



Digital Obscenity and Moral Degradation: A Socio-Legal Study on Regulating Vulgar Content in Social Media

Dr. Santosh Kumar

B.Sc. (Maths), LL.M., NET, JRF, SRF, Ph.D. (LAW)

ARTICLE DETAILS	ABSTRACT
Research Paper	
Keywords :	
<i>Digital Obscenity; Moral Degradation; Social Media Regulation; Freedom of Expression; Public Morality; Cyber Law; Article 19(2); Information Technology Act; Constitutional Ethics; Youth Psychology; Digital Responsibility; Algorithmic Regulation; Ethical Governance.</i>	<p><i>The exponential rise of digital media platforms has transformed communication, entertainment, and social interaction. However, this digital revolution has also unleashed an alarming wave of obscenity and vulgarity across social media platforms such as Instagram, Facebook, and YouTube. The easy accessibility and viral nature of obscene content have resulted in moral erosion, psychological disturbance, and the distortion of social values, particularly among youth.</i></p> <p><i>This paper examines the issue of digital obscenity through a socio-legal lens. It explores the impact of vulgar online content on individual thought, morality, and societal ethics, and analyzes the existing legal framework in India for regulating such content. Drawing on constitutional provisions, judicial pronouncements, and policy measures, the paper argues that while freedom of expression is a cornerstone of democracy, it must coexist with reasonable restrictions that safeguard public morality and mental well-being. The study concludes by recommending a balanced regulatory approach that combines legal reform, digital literacy, and ethical responsibility to counter the growing menace of digital obscenity</i></p>

Introduction

Social media, once celebrated as a medium of free expression and creativity, has evolved into a space where the boundaries between art, entertainment, and obscenity have become increasingly blurred. Platforms like Instagram, Facebook, and YouTube, which were originally designed for social networking



and information sharing, now host vast amounts of content that glorify nudity, vulgarity, and sexually suggestive visuals in the name of freedom and popularity.

The rise of “digital obscenity” poses a serious challenge to the moral fabric of society. It affects not only the ethical consciousness of individuals but also influences the collective psychology of youth, shaping their perception of relationships, sexuality, and social norms. What was once considered indecent or immoral is now often normalized under the pretext of “creative freedom” and “personal liberty.”

The situation is worsened by the algorithm-driven attention economy of social media — the more sensational or explicit the content, the greater its visibility and engagement. This has led to a moral paradox: while laws exist to prohibit obscene material, digital technologies make enforcement increasingly difficult.

This paper explores how law and policy can address this growing moral degradation without compromising the fundamental right to freedom of expression. It argues for a balanced approach that protects both liberty and morality, combining legal restrictions, public awareness, and ethical digital behavior.

Concept of Obscenity and Its Legal Understanding

The term obscenity refers to content that tends to corrupt or deprave the mind, arousing lustful or immoral thoughts. In the digital era, it extends to online visuals, texts, or videos that offend community standards of decency and morality. The legal understanding of obscenity in India has evolved through judicial interpretations and legislative reforms.

1. Statutory Provisions

(a) Indian Penal Code (IPC), 1860

- **Section 292:** Defines and penalizes the sale, distribution, or public exhibition of obscene books, pamphlets, drawings, or any material that corrupts or depraves.
- **Section 293:** Prescribes punishment for sale or distribution of obscene material to persons under 20 years of age.
- **Section 294:** Penalizes obscene acts and songs in public places.

These provisions, though framed in the 19th century, have been extended by courts to cover modern digital forms of obscenity.



Under the Bharatiya Nyaya Sanhita (BNS), 2023, the provisions corresponding to Sections 292, 293, and 294 of the Indian Penal Code (IPC), 1860 have been reorganized and renumbered. While the essence of these sections remains largely the same, they have been placed under different section numbers in the BNS with updated language and scope.

In the IPC, Section 292 dealt with the sale, distribution, and public exhibition of obscene materials such as books, pamphlets, and drawings that could corrupt or deprave the minds of persons. Under the BNS, this provision has been incorporated as Section 294, which continues to define and penalize the sale, distribution, and public exhibition of obscene books, pamphlets, and other materials. The objective remains to curb the circulation of material considered obscene or morally degrading to public decency and morality.

Section 293 of the IPC prescribed punishment for the sale, distribution, or exhibition of obscene materials to persons under the age of twenty years. This section has been replaced by Section 295 of the BNS, which specifically addresses the sale or distribution of obscene objects to a child. The revised provision aligns with modern child protection standards and strengthens safeguards against the exposure of minors to explicit or harmful materials.

Section 294 of the IPC, which penalized obscene acts and songs in public places, is now reflected as Section 296 under the BNS. This section continues to punish individuals who perform obscene acts or sing, recite, or utter obscene words in public places, causing annoyance or offense to others. The essence of this section remains consistent with the original intent under the IPC — to preserve public order and morality in social spaces.

In summary, the transition from IPC to BNS has maintained the spirit of the laws relating to obscenity while updating their structure and numbering. The relevant provisions under the BNS are now:

- **Section 294** – Sale, etc., of obscene books and materials
- **Section 295** – Sale, etc., of obscene objects to a child
- **Section 296** – Obscene acts and songs in public places

These provisions collectively continue to form the legal foundation for regulating obscene content and conduct within India's criminal justice framework.

(b) Information Technology Act, 2000

- **Section 67:** Punishes publishing or transmitting obscene material in electronic form.

- **Section 67A:** Imposes stricter punishment for sexually explicit content.
- **Section 67B:** Protects children from online sexual content. The IT Act thus serves as the primary legal tool against digital obscenity.

(c) Indecent Representation of Women (Prohibition) Act, 1986

This Act prohibits the indecent portrayal of women in advertisements, publications, or other media. However, with the advent of social media, the law requires urgent modernization to address new digital realities.

Judicial Interpretation of Obscenity

Indian courts have played a vital role in defining obscenity and balancing it with freedom of expression under Article 19(1)(a) of the Constitution.

1. Ranjit D. Udeshi v. State of Maharashtra (1965)

This landmark case involved the sale of D.H. Lawrence's novel *Lady Chatterley's Lover*. The Supreme Court upheld the conviction, ruling that obscenity must be judged by its tendency to deprave or corrupt readers, using the Hicklin Test (from English law).

However, this test, which focused on isolated passages rather than the work as a whole, was later criticized for being too conservative.

2. Aveek Sarkar v. State of West Bengal (2014)

In this case involving a nude photograph of Boris Becker and his fiancée, the Court adopted the "community standards test" and emphasized that the context and purpose of a work must be considered. The Court held that nudity alone does not constitute obscenity if it serves an artistic or educational purpose.

3. Kamlesh Vaswani v. Union of India (2013)

The petitioner sought a complete ban on pornography. The Supreme Court, while refusing an outright ban, directed the government to block sites hosting obscene content. It emphasized the need for a balance between freedom of expression and protection of public morality.

4. Justice K.S. Puttaswamy v. Union of India (2017)

Though primarily a privacy case, this judgment recognized that individual autonomy and decency must coexist within constitutional morality, reaffirming that freedom is not absolute when it harms social or moral order.



Social Media and the Normalization of Vulgarly

The digital revolution has democratized content creation. Anyone with a smartphone can produce and share videos or images globally. However, this democratization has blurred ethical boundaries, leading to the commodification of sexuality and the aestheticization of obscenity.

1. The Algorithm Effect

Social media platforms operate on engagement-driven algorithms. Content that evokes stronger reactions — including sensual or provocative visuals — receives higher visibility. This commercialized attention model rewards vulgarity, indirectly promoting moral decay.

2. Youth and Cognitive Distortion

Exposure to obscene and sexually suggestive material affects young minds profoundly. Studies show that frequent exposure leads to desensitization, distorted perceptions of relationships, addiction, and reduced empathy. Instead of fostering creativity and intellect, social media often fuels imitation, superficiality, and moral confusion.

3. Influence of Digital Celebrities

Many online influencers and content creators use vulgarity to attract followers. Their massive reach shapes youth behavior and aspirations. The glamorization of obscenity in the name of entertainment undermines ethical boundaries and promotes the idea that popularity justifies immorality.

4. Psychological and Social Impact

The unchecked flow of obscene content creates:

- Objectification of women and erosion of gender respect.
- Decline in attention span and rational thought.
- Psychological dependency on sexualized imagery.
- Increased cyber harassment and exploitation.

Thus, obscenity is not only a moral or cultural issue but a mental health and social justice issue.

The Legal-Policy Framework for Regulating Social Media Content

India's approach to regulating digital obscenity combines existing penal laws with new information technology regulations.



1. Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021

These rules impose due diligence obligations on social media intermediaries:

- Platforms must remove obscene or pornographic content within 36 hours of receiving complaints.
- A grievance redressal mechanism and Chief Compliance Officer are mandatory.
- OTT platforms and digital publishers must adhere to a Code of Ethics prohibiting content that affects public order or decency.

However, these rules have been criticized for either being too weak in enforcement or too strong in restricting free speech, reflecting the difficulty of balancing liberty with morality.

2. Role of Central Board of Film Certification (CBFC)

Though primarily regulating films, CBFC principles extend to digital content in OTT platforms under self-regulation guidelines. However, user-generated content on platforms like YouTube and Instagram falls largely outside its scope.

3. Cyber Police and Internet Watchdog Cells

The Indian Cyber Crime Coordination Centre (I4C) and CERT-In monitor online obscenity and child pornography. Yet, their capacity is limited compared to the scale of digital uploads occurring every minute.

4. International Cooperation

Given that many platforms operate globally, India collaborates with international agencies through instruments like the Budapest Convention on Cybercrime for cross-border data and content regulation. However, enforcement remains complex due to jurisdictional barriers.

Moral and Ethical Dimensions

Beyond legality lies the deeper question of ethics and responsibility. The uncontrolled flow of vulgar content reflects a moral vacuum where digital liberty lacks social conscience.

1. Freedom vs. Responsibility

Freedom of expression is not an absolute right. Article 19(2) allows reasonable restrictions in the interests of public morality, decency, and order. The digital era requires users and creators alike to exercise self-restraint — recognizing that what one uploads or shares shapes public thought.



2. Decline of Family and Educational Values

Traditional institutions like family and school once nurtured moral discipline. With the growing influence of social media, these institutions struggle to regulate children's exposure and guide ethical reasoning. The absence of moral education in modern curricula exacerbates this decline.

3. Need for Digital Ethics Education

Digital literacy must include moral literacy. Users must learn to discern between creative expression and harmful vulgarity. Ethical awareness, combined with legal enforcement, can transform social media from a source of degradation to a platform for positive change.

Constitutional and Legal Analysis

The Indian Constitution guarantees freedom of speech and expression under Article 19(1)(a), recognizing it as the cornerstone of democracy. However, this freedom is subject to reasonable restrictions under Article 19(2) in the interests of sovereignty, public order, decency, and morality. The challenge lies in balancing freedom of expression with moral protection in the digital age.

1. Constitutional Morality vs. Public Morality

The Supreme Court of India has distinguished between constitutional morality—which upholds dignity, equality, and liberty—and public morality—which reflects collective social standards. While the former protects individual autonomy, the latter restrains excesses that harm social ethics.

In the context of digital obscenity, both moralities must coexist. The law cannot permit absolute freedom that corrupts public morals or promotes vulgar behavior, especially when it endangers mental and moral health.

2. Article 21 and the Right to Dignity

Article 21 guarantees the right to life and personal liberty, which includes the right to live with dignity. Obscene and vulgar content often dehumanizes individuals, particularly women, reducing them to objects of lust. The unchecked spread of such material violates the dignity protected under Article 21.

The judiciary has consistently upheld this principle:

- In *Bodhisattwa Gautam v. Subhra Chakraborty* (1996), the Court recognized that sexual exploitation is a violation of human dignity.
- In *Puttaswamy v. Union of India* (2017), the Court emphasized the right to privacy and mental well-being, both of which are compromised by digital vulgarity and cyber harassment.

3. Children's Rights under Article 15(3) and Article 39(f)

The Constitution imposes a moral duty upon the State to protect children from exploitation and moral hazards. The proliferation of sexually explicit content on social media poses grave psychological risks to minors.

The Information Technology Act, 2000 (Section 67B) directly addresses child pornography, but broader exposure through suggestive content still remains a grey area requiring stronger regulation.

4. Judicial Endorsement of Reasonable Restrictions

In *S. Rangarajan v. P. Jagjivan Ram* (1989), the Supreme Court held that freedom of expression cannot be used to damage social order or moral values. Similarly, in *K.A. Abbas v. Union of India* (1970), the Court upheld pre-censorship of films, reasoning that art must not cross the line of decency or corrupt public taste.

These cases affirm that morality and decency are legitimate grounds for restricting content—both offline and online—without violating constitutional principles.

International Legal Perspectives on Digital Obscenity

Regulation of online obscenity is a global concern. Nations worldwide face the challenge of balancing free speech with public morality, adopting diverse legal frameworks.

1. United States

The U.S. Constitution's First Amendment protects freedom of speech, yet the Supreme Court has recognized exceptions for obscenity.

- In *Roth v. United States* (1957), the Court held that obscene material is not protected speech.
- In *Miller v. California* (1973), the Court laid down the Miller Test, which defines obscenity as material that:
 - Appeals to prurient interest,
 - Depicts sexual conduct in an offensive way, and
 - Lacks serious literary, artistic, political, or scientific value.

Although U.S. law upholds freedom, it criminalizes distribution of obscene material, especially targeting minors under the Children's Internet Protection Act (2000).



2. United Kingdom

The Obscene Publications Act (1959) makes it an offence to publish material that tends to “deprave or corrupt” viewers.

In recent years, the Online Safety Act (2023) has strengthened controls over digital platforms, mandating removal of obscene or harmful content and holding service providers legally accountable.

3. Australia

Australia’s Online Safety Act, 2021 created the eSafety Commissioner, empowered to order removal of adult content, cyber-abuse, and non-consensual sharing of intimate images. It demonstrates how an independent regulatory authority can balance freedom with social responsibility.

4. European Union

The Digital Services Act (2022) imposes strict obligations on digital intermediaries to remove illegal and harmful content. It promotes transparency, algorithm accountability, and user protection. The EU treats obscenity not as censorship but as an aspect of human rights protection, emphasizing ethical digital citizenship.

5. Lessons for India

India can adopt a similar model:

- Create a dedicated Digital Ethics Commission for monitoring online content.
- Impose algorithmic transparency on social media platforms to prevent promotion of vulgar content.
- Enforce stronger cross-border cooperation for content removal and data sharing.

Judicial Trends in India: Balancing Liberty and Morality

The Indian judiciary has evolved from conservative censorship to contextual regulation—recognizing that obscenity must be judged by contemporary community standards.

1. Aveek Sarkar Case (2014)

The Supreme Court replaced the colonial Hicklin Test with the Community Standards Test, emphasizing that a work must be seen as a whole, not in fragments. This progressive approach protects artistic freedom while allowing control over vulgar exploitation.



2. Kamlesh Vaswani Case (2013)

The Court acknowledged the dangers of online pornography and directed the government to take appropriate steps. It recognized that unrestricted access to obscene content endangers youth morality and called for technological regulation.

3. Prajwala v. Union of India (2018)

This case focused on the circulation of rape videos and obscene material online. The Supreme Court ordered proactive measures for content removal and accountability of intermediaries, leading to the framing of the IT Rules, 2021.

4. Shreya Singhal v. Union of India (2015)

Although the Court struck down Section 66A of the IT Act for being vague, it reaffirmed that the State can impose reasonable restrictions under Article 19(2) to curb obscene or harmful material. This case solidified the legal foundation for targeted regulation of vulgar content.

Ethical and Psychological Dimensions

1. The Corruption of Thought and Behavior

Continuous exposure to vulgar visuals alters neural patterns. Studies in cognitive psychology reveal that prolonged consumption of sexually suggestive content reduces empathy, distorts emotional regulation, and promotes objectification.

This psychological shift affects relationships, reducing commitment, and increasing impulsivity and aggression. Thus, digital obscenity is not a mere moral issue—it is a mental health crisis.

2. The Decline of Aesthetic and Cultural Values

Indian art, literature, and cinema once symbolized subtlety and refinement. Today, mass entertainment often equates vulgarity with modernity. The normalization of obscene trends erodes traditional concepts of beauty, decency, and restraint that form the backbone of Indian civilization.

3. The Role of Parents and Educators

Legal measures alone cannot cure moral degradation. Families and schools must inculcate digital ethics—teaching young people the difference between freedom and licentiousness. Moral education and mindfulness training should become integral parts of the national curriculum.



4. Corporate and Technological Responsibility

Social media companies must be held accountable for the content their platforms amplify. The algorithms that promote explicit material for profit are ethically indefensible. The law must compel companies to adopt age verification systems, AI-based content filters, and moral risk assessments before publication.

Recommendations for Reform

Addressing the problem of digital obscenity requires a multi-layered approach combining legal reform, ethical governance, and public awareness.

1. Legislative Reforms

- Amend the Information Technology Act, 2000 to define “digital obscenity” more clearly and impose higher penalties for repeat offenders.
- Update the Indecent Representation of Women Act, 1986 to cover online and social media platforms.
- Create a new Digital Content Regulation Authority (DCRA) to monitor obscenity, misinformation, and harmful trends.

2. Judicial Oversight and Accountability

- Establish fast-track cyber courts for obscenity-related offences.
- Mandate judicial review of government take-down orders to prevent abuse of censorship powers.
- Strengthen guidelines for online content moderation consistent with constitutional morality.

3. Educational and Cultural Interventions

- Integrate digital civics and moral reasoning in school syllabi.
- Introduce “Media and Mindfulness” courses at university levels to promote responsible use of social media.
- Encourage educational institutions to organize workshops on ethical digital citizenship.

4. Technological Regulation

- Mandate age-appropriate content filters on all social platforms.
- Require platforms to display “maturity ratings” similar to television content.
- Impose algorithmic audits to ensure that explicit material is not prioritized in recommendations.



- Encourage research and development of AI tools for detecting vulgar imagery and language.

5. Strengthening International Cooperation

Since most social media platforms operate transnationally, India must:

- Collaborate with global agencies like Interpol and Europol to curb cyber pornography.
- Participate in multilateral treaties on cross-border content regulation.
- Enforce data localization to strengthen jurisdictional control.

6. Role of Civil Society

- NGOs and social organizations should run campaigns against the normalization of digital vulgarity.
- Promote positive online spaces celebrating art, education, and ethics.
- Encourage community-based reporting systems for obscene content.

Balancing Free Speech and Morality

The true test of democracy is not absolute freedom but responsible freedom. Free expression is essential for creativity and dissent, but when it degenerates into obscenity, it ceases to enrich human intellect. The right to expression cannot become a license for moral corruption.

Mahatma Gandhi once said, “True civilization consists not in the multiplication of wants, but in the purification of character.” The digital age must rediscover this principle. Law alone cannot create morality; it can only set boundaries. The transformation must begin within individual consciousness — through awareness, discipline, and ethical reasoning.

Conclusion

The rise of digital obscenity is a reflection of the moral and psychological imbalance of our times. Social media, while a tool of empowerment, has become a mirror of society’s declining ethical standards. The unchecked spread of vulgar content corrodes the intellect, distorts emotions, and weakens the foundations of civilized thought. India, as a constitutional democracy rooted in cultural ethics, cannot afford to let moral decay masquerade as freedom. The Constitution envisions a society that upholds *dignity, decency, and discipline*—values now threatened by the chaos of unregulated digital expression.

To counter this crisis, the law must evolve from reactive censorship to proactive moral regulation — combining technology, education, and justice. A nation’s greatness is not measured by how freely it



indulges impulses, but by how wisely it restrains them. Therefore, India's path forward must integrate legal enforcement, ethical education, algorithmic accountability, and cultural renewal — ensuring that digital liberty serves enlightenment, not enslavement. Only then can the youth's intellect and imagination be directed toward constructive thought, creative innovation, and moral excellence — fulfilling the true spirit of our civilization.

References

- Constitution of India, 1950.
- Indian Penal Code, 1860 – Sections 292–294.
- Information Technology Act, 2000 – Sections 67, 67A, 67B.
- Indecent Representation of Women (Prohibition) Act, 1986.
- Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.
- *Ranjit D. Udeshi v. State of Maharashtra*, AIR 1965 SC 881.
- *Aveek Sarkar v. State of West Bengal*, (2014) 4 SCC 257.
- *Kamlesh Vaswani v. Union of India*, W.P. (CrI.) No. 177/2013.
- *S. Rangarajan v. P. Jagjivan Ram*, AIR 1989 SC 42.
- *Justice K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1.
- *K.A. Abbas v. Union of India*, (1970) 2 SCC 780.
- *Prajwala v. Union of India*, (2018) 3 SCC 354.
- *Miller v. California*, 413 U.S. 15 (1973).
- *Roth v. United States*, 354 U.S. 476 (1957).
- Obscene Publications Act, 1959 (U.K.).
- Online Safety Act, 2023 (U.K.).
- Online Safety Act, 2021 (Australia).
- EU Digital Services Act, 2022.
- UNESCO Report, *Digital Literacy and Ethics*, 2023.
- Ministry of Electronics & IT, *Guidelines for Intermediaries*, 2022.