

# No New ‘*Obscenity Law*’ Can Solve the Problem of Poor Taste

A quick review of existing legal framework around obscenity and its application in the digital age

New India!

Obscene shows are being aired right under the nose of the Ministry of Information and Broadcasting.  
Who cares???

@MIB\_India @AshwiniVaishnaw

Supreme Court slams YouTuber Ranveer Allahbadia for ‘obscene’ remarks, grants interim protection

What the hell @AshwiniVaishnaw ji? How is this even allowed to air @MIB\_India? Allahbadia’s crude words were more offensive than this?

**Ranveer Allahbadia summoned by Maharashtra Police amid controversy over obscene remarks**

This is beyond disgusting. How can anyone even think of something so vile?

It’s disturbing, revolting, & utterly shameful 🤢🤢  
Anyone laughing at this needs to seriously reflect on their morals 🙏

These sick minds should be put behind the bars 🚔

**They have shamefully pushed our society’s tolerance to its breaking point.** Samay Raina, Ranveer Allahbadia, and the rest—thought they could get away with their crass, vulgar, and totally obscene so-called ‘comedy.’ Seriously! **They have FAILED** to understand **INDIAN SOCIETY**. But guess what? The people of India are waking up. They’ve had enough.

This is Most undesirable content being aired rampantly on unregulated & uncensored OTT Channels.  
☆ Should this **Obscenity** & Harmful pornographic Content not be Stopped ?

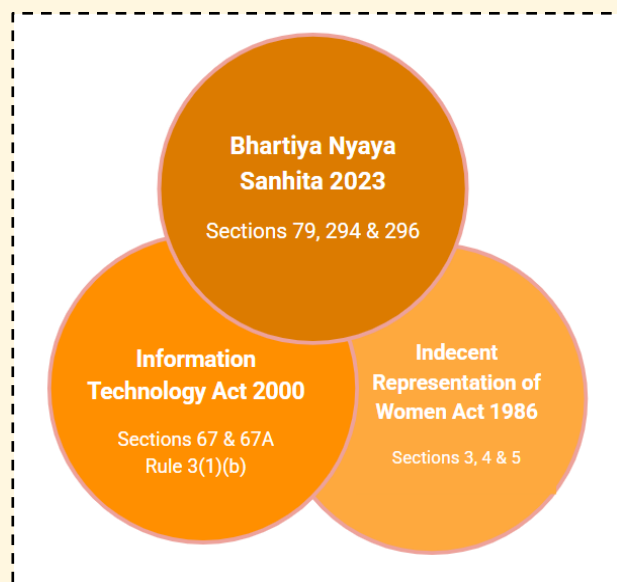
@ianuragthakur @MIB\_India  
@GoI\_MeIT  
@AshwiniVaishnaw

**‘Do something... something legislative’:  
Supreme Court says obscenity on OTT  
platforms and social media serious issue**

## Background

Over the past few months, political discourse in India has witnessed renewed calls for a new legal framework to **regulate obscene digital content under the guise of protecting women and children**. The recent controversy involving content creator Ranveer Allahbadia brought this conversation to the forefront. Shortly after, a similar wave of reactions emerged from a series hosted on the OTT platform *Ullu*, which allegedly featured sexually suggestive imagery and language, with political figures and social media influencers prompting a regulatory response.<sup>1</sup> These calls for legislative action on curbing 'obscene' digital content are based on two common arguments: that existing legal provisions are insufficient to address the scale, speed, and nature of digital content circulation<sup>2</sup> and are inept to address online harms specifically targeting women and children<sup>3</sup>. On April 28th, 2025, the Supreme Court went a step further, while hearing a public interest litigation that alleged that OTT and social media platforms frequently host obscene content, including child sexual exploitative and abuse material (CSEAM), without effective checks. **In response to the claim, the Court reiterated that the Central Government should take regulatory measures to restrict the streaming of sexually explicit content on these platforms.**<sup>4</sup>

This growing discourse has led us to some important questions: ***Is India's current legal framework on obscenity adequate or is there a need for new regulation to tackle this issue? Also, to what extent should policymakers' resources be allocated to this problem?***



### **Sufficiency of Laws on Obscenity - Review of legislation and case laws**

A closer look at India's legal framework reveals that we already have **a comprehensive set of laws that address obscenity, including in digital formats**.

The new **Bhartiya Nyaya Sanhita** (BNS) contains several provisions on obscenity, many of which are gender-specific in their application. **Section 79** of the BNS, for instance, penalizes acts, words, or gestures intended to insult the modesty of a woman.

### **Legal Matrix Governing Obscenity in India**

<sup>1</sup> [Actor, Producer Charged By Mumbai Cops After Row Over 'Sex Positions' Clip](#)

<sup>2</sup> [Supreme Court says obscenity on OTT platforms and social media serious issue](#)

<sup>3</sup> [Examining current provisions and need for new legal framework to regulate 'harmful' digital content: I&B Ministry.](#)

<sup>4</sup> [SC seeks Centre's reply over PIL seeking ban on obscene content on OTT platforms](#)

This gendered provision not only streamlines the legal route for women victims of obscene acts but also explicitly recognizes that obscenity disproportionately affects women, framing it as a form of gender-based abuse. Additionally, **Section 294 of the BNS**, which draws from the older Section 292 of the Indian Penal Code, has been updated to **explicitly cover “any content in electronic form”**, thus extending its application to digital content.

These provisions are further bolstered by **Sections 3, 4 and 5 of the Indecent Representation of Women (Prohibition) Act (IRWA)**, which prohibit the production and dissemination of indecent portrayals of women through any medium.

For the digital realm, the **Information Technology (IT) Act** and the **IT (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021** further strengthen the legal framework. **Section 67** of the IT Act penalizes the publication or transmission of obscene material in electronic form, while **Section 67A** focuses specifically on sexually explicit acts. Under the IT Rules, **Rule 3(1)(b)** places due diligence obligations on all intermediaries to undertake “reasonable efforts” to prevent users from uploading, storing or distributing content that is obscene or pornographic or insults individuals based on gender.<sup>5</sup> Additionally, **Rule 3(1)(d)** enables intermediaries to act on court orders or government directions under **Section 79(3)** of the IT Act for blocking access to content on the grounds of “decency, morality, public order, and defamation”. These powers have previously been used to restrict access to pornographic material - most notably in 2015, when the government ordered the blocking of 857 websites.<sup>6</sup> In more recent times, emergency blocking powers under **Rule 16** of the IT Rules have been invoked to take down applications, websites and social media handles facilitating the circulation of obscene, abusive or exploitative content.<sup>7</sup>

In addition to the extensive statutory provisions that cover obscenity, Indian courts have also developed a **well-settled body of jurisprudence** through case law that delineates the contours of the offence, including in contexts **involving allegedly obscene remarks or content disseminated online**, as demonstrated below.

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<sup>5</sup> Rule 3(1)(b)(ii), IT Rules, 2021.

<sup>6</sup> [India orders telecoms to block more than 850 adult websites.](#)

<sup>7</sup> [Blocked 18 OTT platforms for publishing obscene, vulgar content: Govt, Recent content blocking in India.](#)

***Evolving Interpretations of Obscenity Laws through Judicial Precedents***

Case Law	Provision	Content	Legal Principle	Ruling
<b>Kamla Kant Singh v. Bennett Coleman<sup>8</sup></b>	S. 292-294 IPC <sup>9</sup> (S 294-296 BNS <sup>10</sup> )	An article published intended to expose societal evils depicted sexual offences committed against women.	Content that is <b>sexual by default</b> or references to sex and nudity alone <b>cannot be evidence of obscenity</b> . Obscenity needs to match with <b>contemporary community standards</b> .	Content deemed not obscene.
<b>Aveek Sarkar v. State of West Bengal<sup>11</sup></b>	S. 292 IPC (S. 294 BNS)  S. 4 IRWA <sup>12</sup>	'Sports World' republished a photo featuring popular tennis player, Boris Becker, posing nude with his African-American partner, which was originally in an article to de-stigmatise inter-racial marriages and highlight the evils of racism.	Established the <b>Miller Test</b> or the <b>Community Standards Test</b> : <ul style="list-style-type: none"><li>- The <b>average person</b>, applying <b>contemporary community standards</b>, would find that the work, taken as a whole, appeals to the prurient interest or has a tendency of invoking lustful thoughts.</li><li>- The work depicts, in a <b>patently offensive</b> way, sexual conduct</li><li>- The work, taken as a whole, <b>lacks serious literary, artistic, political or scientific value</b>.</li></ul>	The image was not deemed obscene as it was assessed in the context of the original article's message.
<b>Apoorva Arora v. State</b>	S 294, 296 BNS  S. 67, 67A IT Act <sup>13</sup>  S 3, 4 IRWA	A web-series titled 'College Romance', which allegedly exhibits the use of profanity and sexually suggestive language.	In the Supreme Court's first ruling explicitly on <b>how obscenity laws applied to digital media</b> , it was held that while the language used was <b>sexual, profane and indecent in nature</b> , it did not <b>provoke lustful feelings in an average viewer</b> but rather incited emotions of <b>anger, frustration, or excitement</b> , hence cannot be deemed obscene.	Content was deemed not obscene as the <b>context and artistic intent of digital media should be considered</b> .  Profanity cannot be controlled by making it illegally deemed obscene.

<sup>8</sup> Kamla Kant Singh v. Chairman/Managing Director, Bennett Coleman and Company Ltd, (1987) 2 AWC 1451.

<sup>9</sup> Indian Penal Code 1860.

<sup>10</sup> Bhartiya Nyaya Sanhita 2023.

<sup>11</sup> Aveek Sarkar v. State of West Bengal, 2014 (4) SCC 257.

<sup>12</sup> Indecent Representation of Women (Prohibition) Act 1986.

<sup>13</sup> Information Technology Act 2000.



## **Conclusion**

A quick review of existing provisions and their application suggests that there exists no legal vacuum when it comes to regulating obscene content in electronic or digital formats. The statutory framework, supplemented by settled judicial interpretation, provides sufficient guidance. However, the challenge lies in its uneven and often problematic enforcement. Obscenity provisions are frequently invoked to uphold nebulous ideas of ‘morality’ or ‘decency’, resulting in selective and politicised applications that verge on moral policing. This misuse is compounded by the realities of today’s digital ecosystem, with rapidly evolving media cultures and a plurality of online communities with differing norms. In such a dynamic context, attempts to introduce new regulations to tackle ‘obscenity’ risk chilling legitimate expression, without meaningfully advancing the safety of women and children online.

Crucially, this misplaced focus distracts from the real and urgent harms of technology-facilitated gender-based violence, including the non-consensual sharing of intimate images (NCII), cyberflashing, doxing, and other gendered abuses that current enforcement practices often overlook. Rather than expanding or reworking obscenity laws, the way forward may lie in developing targeted legal responses to these specific harms that women and children face in the digital age.

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## **Disclaimer**

This note is an independent, non-commissioned piece of work by *The Quantum Hub (TQH)*, a public policy firm based in New Delhi.