



Crime of Obscenity : A Socio-Legal Parameters

Mohd. Shaukat Khan

Research Scholar (Law), Shibli National P. G College, Azamgarh(UP) India

Received- 09.05. 2019, Revised- 20.05.2019, Accepted - 26.05.2019 E-mail: shaukatkhan20566@gmail.Com

Abstract: *Concept of obscenity is something as vague as the concept of beauty is. It is subjective, cryptic and depends upon the taste and orientation of the beholder. This concept has such wide area of discourse that regimenting it to a particular standard would lead to a kind of disservice towards art, literature, free speech, internet etc. The movement of society today concerned with the role played by the media. The unprecedented explosion of science and technology in the field of communication has joined hands with the existing socio-cultural presentation of women as commodities for sale and as an object of beauty and sex to be possessed.*

Key Words: Concept, obscenity, beauty, subjective, cryptic, depends, orientation, beholder.

In the primitive stage of human history, law was embryonic. It was also indistinguishable from religion and ethics. In the primitive societies, communities were small, they lived together in groups owing to the rigors of existence. They evolved their customary law whose dividing lines between religion and ethics was extremely thin.¹

But the growth of national states, the wars, the ideology of the welfare state and the world wide economic activities brought about a plethora of enactments, the subject of jurisprudence becomes gradually disciplined by itself, common law judges and lawyers contributing to a large extent to bifurcation of law and ethics. The law regarding obscenity is a branch of law where law and morality alike claim attention.²

Socio-legal parameters of obscenity- It is a real and cruel fact that the erotic scenes in the films, obscene posters, pictures and use of labels and advertisements very badly pose a serious problem with threats hurting morality and decency in the society. This problem is not only confined to one particular country, but also is global in nature. Hence, this is a world problem. From the very beginning, the women are said to be the tender sex and also the source of inspiration for poets, artists, sculptors and writers as well. It is often said that 'Behind every successful man, there is a woman'. It starts from Kalidasa a legend in Sanskrit literature

Corresponding Author

to William Wordsworth. Every man has truly and beautifully coloured the nature of woman by adding life to the language. But with the pace of the time, women have been, time to time, exploited. They are again utilised for commercial purposes. And also sex-operating obscene pictures and attractive nude posters are publically exhibited in the large hoardings on street corners.

In the contemporary society, it is difficult to confirm and verify obscenity. The reason behind it is that the differentiation between obscenity and vulgarity is not easily feasible. Projecting women in naked postures and visualizing her nude image is really a disrespect to mother community. Because "the womanhood" is neither a commercial commodity, nor a sexual enjoyment oriented object. Rather she is regarded as Shakti and responsible for the upcoming generation. Therefore woman is accepted as the "incarnation of divine mother and acknowledged as the mother," butions of Kausalya, Debaki, Mother Mary and Amina for bringing the power of God as Ram, Krishna, Jesus and Mohammad (SAW) for the welfare of humanity. Hence, there should be strong protest for using woman in obscene postures.

Nowadays, the existing mad competition of "modern fashion, cultural pollution and consumerism attitude are surfacing in the society." The ill effects of western films, cable TVs, exploiting



flow of obscene literature, obscene picture, photo and painting are resulting into sexual crimes. The human conduct is so depraved in society. It is infecting the mass as a whole and the nextgen the future generations of the country.

Now the situation are also fast changing. It is our duty to awaken our society that certain norms should be evolved for the preservation of order and decency with morality. What the standard it adopted by society can not be urged to be perfect. But it may differ from society to society and time to time. The women are misrepresented in posters and paintings. It is the question mark to moralists, legislators and Jurists.

Modern-Age of Obscenity- Now a days, Indian films are flooded with violence, vulgarity, obscenity and so many antisocial activities marring the nextgen particularly. And it is a social fact that Indian films, Electronic media and TV-serials have become common affairs of life. It is surprising and alarming as well that the scenes of nudity, rape, attempt to rape, kissing, embracing, kidnapping for ransom, killing for money and the songs like "Choli ke peechhe kya hai," 'Kudi pat gayee", Paon Bhari Ho Gaya', Ladki Aankh Marre, and many other objectionable songs are in fashion at alarming rate in Indian Films & Cinema. Moreover, TV Serial are also loaded with Kissings and love making. The idea behind projecting the educational Institutions for co-educations gets married because the girl and boy students try to gets married because the girl and boy students try to develop love-affairs among them, has made the situation more critical.

What trend going on in TV serials and film is creative ill effects on human life in different ways. The reason behind it is that the cases of kidnapping and rapes, looting, killing for money and variety of violence against women and children are increasing by leaps and bounds. These the very tendencies

created and developed a feeling of insecurity among people posing a grave challenge to the situation of law and order in the country.

There is least doubt that certain legal provisions have been made to check and control the problems of obscenity, violence and vulgarity in the Films & TV Serials. If these provisions violated, the culprit should be punished under section 16 of the cable Televisions network Act, 1995.

Conclusion- The statute law has not provided any definition either in this country or elsewhere and judicial pronouncements lave not been very illuminating. Trouble however has arisen over how to decide what is obscene. The law of obscenity is based on the presumption that obscene matter can deprive and corrupt those exposed to immoral influences and therefore it is a crime against society. This, however, is not confirming to the security and privacy issues. As very strong and powerful privacy lobby has raised ethical questions about policing the Internet including its censorship and individual choice. These issues will have to be answered in context of growing use, misuse and abuse of Internet, film, TV serials, and many other vulgar martial & songs especially with regard to young, child sexual abuse and pornography in the modern age of India. Martials, sometimes may have the content that is unacceptable to the society, like ironal female nudity is not acceptable in India but it is accepted in USA and UK.

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