

**OBSCENITY AND INDECENT REPRESENTATION OF WOMEN IN INDIA IN
THE DIGITAL AGE**

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Abstract

Though Obscenity, Morality and Decency are terms whose significance changes with place and time and there has never been any straight jacket formula to define them in any age. Due to several reasons well known to us, internet has acquired a dominant position in our lives. Recently, the analogue mediums of entertainment have been replaced by the digital modes and COVID-19 Pandemic has accelerated and popularized the use of digital technologies. Almost every type of content is available on Digital Platforms. The popularity of OTT Platforms and OCCPs have raised several issues including the questions of 'censorship' and 'content regulation' on these platforms. Due to boundless nature of internet, online censorship and regulation of content is a tedious task for regulators. On the other hand, Indian culture is in extreme contrast with the Western cultures where nudity and explicit sexual behaviour are not unacceptable. The media transformation in the digital age has created a cultural fusion and impacted the set parameters of our society. Therefore, the purpose of this Article is to make an inquiry into the changing parameters of Obscenity and Indecent Representation of Women in India in the Digital Age and the Emerging Regulatory Challenges, due to Digitalization of Entertainment Industry and also to examine the efficacy of the proactive Legislative and regulatory Steps taken by the Government.

Key Words: Obscenity, Morality, analogue mediums, OTT Platforms, OCCPs, Digital Platforms, censorship, regulation of content, parameters, regulatory challenges.

I. Introduction:

Obscenity, morality, and decency are some of the terms which initially seem easy to define but when someone really attempts to define them or give these words a precise meaning, it is not so easy as it seems. As these are actually complex and abstract terms which are to a great extent dependent upon the 'societal norms' and 'cultural values' of a particular social group, place or time. Anything which may be completely indecent, immoral or obscene for a particular society at one point of time may be decent, moral or completely non-obscene for some other society or at any other point of time¹. So far as 'Indian culture' or 'societal norms' are concerned, Indian society has always supported decency and morality which are very foundation of our culture. Indian cultural and social values are in extreme contrast to the Western cultural and social values where nudity and open sexual behaviour may be prevalent and not treated as 'uncommon' in their society². But with the advancement in the field Information Technology, the whole global scenario has drastically changed. No norm these days is a norm of a particular place or a social group, as the whole world has shrunk in the virtual space and become a global village. Any person sitting in any remote place in India may easily have a face to face video chat with a person sitting in any city of Europe or America. Real time content sharing and fast exchange of Information have become very easy due to the access and availability of high speed internet, low data cost and IT enabled environment. Due to the fast technological developments the whole landscape of Media and Entertainment Industry has changed throughout the world. The Analogue systems have been replaced with the Digital. Internet and digital technologies have not only revolutionized Media and Entertainment industry but has also bestowed several benefits upon the consumers of content like the benefit of ease of watching, availability of specially curated content for each consumer segment, low pricing etc. which have once again made the consumer of the content feel like a King. All these changes have ultimately resulted in global cultural fusion and drastic change in established social norms and firm

1 Arya Rajan JR "Obscenity and Indecent Representation of Women in India", 2 JMDLR (2022).

2 Sushila Devi Chauhan and Ritu "Combating Cyber Obscenity in India and United States of America: A Comparative Analysis" 3 JLJ 77 (2018).

social beliefs not only in India, but throughout the world³. Due to prevalence of Internet each and every content can be made available across the globe, without any hindrance of time or other limitations. Not only this but also the economic potential of Digital Entertainment Industry seems very high. Now any one having a mobile gadget and internet connection can easily become a 'content creator'⁴ as well as 'content disseminator'. On the other hand, we all have grown with the belief that cinema and television are mirrors of the society and reflections of the contemporary society are visualised on the cinematic screen and television. But, before discussing in detail the sea change that has taken place in the media industry, or the changing viewer habits, increasing importance of social media in our lives, regulatory modes or their efficacy, it is necessary to clarify that the main topic at hand which we are discussing is *changing parameters of obscenity and indecent representation of women in India in the digital age* and a detailed discussion in regard to digital media seems necessary along with the discussion of the main topic because, digital media has greatly impacted the age old set parameters of obscenity in our country and it is also true that questions of indecent representation of women is on rise with growing popularity of digital media. As stated earlier, India as cultural unit has never supported nudity, indecency or immoral acts but migration of analogue mode of entertainment like cinema and cable network to the digital mode has drastically changed the scenario⁵. The manifold benefits of globalization and digitalization have also resulted in some negative consequences, such as erosion of social values and degradation of moral standards and norms. Therefore, it can be seen that migration to digital platforms has made the 'censorship' and 'state control' over 'content creation and hosting' an uphill task, as internet is not any physical place rather, it is boundless in nature and the traditional rules of territorial or subjective jurisdiction do not easily apply to the content available on the net. The growth of OCCPs or OTT

3 Why OTT is Becoming Extremely Popular in India?, available at <https://www.eatmy.news/2022/08/why-ott-is-becoming-extremely-popular.html> (last modified on August 1, 2022)

4 This Is Why Everyone Is A Content Creator Now (And What That Means For You) available at <https://www.linkedin.com/pulse/why-everyone-content-creator-now-what-means-you-tom-mulraney> last modified on January 25, 2019.

5 Rev. Fr. Hyacinth C.Orulu-Orulu, An " Exploration of The Benefits of Migration to Digitalization Broadcasting" 5, GJAHSS, 1-5 (2017).

platforms have also resulted in rampant availability of content or programmes depicting sexual conduct, using foul language, violence and immoral activities⁶. The increase in creation, access and dissemination of digital content also increases several incidental risks and issues, for example digital news increases the chance of fake news circulation or circulation of hoax and rumours⁷. Use of Social media may become a tool for deception, trolling or disseminating hate speeches or imposing political ideologies⁸. There is also one major area that is the area of uploaded/shared contents on platforms like You Tube and other digital platforms, wherein mostly private or individual digital content creators create and upload content which raises core concerns with regard to the authenticity and veracity of information shared. So, this Article aims to make an inquiry about the changing parameters of obscenity and indecent representation of women in India in the age of digitalization and how the changing patterns with regard to content creation and consumption are posing new challenges to the existing legal system and what proactive legislative steps are needed to tackle these new issues and challenges. In other words, the purpose of this Article is also to investigate and assess about the impact of digital entertainment on the moral values and social norms in India and suggesting the ways and means to protect the unique Indian culture as well as the vulnerable groups in the society through proper legislative and judicial intervention.

II. Digitalization and Entertainment Industry:

In the past two decades, the audiovisual field has undergone so many technological advances at a fast pace. The source of entertainment of moving pictures has moved from films to television and currently to the internet. This medium has a huge impact on society which forms the basis of its regulation by the State. The changes in the mediums that are used to disseminate audiovisual content and the changes in society are linked. Freedom of choice, portability and increased accessibility has inculcated

6 Need To Regulate Content With Vulgar Language On Social Media, OTT Platforms: Delhi High Court available on <https://www.livelaw.in/news-updates/need-regulate-content-vulgar-language-social-media-ott-platforms-delhi-high-court-223239> (Last modified on March 07, 2023).

7 Fake News in the Digital Media available on <https://ieeexplore.ieee.org/document/8748586> (visited on 16.04.2023).

8 Fake News and Cyber Propaganda: The Use and Abuse of Social Media available on <https://www.trendmicro.com/vinfo/pl/security/news/cybercrime-and-digital-threats/fake-news-cyber-propaganda-the-abuse-of-social-media> (visited on 17.04.2023).

new habits of content consumption and have changed the perception of the people of time and space⁹.

III. Concept of Obscenity under Indian Law and Indecent Representation of Women in India:

Before assessing the regulatory challenges raised due to digitalization of media industry and its impact which has resulted in changing the set parameters of concept of Obscenity and Indecent representation of Women in the Indian Sub-Continent, it is necessary to go through the settled position of law in this regard which is following:

A. Obscenity: Meaning, Relevant Provisions, Cases and Instances : The Oxford dictionary defines obscene as '*offensive or disgusting by accepted standards of morality and decency*'¹⁰. Though the term 'Obscenity' has not been defined under the Indian Penal Code, but, Sections 292, 293 and 294 deal with the offence of obscenity. One can find a vague definition of what constitutes obscenity in Section 292, which says that any content shall be deemed to be obscene if it is lascivious or appeals to the prurient interest, or if its effect tends to deprave and corrupt persons likely to read, see or hear the content. This section prohibits the sale or publication of any obscene pamphlet, book, paper, painting, and other such materials. Meanwhile, Section 293 criminalises the sale or distribution of obscene objects to anyone who is under the age of 20, or an attempt to do so. Although it is a bailable offence, the maximum punishment for the first conviction is three years of imprisonment and a fine up to Rs 2,000, and for the second conviction seven years with a fine up to Rs 5,000. Section 294 prohibits obscene acts and songs in public spaces. The maximum punishment for the person convicted under this charge is three-month jail and a fine. With the advent of the digital age, laws were made to criminalise obscene conduct on the internet also. Section 67 of the Information Technology Act says that anyone who publishes or transmits obscene material in electronic form can be punished. With no clear definition in the laws, what can be considered as obscene, the Indian Courts have changed and evolved this concept over the years¹¹. Until 2014, the judiciary used

9 Regulation of Content on Digital Platforms available on <https://blog.iplayers.in/regulating-content-on-digital-platforms/> (Last Modified on 24 May, 2021).

10 <https://www.oxfordlearnersdictionaries.com/>

11 Ashia Jindal and Sanket Gupta "Obscenity or Absurdity: The Unclear Laws in India" 3 THPJ

the Hicklin test to determine if something is obscene or not. The Hicklin Test was established in English Law after the case of *Regina vs Hicklin* (1868). According to it, a work can be considered obscene if any portion of it is found to “deprave and corrupt those whose minds are open to such influences”. The test was most famously used by the Supreme Court to ban DH Lawrence’s *Lady Chatterley’s Lover* in the case of *Ranjit D Udeshi vs State of Maharashtra* (1964). However, in 2014, the Apex Court did away with the Hicklin Test while hearing the case of *Aveek Sarkar & Anr vs State Of West Bengal and Anr*, which was regarding the publication of a semi-nude picture of Boris Becker and his fiancée. In its judgement, the Court said “while judging as to whether a particular photograph, an article or book is obscene, regard must be had to the contemporary mores and national standards and not the standard of a group of susceptible or sensitive persons”. It added that the photograph must be “taken as a whole” and seen with the context of what it wants to convey. Model and actor Milind Soman was booked by the Goa Police in November 2020 for uploading a photograph of himself running nude on a beach in the state¹². In 2022, after Bollywood actor Ranveer Singh posted pictures of his nude photoshoot for the New York-based Paper magazine on social media, police booked him under Sections 292, 293 and 509 of the IPC and Section 67A of the IT Act¹³.

B. The Indecent Representation of Women (Prohibition) Act, 1986:

The introduction of the Bill against indecent representation of women in the Rajya Sabha in 1986 was in response to the demand by the women’s movement for a legislative action against the derogatory depiction of women in India. Introduced in the Rajya Sabha by Margaret Alva, the bill became law by way of enactment with effect from October 1987. The law aimed to regulate the representation and portrayal of women in mainstream media, particularly in print media. It was brought into force to ensure that the portrayal of women in media by means of advertisements, writings, publications and illustrations was not such that could be termed “indecent”. Given the time-period it was enacted, the 1986 Act, which continues to be in force,

(2020).

12 PTI "Goa Police books Milind Soman for Obscenity After he posted 'Nude Run' Pic" "The Economic Times, November 7, 2020.

13 Express News Service, "Mumbai Police to visit house of Actor Ranveer Singh again to issue summons over Nude Photoshoot", The Indian Express, August 16, 2022.

focused primarily on print media and advertising¹⁴. The term “*indecent representation*” is defined in *Section 2(c)* of the *Indecent Representation of Women Act* as “*indecent representation of women*” in any way that has the effect of being indecent or derogatory of a woman or of being corrupt or susceptible to public morality, or moralistic depravity. Section 3 of the act particularly deals with prohibition of advertisement showcasing indecency of a woman. It states that no person has a right to publish or intend to publish in future or make arrangements to take part in the publication or exhibition of any advertisement which may tend to lower down the reputation and dignity of women in the society or which is indecent according to the social standards. Section 4 of the act directly deals with restricting the production, distribution, hiring, selling, circulation of any books, pamphlets, paper, slide, films, writing, drawing, painting, photograph or figures which contain material that represent or tend to represent women indecently or in an obscene manner¹⁵. The offender faces a penalty under Section 6 of the Indecent Representation of Women Act. On a first conviction, the offender shall get convicted for a term that might extend to 2 years and a fine that might extend to 2000 rupees. On a subsequent second conviction, the offender would get imprisoned for a term that would not be less than six months but might get extended to 5 years and a fine of not less than 10,000 that might get extended to 1 lakh rupees. However there are certain exceptions to this provision and this section does not apply to the publication of such items which are approved and justified for public interest and good. For example, If any such books, drawings or pictures are used for the purpose of learning such as science, literature or other objects of general concern, it can be published and distributed. If such publication is kept or used with a bona fide intention for religious purposes, such publication of books and drawings can not amount to restriction under this section. For example- Pictures of Shiva's Linga and Yoni will not amount to Indecent Representation. Any sculptures, paintings, engravings on Ancient monuments which comes within the meaning of Ancient Monuments and Archaeological Sites and

14 Indecent Representation Of Women (Prohibition) Act, 1986 available at <https://theindianlaw.in/indecnt-representation-of-women-prohibition-act-1986/> (visited on 12.04.2023).

15 "Eradicating the Evil- Indecent Representation of Women Act" available at <https://getlegalindia.com/indecnt-representation-of-women-act/> (visited on 16.04.2023).

Remains Act 1958 does not amount to Indecent Representation. Any temple, or any car which has any publications, drawings, printing and are used for the conveyance of Idols or kept or used for any religious purposes does not comes under the ambit of this section. Similarly, production of any films in respect of which the provisions of Part II of the Cinematograph Act, 1952, have been applied does not amount to Indecent Representation of Women. However, the officers exercising powers under the act have very wide powers to give effect the Act and the Offences under the Act at Cognizable as well as bailable¹⁶. To reform the existing structure, the *Indecent Representation of Women (Prohibition) Bill, 2012*¹⁷ sought to emphasise the inclusion of women in audiovisual and electronic communications media and address the issue of female objectification. In addition to ensuring that the media cover all aspects of the regulatory structure established by law. The law also creates a stringent compliance mechanism to act as a deterrent, with any indecent behaviour that contradicts the law getting prohibited. The Bill makes two significant changes: what advertisements will be covered by the Bill if passed, and what will result in delivery to warrant the punitive provisions of the new regulatory framework under the amendment.¹⁸ *Ajay Goswami V. Union of India*¹⁹ is a relevant case in which the obscene content in newspapers was challenged using provisions from the Indian Penal Code, the Indecent Representation of Women Act, and other laws. It also stated to reconsider the press Council's ability to censure. The petitioner complained that the newspaper industry's freedom of speech and expression is not balanced with protecting children from harmful and disturbing materials. However, the writ petition got dismissed on the grounds that it failed to establish the requisite to curtail

16 "THE INDECENT REPRESENTATION OF WOMEN (PROHIBITION) ACT, 1986 (NO. 60 OF 1986)" available on <https://wcd.nic.in/indecnt-representation-women-prevention-act-1986-60-1986> (visited on 16.04.2023).

17 Bill No LXX of 2012, introduced in the Rajya Sabha on December 13, 2012 by the Minister of State (Independent), Women and Child Development, Smt Krishna Tirath.

18 The Bill intended to add new definitions of "indecent representation of women", "electronic form" and "publish". "Indecent representation of women" means the depiction of the figure or form of a woman in such a way that it has the effect of being indecent or derogatory or is likely to deprave or affect public morality. "Electronic form" means any information generated, sent or stored in media, magnetic and optical form (as defined in the Information Technology Act, 2000). "Publish" includes printing or distributing or broadcasting through audio visual media.

19 Writ Petition (Civil) 384 of 2005.

the freedom of speech and expression and the blanket ban on publishing certain photographs and news in newspapers was not supported. The Court also emphasised existing regulatory legislation for prevention from such obscene publishing under the Press Council Act, of 1978 and section 292 of IPC. The court held that the material should be separately examined whether it is grossly depraved and corrupt for considering a publication to be obscene.

IV. Parameters of Obscenity, Depiction of Women and Regulatory Challenges in the Digital Age:

The Media and Entertainment industry in India can be broadly classified into print, cinematograph films, broadcasting, and digital media. Each of these categories are regulated by the Ministry of Information and Broadcasting, assisted and supported in its activities by subordinate organisations, autonomous organisations, statutory bodies, and public sector undertakings. Given that digital media involves information technology platforms, digital media is also partially regulated by the Ministry of Electronics and Information Technology (MEITY). Further, the Telecom Regulatory Authority of India (TRAI) has a dedicated broadcasting and cable services division, which is responsible for laying down the overall regulatory framework for the broadcasting and cable TV sector in relation to the interconnection, quality of service, and tariff aspect²⁰. It true that, irrespective of a developed regulatory framework in India, the recent technological developments have changed the whole landscape of media in India. The Digital Media seems to over power all the other forms of media and this dominance of digital technologies have completely changed the viewership habits or the habits of content consumption in our country. Therefore, it is necessary to examine the changing parameters of obscenity and Indecent representation of women in the digital age and also identify the regulatory challenges.

A. Changing Parameters of Obscenity and Indecent Representation of Women in Digital Age:

Today, we have Amazon Prime, Netflix, Hulu and many other video service providers where we can view anything we want. We have a completely new world of

²⁰ <https://traigov.in/release-publication/consolidated-regulations/broadcasting> (visited on 16.04.2023).

entertainment and an extensive range of options to watch. We are in a situation wherein it is impossible to imagine a life without any source of entertainment. All of us have smartphones through which we can stream any show or movie we like. In simple words, digital transformation has changed the face of entertainment²¹. The entertainment industry is constantly looking for new ways to adapt to the digital landscape and give the best to its customers. With the ever-increasing demand for internet services and high-quality video content, the conventional television subscription plans had to take a backseat. Platforms like Netflix, Amazon Prime and YouTube have seen a sudden surge in viewership across the world. Considering how people are quickly adapting to mobile apps to access various entertainment platforms, it is expected to see a spike in these online streaming services²². The video streaming providers have made streaming videos and movies very easy for people with the help of digital technologies like the Cloud, DevOps, and Microservices. They collect data related to viewership habits – like which scene was most watched in a movie, which part of a movie was rewinded or fast-forwarded – all such things help them evaluate what viewers like and what they don't like. All these options-like the ability to rewind and watch an action-packed scene, the ability to listen to your favourite dialogue, pause and watch later or simply binge-watching, has literally passed the power to the hands of the common person. OTT platforms have made it possible for each family member to get access to content based on their age, gender, interest and hobby. Platforms like Netflix has even created categories like 'Popular on Netflix', 'Trending Now', 'Top 10 in your country' and 'Recommended for You'. People can use these options to know what's famous or what their peers or friends are watching. Apart from this, customers get the option to watch 'Movies Based on Real Life', 'Documentaries' 'Children & Family Movie' and 'Critically-acclaimed' etc. Customers have the power in their hands – there are no limitations like only one

21 "Entertainment Industry Has Leapfrogged With The Help of Digital Transformation", Outlook Web Desk, available on <https://www.outlookindia.com/website/story/outlook-spotlight-entertainment-industry-has-leapfrogged-with-the-help-of-digital-transformation/393565> (Last modified on September 04, 2021).

22 "How Are Mobile Apps Revolutionizing the Entertainment Sector", available <https://appinventiv.com/blog/mobile-apps-are-revolutionizing-the-entertainment-industry/> (Last modified on October, 17 2022).

television for the whole family and hence only one show at a time²³.

The growth of Digital Entertainment and its dominance, specially during the COVID 19 Pandemic has impacted the Indian society by and large, though computers and mobile phones were purchased during that period for educational, business or other purposes, but this shift has resulted into some serious ill-effects as well. Besides, internet addictions and psychological issues born of excessive use of internet, several other issues have also popped up. As we all know that during the pandemic suddenly several OTT platforms also grew up due to excessive demand of different types of contents and sudden emergence of new viewer categories. Most of these small or unrecognized OTT platforms have started serving uncensored or pornographic materials. The titles, storylines, scenes, dialogues, songs and themes were predominantly uncensored. The most important and unique reason for their high popularity in short span of time were availability and accessibility of such content in regional languages for a considerably low subscription rates. This has not only harmed the adult population but also the vulnerable young aged viewers who had the access to internet and mobile gadgets. The digitalization wave has changed the parameters of obscenity and stretched the boundaries of indecency defined according to Indian customs and ethos. Anything not available over the censored mediums like television and cinema can be easily available and accessible on the Digital Platforms due to complete lack of censorship, parental control and boundless nature of internet. Now anyone can watch anything, which is ultimately, damaging the fabric of Indian culture and defined standards of decency.

B. Combating Cyber Obscenity in India:

The policies of the Government are aimed at ensuring an Open, Safe and Trusted and Accountable Internet for its users. With the expansion of the Internet and more and more Indians coming online, the potential for Indians being exposed to obscene and vulgar content on the Internet has grown. The many challenges in securing cyberspace also flow from its vastness and borderless nature.

The Information Technology Act, 2000 ("IT Act") penalises publishing or transmission

²³ "How Netflix's Recommendations System Works" available on <https://help.netflix.com/en/node/100639> (visited on 17.04.2023).

of material containing sexually explicit act in electronic form (section 67A and 67B) and publishing or transmitting of obscene material in electronic form (section 67), and makes them punishable with imprisonment for a period that may extend to three and five years respectively, and as per section 77B such cybercrimes are cognizable offences. As per the provisions of the Code of Criminal Procedure, 1973, prevention and investigation of cognizable offences is to be done by the police, and as per the Seventh Schedule to the Constitution, 'Police' is a State subject. As such, States are primarily responsible for the prevention, investigation etc. of such cybercrimes through the State police departments, which take preventive and penal action as per law, including in respect of the said cybercrimes pertaining to publishing or transmitting of material containing sexually explicit act or obscene material in electronic form²⁴.

To help achieve the aim of making Internet Open, Safe and Trusted and Accountable and to strengthen the mechanism to deal with such cybercrimes in a coordinated manner, the Central Government, in exercise of powers conferred by the IT Act, has made the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021. These rules cast specific obligation on intermediaries, including social media intermediaries, to observe due diligence and provide that if they fail to observe such due diligence, they shall no longer be exempt from their liability under law for third-party information or data or communication link hosted by them. Such due diligence includes the following:

1. To make reasonable efforts to cause the users not to host, display, upload, modify, publish, transmit, store, update or share, among others, information which is obscene, or paedophilic, or pornographic, or is invasive of another's bodily privacy, or is harmful to child, or impersonates another person, or violates any law;
2. To provide, upon receipt of an order from a lawfully authorised Government Agency, information or assistance for prevention, detection, investigation or prosecution under law;

²⁴ "Curbing of Obscenity and Vulgarity on Social Media Networks" available on <https://pib.gov.in/PressReleasePage.aspx?PRID=1882056> (Last modified on December 09, 2022).

3. To have in place a grievance redressal machinery, and resolve complaints of violation of the rules within 72 hours of being reported and, in case of a complaint by an individual or her/his authorised representative, remove within 24 hours any content which *prima facie* exposes the private area of such individual, shows such individual in full or partial nudity or shows or depicts such individual in any sexual act or conduct, or is in the nature of impersonation in an electronic form, including artificially morphed images of such individual;
4. In case an intermediary is a significant social media intermediary (*i.e.*, an intermediary having more than 50 lakh registered users in India), to additionally observe due diligence in terms of appointing a Chief Compliance Officer, a nodal contact person for 24x7 coordination with law enforcement agencies and a Resident Grievance Officer²⁵.

To further strengthen the mechanism to deal with such cybercrimes in a coordinated manner, the Government has also taken several other measures, including the following:

1. The Ministry of Home Affairs operates a National Cyber Crime Reporting Portal (www.cybercrime.gov.in) and a toll-free number (1930) to enable citizens to report complaints pertaining to all types of cybercrimes, with special focus on cybercrimes against children. The Ministry has also set up the Indian Cyber Crime Coordination Centre (I4C) to deal with all types of cybercrime, including cybercrime against children, in a coordinated and comprehensive manner.
2. The Ministry of Home Affairs has provided financial assistance to States and Union territories under the Cyber Crime Prevention against Women and Children Scheme for capacity building, including for the setting up of cyber forensic-cum-training laboratories and training of personnel of law enforcement agencies, public prosecutors and judicial officers. So far, cyber forensic-cum-training laboratories have been commissioned in 30 States and Union territories.

²⁵ "Digital Security of Citizens" available on <https://pib.gov.in/PressReleaseDetail.aspx?PRID=1885363> (Last modified on December,21, 2022).

3. Government from time-to-time has blocked websites containing child sexual abuse material (CSAM), based on lists from Interpol received through the Central Bureau of Investigation, India's national nodal agency for Interpol.
4. Government has issued an order to Internet Service Providers, directing them to implement Internet Watch Foundation, UK or Project Arachnid, Canada list of CSAM websites/webpages on a dynamic basis and block access to such web pages or websites.
5. The Department of Telecommunications has requested Internet Service Providers (ISPs) to spread awareness among their subscribers about the use of parental control filters, and has also directed ISPs with International Long Distance license to block certain websites found to be containing CSAM²⁶.
6. The Central Board of Secondary Education has issued guidelines on 18.8.2017 to schools on the safe and secure use of Internet. These guidelines direct schools to install effective firewalls, filtering and monitoring software mechanisms in all computers and to deploy effective security policies²⁷.
7. To spread awareness on cybercrime, the Ministry of Home Affairs has taken several steps that include dissemination of messages on cybercrime through the Twitter handle @cyberDost, radio campaigns and publishing of a Handbook for Adolescents/Students.
8. The Ministry of Electronics and Information Technology is implementing the Information Security Education and Awareness (ISEA) Phase-II project to build capacities in the area of information security, train Government personnel and create mass information security awareness for users. Under this, a large number of awareness workshops have been conducted across the country, school teachers trained as master trainers to reach out to crores of users in the indirect mode through Cyber Safety and Cyber Security Awareness Weeks organised in select cities in collaboration with State Cyber Cell / Police departments, mass awareness programmes broadcasted through Doordarshan / All India Radio, bimonthly newsletters published in print and digital mode, and multilingual

²⁶ <https://cybercrime.gov.in/webform/FAQ.aspx>.

²⁷ "CBSE issues cyber rules for schools" Times of India, August 19,2017.

awareness content in the form of handbooks, multimedia short videos, posters etc., which have been disseminated through print, electronic and social media and made available for download on the ISEA awareness portal (www.infosecawareness.in).

9. A memorandum of understanding has been signed between India's National Crime Records Bureau and the National Center for Missing and Exploited Children of the United States of America, for sharing of tipline reports on online child explicit material and child sexual exploitation contents from the said Center. The tip lines, as received from the Center, are shared online with States and Union territories through the National Cybercrime Reporting Portal for further acti²⁸.

V. Conclusion:

In the light of above legal provisions, facts and statements it can be said that obscenity and indecent representation of women in India has rampantly increased due to emergence of Digital Entertainment and OTT platforms in India, which is not in consonance to the cultural fabric of India²⁹. In light of the recent steps taken by the Government in this regard, it can also not be said that the Government is not serious in this regard, rather we can say that the Indian Government is taking effective steps. Recently, Union Minister of Information Broadcasting and Sports and Youth Affairs, Anurag Thakur said that "abusive language in the name of creativity will not be tolerated". "The Government is serious about the complaints of increasing abusive and obscene content on OTT platforms," he told reporters in Nagpur, Maharashtra, according to a statement issued by the ministry. "If there is a need to make any changes in the rules regarding this, the ministry is willing to consider that. These platforms were given freedom for creativity, not obscenity. And when someone crosses a limit, then abusing, rudeness in the name of creativity cannot be accepted at all. Whatever necessary action needs to be taken on this, the Government will not

²⁸ This information was given by the Minister of State for Electronics and Information Technology, Shri Rajeev Chandrasekhar in a written reply to a question in Rajya Sabha.

²⁹ Press trust of India, "Indecent Depiction Of Women On Digital Platforms Proposed To Made Punishable" available on <https://www.ndtv.com/india-news/indecnt-depiction-of-women-on-digital-platforms-proposed-to-made-punishable-1862404> (Last modified on June 05, 2018).

back down from it³⁰". This statement of our Union Minister shows the concern of the Government in this regard and it can be said that India is on the verge of developing a practical and effective regulatory framework to curb the menace of obscenity on the Net.

30 "Government will not tolerate vulgarity in the name of creativity, says IB Minister Anurag Thakur on OTT censorship complaints" Economic Times, March 20, 2023.