

CRIMINAL LAW & YOU

**DAILY LIFE CRIMINAL LAW
EXPLAINED**

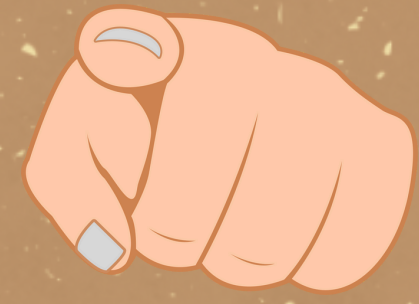
JUNE 2025

**RIGHT
ACTION ?**

**WHAT
WOULD
YOU DO?**

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TOPIC 2: obScenity



One joke. One upload. One FIR. That's all it took

Imagine you're sitting under bright studio lights. You're laughing with a couple of social media influencers on a comedy show. Someone throws out a wild, edgy question — everyone chuckles. It feels like harmless fun.

Then the cameras stop rolling. The clip goes viral.

A week later, you're trending — but not for the right reasons. Hashtags call you "obscene." Influencers disown you. A legal notice lands in your inbox.

Suddenly, you're not just a content creator.

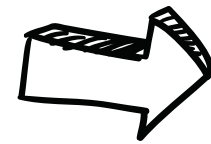
You're a criminal accused of corrupting public morality.

Ever wondered **when a joke stops being just funny** and starts crossing the line? This handbook breaks it down by exploring a very recent case [The Ranveer Allahbadia case], helping you navigate the tricky boundaries of free speech and what the law actually allows.



What Happened?

One Wrong Joke



Turned into a nationwide outrage



On February 10, 2025, a **members-only episode** of the YouTube show **India's Got Latent** went live featuring popular podcaster and influencer Ranveer Allahbadia (BeerBiceps) as a guest judge.

During a casual segment of the show — known for pushing boundaries — Ranveer posed the above hypothetical question to a contestant. While intended as dark humor, the remark immediately sparked outrage, especially when clips were leaked outside the members-only audience.

"Would you rather watch your parents have s*x every day for the rest of your life... OR join in once to make it stop forever?"

Public Reaction:

Social media backlash was swift and overwhelming.

Viewers labeled the comment as:

“Obscene”

“Disturbing”

“Beyond the limits of decency”



Actions taken:

FEB 18

Supreme Court Steps In- Ranveer seeks relief from arrest and Court grants interim protection, but it's not lenient.

Orders:

No new content

Surrender passport

Court slams his conduct: “There is something very dirty in his mind.”

MAR 3

Relief... with Strings Attached
Ranveer allowed to resume The Ranveer Show to protect jobs.

BUT — must sign a formal undertaking to uphold **“morality and decency.”**

Court warns both Ranveer and Samay Raina to behave.

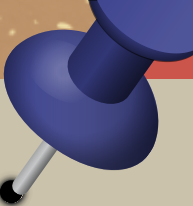
APR 28

Supreme Court to decide on:
Progress of legal proceedings
Supreme Court directs the Central Government to: Create a regulatory mechanism for digital content

What went wrong and how did a joke become a 'CRIME'?

India guarantees your right to freedom of speech under Article 19(1)(a) of the Constitution — but this right is not absolute. Article 19(2) of the Constitution lays down reasonable restrictions on this freedom, one of which pertains to 'public morality and decency'. It is on this basis that obscene acts and expressions can be criminalised.





Laws That were Used in this case:

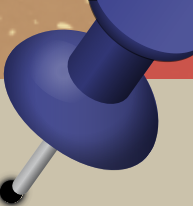
Bhartiya Nyaya Sanhita 2023:

Section 294 (Obscene Material): It is illegal to sell, distribute or publicly display any “OBSCENE” content (books, images, videos or even social media posts). Any violation of this section can amount up to 2 years in jail and ₹5,000 fine on first time convictions (and harsher on repeated offenders)

What Is Prohibited?

You can get into legal trouble if you:

- Sell, rent, distribute, or publicly display any obscene material.
- Make, produce, or possess such material for the above purposes.
- Import, export, or transport it with knowledge of its purpose.
- Run or profit from a business that deals with such items.
- Advertise or promote any person or place where such material can be accessed.
- Offer or attempt to do any of the above.



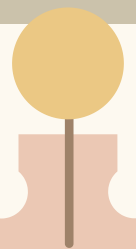
Laws That were used in this case:

Bhartiya Nyaya Sanhita 2023:

Section .296 (Obscene acts/songs): It's also an offense to committ an obscene act in public or to sing/speak obscene words in or near public places. This carries up to 3 months jail or ₹1,000 fine. (This is meant to punish lewd public behavior)

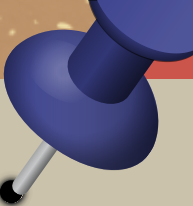


What's Not Punishable?




These sections do not apply if the material:

- Is for the public good (e.g., related to science, art, literature, or education),
- Is used bona fide for religious purposes,
- Appears in or on ancient monuments, temples, or religious vehicles like chariots carrying idols.



Laws That were Used in this case:

information Technology Act, 2000:



But what is considered
as 'obscene'??

Section 67 (Online Obscenity): This law specifically targets internet content. Publishing or transmitting pornographic or obscene material online is illegal. The definition of "obscene" is the same as under s. 294 BNS, but the punishment is harsher: up to 3 years in jail and ₹5 lakh fine for first-time offenders.

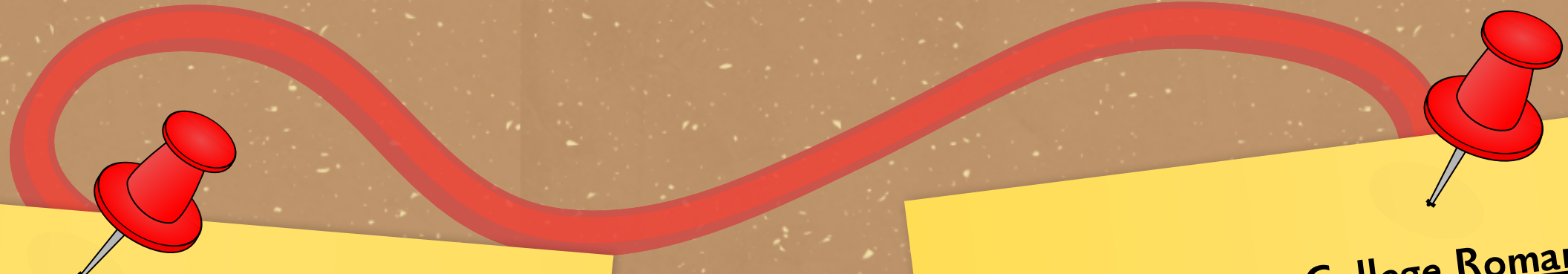
This section covers the publication of obscene material online. Therefore, If the meme or comments are **explicit or degrading**, this law can be used to address the offensive content.

How India sees and defines the word "Obscene"

1950s UK/US changes:

Around that time, Britain (1959) and the US (1957) moved away from Hicklin. They said we must consider a work as a whole, using "contemporary community standards". In other words, not judging by a single phrase.

1964 – Ranjit D. Udeshi v. Maharashtra:
This landmark case banned Lady Chatterley's Lover as "obscene". The court used the old Hicklin Test (from British law): if any part of a work tends to "deprave and corrupt" vulnerable readers, the whole work is obscene. This was a very strict approach.



2014 – Ayeek Sarkar v. West Bengal:
India's Supreme Court embraced the **community-standards view**. It ruled that a work shouldn't be judged out of context – you must look at **the entire work** and ask whether the average person would find it obscene, given current norms. This protected many art and media works from being unfairly banned.

2024 – College Romance case:
The Supreme Court quashed obscenity proceedings against a web-series accused of vulgar language. The court said that sexual or crude language isn't automatically "obscene" unless it evokes lust or sexual thoughts in the average viewer. In that case, the swearing was seen as expressing frustration or excitement, not sexual arousal.

When Does Free Speech cross the Line into Crime under these sections:-

When it crosses into sexually explicit, abusive, or morally degrading content — especially in public or monetized forums — it can attract **criminal liability**.

That's what happened in the India's Got Latent episode. The question posed by Ranveer Allahbadia wasn't just "edgy." For many, it was **obscene, perverted, and traumatizing** — especially given its tone, the audience reach, and the lack of meaningful context or satire.

Who Can Be Prosecuted Under These Laws?

This applies to anyone creating public digital content, including:

YouTubers

Podcasters

Stand-up comedians

Memers

Even people posting stories, reels, or WhatsApp broadcasts and if the content:

- o Is sexually explicit
- o Objectifies or humiliates others
- o Lacks artistic, educational, or social value
- o Is accessible to the public (even if it started as "members-only")

You Hit Upload. Now What?

You've got a mic. A camera. content.
You post it. It gets views. Shares. Memes.
Then suddenly — you're viral for the wrong reasons.

Someone files an FIR.
The police are knocking.
Your lawyer is now your co-host.

A Legal Survival Guide for people posting on social media platforms:

Why It Matters:

Posting on social media isn't just about opinions—it's also about legal responsibility. Courts often look at the intent behind a post, but even unintended consequences can lead to serious trouble. For example, Section 67 of the IT Act can be triggered if content is deemed sexually offensive or meant to arouse. Your post's context matters—a joke to one person may be offensive or illegal to another. And remember, the internet never forgets—deleted content can still be recovered and used in court. Worse, a single post might violate multiple laws, including the SC/ST Act or cyberbullying provisions. Think before you post—it's not just about likes, it's about staying legal.

A Legal Survival Guide for people posting on social media platforms:

Ask Yourself:

1. Is this funny, or is it just shock value?
2. Could this arouse lust or cause mental discomfort?
3. Is this art, parody, satire — or just vulgar?
4. Would I be okay with this clip going viral out of context?
5. Is there anyone I'm degrading? Any group I'm stereotyping?

Reminder: Don't confuse attention with immunity. You're not "just a creator" — you're now in the legal arena.

Protect Yourself:

- Include disclaimers (but know they don't always save you)
- Avoid jokes that sexualize or humiliate family, minors, or taboo topics
- Think about how this plays to a "reasonable viewer", not just your fan base
- If in doubt — don't post it

Remember: The Internet rewards boldness. But the law punishes obscenity.

THE END

*A Project by the "Criminal Law Forum" of
Pravin Gandhi College of Law*



June 2025