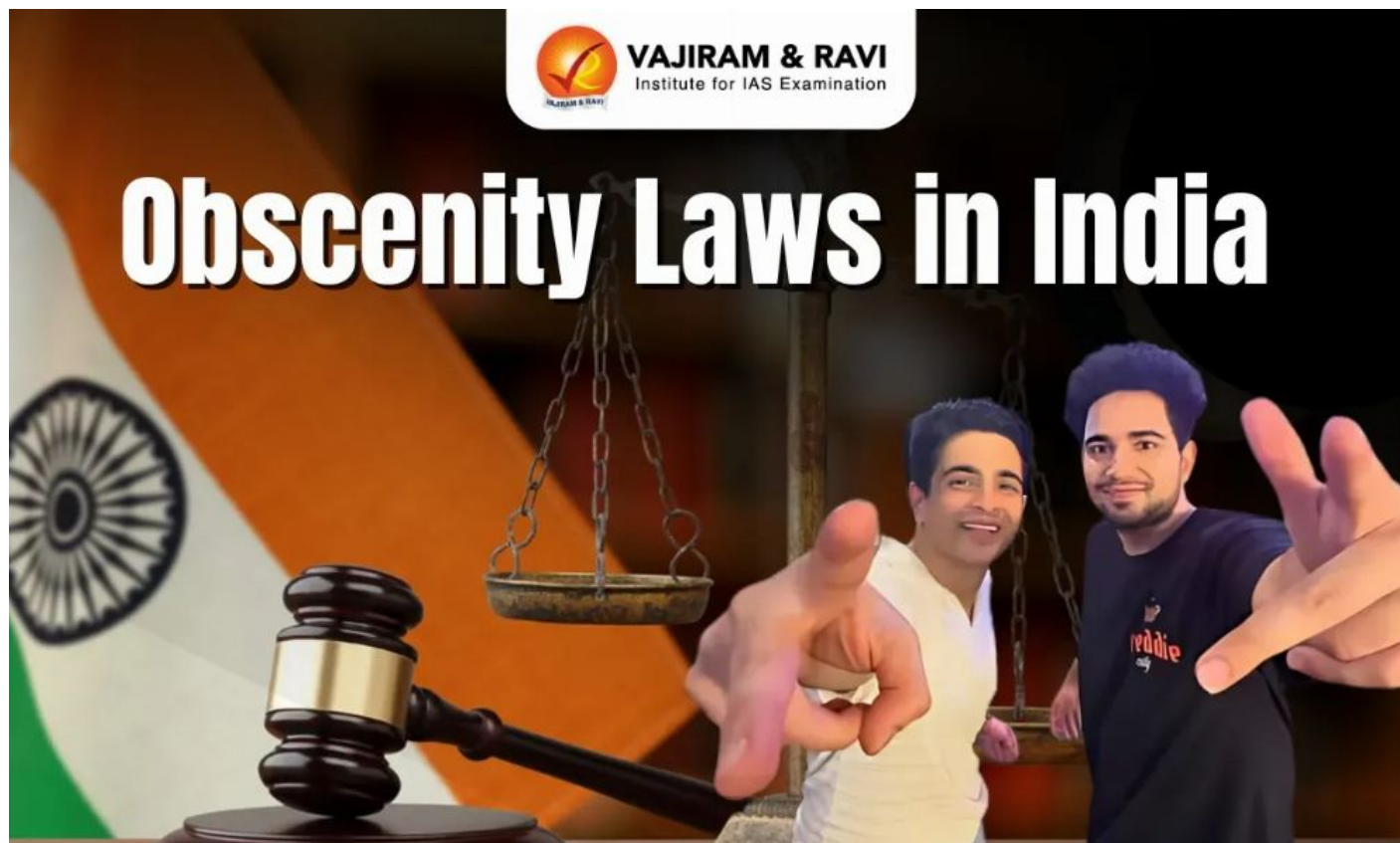


India's Obscenity Laws: Ranveer Allahbadia Case, Legal Provisions & Court Rulings

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Obscenity Laws in India Latest News

- Ranveer Allahbadia, founder of *Beer Biceps*, and comedian Samay Raina are under investigation by Mumbai police for allegedly obscene comments made on the YouTube show **India's Got Latent**.

- Various complaints have been filed under Section 296 of the Bharatiya Nyaya Sanhita, 2023, which deals with “obscene acts.”

Obscenity Under Indian Law

- **Section 294: Punishment for Obscene Material**
 - **Covers** the sale, import, export, advertisement, or profit from obscene content, including books, paintings, figures, and electronic content.
 - **Defines** obscene material as content that is lascivious, excessively sexual, or corrupting to viewers.
 - **Punishment:** Up to 2 years imprisonment and a fine of up to ₹5,000 for first-time offenders.
- **Obscenity in Digital Spaces: Section 67 of the Information Technology Act, 2000**
 - Punishes publishing or transmitting obscene material online.
 - Uses the same definition of obscenity as Section 294 of BNS (previously IPC Section 292).
 - Punishment: Up to 3 years imprisonment and a fine of up to ₹5 lakh for a first-time offence

Evolution of the Court’s Understanding of Obscenity

- **Early Rulings and the Hicklin Test**
 - The first major Indian case on obscenity was ***Ranjit D Udeshi v. State of Maharashtra*** (1964), where the Supreme Court held *Lady Chatterley’s Lover* to be obscene under Section 292 of the IPC.
 - The ruling relied on the **Hicklin test** (from *Queen v. Hicklin*, 1868), which defined obscenity based on whether a work had a tendency to “deprave and corrupt” those susceptible to immoral influences.
 - This test judged material from the perspective of the most impressionable readers, including children or those already inclined toward impure thoughts.
- **Shifting Standards in the UK and the US**
 - The UK moved away from the Hicklin test with the *Obscene Publications Act, 1959*, requiring works to be judged “as a whole.”
 - The US Supreme Court in *Roth v. United States* (1957) introduced the *community standards test*, assessing whether material, taken as a whole, appealed to prurient interests based on contemporary societal norms.
- **India’s Shift to the Community Standards Test**
 - The Indian Supreme Court adopted a more progressive approach in *Aveek Sarkar v. State of West Bengal* (2014).
 - It ruled that obscenity must be assessed in context, rejecting the *Hicklin test’s* approach of isolating specific passages.
 - The case involved a nude photograph of Boris Becker and his fiancée, where the court held that obscenity should be judged by evolving *community standards* rather than the lowest common denominator.

Obscenity in Online Content: Court Rulings

- **Supreme Court’s Ruling on *College Romance***

- In March 2024, the Supreme Court quashed obscenity charges against the creators of the YouTube web series *College Romance* under Section 292 of the IPC and Section 67 of the IT Act.
- The prosecution claimed the show featured vulgar language and sexually explicit discussions among college students.
- The court differentiated between **obscenity** and **profane, indecent, or foul language**, ruling that obscenity must arouse sexual and lustful thoughts, which the show did not.
- **Application of the Community Standards Test**
 - The court held that while the language used was sexual in nature, it did not provoke lustful feelings in an average viewer but rather reflected emotions like anger, frustration, or excitement.

Ranveer Allahbadia controversy

- Mumbai Police have filed an FIR against YouTuber Ranveer Allahbadia, comedian Samay Raina, and YouTuber Apoorva Makhija over controversial remarks made on the show India's Got Latent.
- Allahbadia's comments allegedly demeaned the Indian family system and offended religious sentiments.
- The episode featured inappropriate questions about sex and parents, sparking public outrage.

Sections under which Allahbadia and others have been booked

- The YouTubers present on the show were charged under Sections 79, 196, 296, and 3(5) of the Bhartiya Nyaya Sanhita, 2023.
- **Section 79** – Any word or gestures intended to insult the modesty of a woman. Punishment- up to 3 years and fine.
- **Section 196** – addresses the promotion of enmity between different groups based on factors such as religion, race, or place of birth, carrying a penalty of up to three years of imprisonment, a fine, or both.
- **Section 296** – deals with the public performance of obscene acts, songs, or words, with offenders facing up to three months in jail, a fine, or both.
- **Section 3(5)** – If more than one person carries out an act to further a common intention, all involved are liable for punishment.

Obscenity Laws in India FAQs

Q1. What is 292, 293, and 294 of IPC?

Ans. These sections criminalized obscene material, sales to minors, and obscene acts in public, now replaced by similar provisions in BNS.

Q2. What is obscenity under BNS?

Ans. BNS defines obscenity as lascivious, excessively sexual, or corrupting content, punishable under Sections 294, 296, and digital laws.

Q3. Is obscenity a crime in India?

Ans. Yes, obscenity is a punishable offense under the Bharatiya Nyaya Sanhita (BNS) and the Information Technology Act, 2000.

Q4. What is obscenity in cyberspace?

Ans. Obscenity in cyberspace refers to publishing or transmitting sexually explicit material online, punishable under Section 67 of the IT Act.

Q5. What is Section 67 of the IT Act?

Ans. Section 67 penalizes publishing or transmitting obscene material online with imprisonment up to three years and a fine up to ₹5 lakh.

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