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Obscenity in India and its Rules

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ABSTRACT:The period of knowledge and technological advancement is known as the 21st century. Exposure of women by ads, drawing, magazines or otherwise was not recognized in conventional culture, but it has become a fashion today. In the present age, women should be projected in a positive and inspired way instead of being viewed as sex objects or beauty dolls, which can have the most effect on society and bring about cultural improvement among people towards women. In order to guarantee fair rights for women, India has also adopted separate rules. The Indian Penal Code discusses legislation to curtail obscenity in Sections 292, 293, and 294 IPC. This paper aims to address legislation relating to women's obscenity & obscene portrayal. The research paper ends with ideas that can be easily resolved by coping with the problem.

KEYWORDS:India; Law; Obscenity; Women.

I. INTRODUCTION

We live in the 20th century, in the age of the emergence of modern ideas and history, with people with diverse cultures and emotions getting new and old rituals that make us a part of society. An unusual action by a person to portray himself or his job makes life awkward for others or the whole community. But does the gesture actually offend the emotions of another or is it just a special or fresh thought to express itself or its work? This disparity in thought makes the term obscenity vague, because understanding what truly is indecent and what is not is too complicated[1].

The word obscene evolved from the Latin word Obscenus, which means 'violent,' particularly modesty. Obscene is described by the Oxford dictionary as, 'offensive or filthy by agreed principles of morals and dignity' and looks like a simple word with a simple meaning. But as we understand rule, with a dictionary or not with some basic meanings, it does not work. The definition of the term obscene is a struggle to set standards for obscenity, not as straightforward to decide on for attorneys. Since words such as Lascivious, Prurient, Deprave and Corrupt have not been explicitly defined to describe obscenity, leaving space for judicial interpretation. If they offend contemporary cultural norms, fiction, sculpture, motion, film or any scene in videos even fall under obscene material[1].

Currently, not describing it is the perfect way to describe obscenity. Not that in diktat, it would be indecent, overreaching or insulting, just because no one really did it. Obscenity alters over time, beliefs, society, popular culture, etc. There are many items that have a direct effect on the expectations and extent of obscenity, and it is not easy to lock them into one line or a few lines. However, the legal protections relating to obscenity are mostly provided for as far as India is concerned under the Indian Penal Code, 1860 (hereinafter referred to as IPC) and the Information Technology Act, 2000 (hereinafter referred to as the IT Act)[2].

The idea of obscenity ranges from country to nation and it relies on the religious and cultural values that influenced that nation. Indian culture has always been very strict towards girls and women's purity has always been seen as important to upholding the integrity of a family. The definition of obscenity is also not apparent. It varies over time and depending on the case's objective circumstances. Thirty years ago, what was considered obscenity could not be considered that way today. To evaluate the aspect of obscenity in its court proceedings, India has always adapted tests from other nations. Based on its adaptability in the rapidly changing environment, the assessments have changed over time[2].

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Decency varies, person by person, from location to place. With the progression of society and improvement of people's lifestyles, the standard of ownership etc. continues to change. So with the passing of time, the sense of dignity began to evolve, and a modern look even took on the degree of morals and dignity. The period of knowledge and technological advancement is known as the 21st century. Exposure of women by ads, drawing, magazines or otherwise was not recognized in conventional culture, but it has become a fashion today[3].

Women should be projected in a positive and inspired way in the present period, instead of being depicted as sex objects or beauty dolls, which will have the maximum effect on society and bring about an attitude/behavioural adjustment among individuals towards women. In its preamble, the Indian Constitution not only affords freedom to women, but also empowers the State to take constructive discrimination steps in respect of women. Our rules, growth strategies, plans and programmes have targeted women's progress in various fields within the context of a democratic policy. In order to guarantee fair rights for women, India has also adopted separate rules[3].

There is no single regulatory agency in India prosecuting advertising cases. Depending in the situation, numerous legal instruments are involved. The authority to control advertising vests with tribunals, tribunals of central and state governments, police, etc. The Constitution of India is paramount, nobody is above the rules, whether it is a president or any person. The primary purpose of the Constitution is to provide each and all of the nation's people with liberty, civil, economic and political justice[4].

The primary concern of a civilized society should be the empowerment of women by education. We can only make this poorer segment of society stronger with the aid of education, to fight against this social ill of society, i.e., the Indecent Portrayal of Women. Owing to their lack of understanding, women themselves often fall victim to such erroneous and indecent portrayals. In particular, women ought to be made conscious of the adverse indecent representation of women that has become so common in our daily lives that, although with hesitation, incidents of indecent representation of women are embraced[5].

II.DISCUSSION

The term 'obscenity' is derived from the word 'obscena' in Latin. The phrase can be used in words of "obscene profits" or "the obscenity of war" to suggest a deep moral repugnance. "It is offensive to chastity, delicacy or decency, expressing or presenting to the mind of view, according to the dictionary meaning, something that decent, delicacy and purity forbid to be exposed, offensive to morality, indecent, impure"[6].

It is offensive to chastity or modesty, voicing or stopping the mind or seeing something that delicacy, purity or decency forbids to be revealed, impure as obscene expression, obscene illustration, impure, immoral, unchaste, lewd," according to the Webster's New International Dictionary"[6].

Article 21 is regarded to be the Magna Carta of human life, dignity and equality. It is referred to as the central and actual creation of the Indian legal system and Indian constitution. Article 21 of the Constitution of India states that no person shall be deprived of his or her life or personal liberty, except in compliance with the procedure provided for by statute[6].

This suggests that any human being has the right to live and live with dignity, and not to have a life close to that of animals. It also implies that every person has a right to livelihood, decent conditions of sanitation, good living standards. This right is also stated in the State Policy Directive Principles. Section 292, which deals with the selling of obscene books, pamphlets, inter alia, representations, which may contain obscene ads, which are perceived to be "lascivious or drawing prurient attention"[7].

As the dictionaries tell us, the term obscenity signifies the attribute of being pornographic, meaning disrespectful to modesty or decency; lewd, gross and repulsive. It cannot be ignored that the prevention of obscenity is a significant social interest. There is, of course, a distinction between obscenity and pornography in that the latter signifies writings, photographs, etc. designed to arouse sexual arousal, while the former can contain writings, etc. that are not intended to

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do so, but appear to do so. Both, of course, offend public morality and values, but pornography in a more aggravated nature is obscenity[8].

By objecting to it and opting not to be passive, the audience will play a vital part in curbing the indecent images of women in media. Both societal and religious limitations should not be entirely ignored by agencies. The newspaper is justice's guard dog. The media is accountable to individuals. The media will play an important part in protesting against women's indecent portrayal in the media. Journalists ought to make people aware, through their writings, of the laws that support them in this objective[9].

The Indian Penal Code discusses legislation to curtail obscenity in Sections 292, 293, and 294 IPC. Despite any of these protections, woman's portrayal or references to women's magazines are increasingly indecent, especially in advertising that have the effect of denigrating women and are disrespectful to women. In order to legally ban indecent representation of women through any print, television or advertisements, the Indecent Representation of Women (Prohibition) Act 1986 was then legislated. This paper aims to address legislation relating to women's obscenity & obscene portrayal. The research paper ends with ideas that can be easily resolved by coping with the problem[9].

Both people not only have the freedom to live, but to live in all conditions with full equality, according to the Indian Constitution. Not only does the Indian constitution give women freedom, but it has also made special provisions for ensuring equality. It is assumed that once the legal system is solid, it is not possible to deviate from the rules, that everybody must act within the law. Over the years, the advertising industry has been growing and they often sacrifice the dignity of women in commercials to reach their lucrative aims[10].

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III. CONCLUSION & IMPLICATION

The word obscenity derives from one of those terms in our Indian law whose definitions are unclear or not plain. What is obscene or not entirely depends on the lawyers and the courts and how the term obscene is perceived. It is possible that the meaning of obscenity in terms can vary from time to time. What is obscene now should not, in the future, be viewed as obscene. We recognize that laws need to change from time to time, but a proper definition of obscenity is needed. The required degree of obscenity in films, web shows, arts, photographs or photos, literature, has not yet been established in our country, is too relevant to consider in the present time.

There is a tension between them in our world, where various faiths and cultures occur. When certain kinds of topics relevant to the community or faith of others are touched and the musicians share their thoughts or beliefs on these kinds of sensitive issues, they should not be intercepted solely because these are major problems and which affect the feelings of those people or cultures. Not all works related to architecture, literature, etc. create hate among individuals. Often, to minimize the stress of our culture, it is important to teach people in a way that is subtle and gentle.

In its preamble, the Indian Constitution not only affords freedom to women, but also empowers the State to take constructive discrimination steps in respect of women. Our rules, growth strategies, plans and programmers have targeted women's progress in various fields within the context of a democratic policy. In order to guarantee fair rights for women, India has also adopted separate rules. The Indian Penal Code discusses legislation to curtail obscenity in Sections 292, 293, and 294 IPC.

Despite any of these protections, woman's portrayal or references to women's magazines are increasingly indecent, especially in advertising that have the effect of denigrating women and are disrespectful to women. In order to legally

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