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With this thought, we hereby present to you

W H I T E B L A C K
L E G A L

EVOLUTION OF BOUNDARIES OF OBSCENITY
IN THE 21ST CENTURY: EXPLORING THE
INTERSECTION BETWEEN BODILY
AUTONOMY AND OBSCENITY LAWS IN LIGHT
OF RECENT JUDICIAL PRONOUNCEMENTS

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ABSTRACT

This research paper investigates the evolving boundaries of obscenity in the 21st century, particularly in the context of the intersection between bodily autonomy and obscenity laws, as highlighted by recent judgements. Firstly, this paper will understand the concept of obscenity, including the offense of obscenity within the Indian legal framework. Secondly, this study will understand the right of women to self-determination and bodily autonomy, and how the exercise of such right has been historically limited for women. Thereafter, this study will then generally explore the intersection between obscenity and bodily autonomy, and how the definition of the term “obscenity” has evolved with the progressing society and changing attitudes. In order to deeply understand this intersection, this paper will then explore various judicial pronouncements which have been given by the Indian courts whereby it is demonstrated that the boundaries of obscenity are evolving and that the application of laws governing obscenity need to take the same into consideration. This paper will examine the judgements of the Rehana Fathima case of 2020 and the Grihalakshmi Magazine Cover case of 2014, both before the High Court of Kerala.

KEYWORDS – bodily autonomy, obscenity

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INTRODUCTION

“Obscenity”, criminalized under the Indian legal system, is a concept which is ever-evolving in line with changing societal attitudes and values. This study aims to understand the intersection between bodily autonomy and obscenity in light of a changing society. While it is acknowledged that historically, a woman exercising her right to bodily autonomy and depicting her body according to her wishes in a manner which goes against societal norms has been deemed as obscene and indecent, it is seen that in recent years, what is considered as obscene has changed in the eyes of the society as well as the legal system. This change can be attributed to changes in societal attitudes and values, as a result of a number of factors such as westernization, globalization, etc. This exploration seeks to understand how the legal boundaries of the concept of “obscenity” have transformed in light of changes in societal thinking and norms. To understand the same, this paper will be examining two recent judgements which have been considered to be of significant importance in the landscape of obscenity and the right of women to bodily autonomy. This paper will examine judgements given in the case of Rehana Fathima in 2020 before the Kerala High Court, a case which arose from a controversial video posted on social media where a child was painting on his mother’s nude upper body, and another case also before the Kerala High Court in 2014 regarding whether a magazine cover with a picture of a woman breastfeeding constitutes obscenity. The progressive judgements passed in these cases will be examined to understand the evolving boundaries and definition of obscenity in the 21st century and the socio-legal implications of the judgements with regards to interpretation and enforcement of obscenity laws pertaining to bodies of women.

OBSCENITY: CONCEPT & LEGAL FRAMEWORK

The term “obscene” is used to describe something which is “offensive to morality or decency” or something which causes “uncontrolled sexual desire”².

“Obscenity” has not been explicitly defined by any statute in the Indian legal framework. In light of the same, various courts of India have highlighted the lack of clarity when it comes to the meaning of the term and subsequent difficulties which arise as a result. They have attempted to define the term, while laying down certain principles and guidelines to judge and determine obscenity. In the case of *Ranjit Udeshi v. State of Maharashtra*³, the Supreme Court highlighted that the Indian Penal Code, 1860 does not define

² “Obscene”, Dictionary.com, <https://www.dictionary.com/browse/obscene>

³ 1965 1 SCR 65

the word “obscene”. The Court put forth that the term “obscenity” refers to the “quality of being obscene, which means offensive to modesty or decency; lewd, filthy and repulsive”. The Court referred to the Hicklin test laid down in *Regina v. Hicklin*⁴, which determines obscenity on the basis of “whether the tendency of the matter charged as obscenity is to deprave and corrupt those whose minds are open to such immoral influences”. The High Court of Kerala in the case of *Rehana Fathima v. State of Kerala*, has comprehensively understood the term “obscenity”. Firstly, highlighting how the term has not been defined in any statutes, the Court referred to Black’s Law Dictionary which defines the word as indicating something which is “extremely offensive under contemporary community standards of morality and decency; grossly repugnant to the generally accepted notions of what is appropriate”. The dictionary further describes the concept as “the character or state of being morally abhorrent or socially taboo, especially as a result of referring to or depicting sexual or excretory functions”.

The concept of obscenity is governed by various statutes within the Indian legal system, including the IPC. Section 292 of the IPC makes obscenity a punishable offense in stating that any “*book, pamphlet, paper, writing, drawing, painting, representation, figure or any other object, shall be deemed to be obscene if it is lascivious or appeals to the prurient interest or if its effect, or (where it comprises two or more distinct items) the effect of any one of its items, is, if taken as a whole, such as to tend to deprave and corrupt persons, who are likely, having regard to all relevant circumstances, to read, see, or hear the matter contained or embodied in it*”. Certain other legislations such as the Indecent Representation of Women (Prohibition) Act, 1986, Cable Television Networks (Regulation) Act, 1995, Cinematograph Act, 1952, the Young Persons (Harmful Publication) Act, 1956 and the Information Technology Act, 2000 include provisions relating to obscenity. The Indecent Representation of Women (Prohibition) Act prohibits the indecent and improper depiction of women, the Young Persons (Harmful Publication) Act restricts publication of matters which may corrupt a child or young person’s mind or incited them into committing violent crimes, and the Information Technology Act limits circulation of materials in electronic forms which are lascivious in nature or may appeal to lewd interests⁵.

SELF-DETERMINATION & BODILY AUTONOMY: AN OVERLOOKED RIGHT

⁴ 11 Cox C.C. 19 (1868)

⁵ Jindal, A. and Gupta, S., ‘Obscenity or Absurdity: The Unclear Laws in India’, *The Haryana Police Journal*, Vol. 3 (2020) https://haryanapolice.gov.in/policejournal/pdf/obscenity_absurdity.pdf

Bodily autonomy, often referred to as the right of self-determination as well, describes the right of persons to be able to freely make decisions about their own bodies without external influence, constraint, coercion, violence and discrimination. Put simply, bodily autonomy is the right to governance over one's own body⁶. While the concept of bodily autonomy is often spoken about in the context of reproductive rights, the right also entails the freedom to depict one's body as desired, including within its ambit the right to make decisions about appearance and body representation.

Historically, women have not been duly recognized as holders of this particular right and they have faced numerous challenges in terms of being acknowledged as right holders of this fundamental right. Firstly, women have been endlessly objectified and judged on the basis of their physical appearance, with their skills, personality and character not being given due consideration. Secondly, women have been fighting in the, what seems to be never-ending, battle for reproductive rights, as laws and societal norms have restricted their access to abortion, contraception, reproductive healthcare, all undermining their autonomy over their own bodies and reproductive choices. Furthermore, women have been subjected to constant sexualization and scrutinization of their bodies, in ways that men typically do not experience. Women are commonly made to submit to certain standards when it comes to clothing and modesty, limiting their freedom of expression in terms of how they wish to dress themselves. In case they do not conform to such societal standards, they face the social consequences of scrutiny, judgement, stigmatization, etc. Such challenges – objectification, lack of reproductive rights, sexualization, double standards, etc. act as significant hinderances in the path of women being properly recognized as holders of the right to bodily autonomy.

In the recent years, bodily autonomy has gained increased attention and has emerged as a prominent topic in the arena of human rights, reflecting a growing recognition of individual's right to self-determination over their bodies. Activists worldwide have and are continuously founding movements to establish bodily autonomy as a fundamental human right, emphasizing the right to make decisions regarding reproductive health, the freedom to depict one's body without being subjected to objectification and sexualization, representation of their bodies without scrutiny in light of unrealistic beauty standards, while promoting body positivity, inclusivity, and liberation.

The global discussion on the topic of bodily autonomy has incited several responses from the United Nations. In 2017, the UN Human Rights Office of the High Commissioner constituted a working group on the issue of discrimination against women in law and in practice. The working group presented on women's

⁶ Christia, K, "What is Bodily Autonomy", The Good Trade (2022)
<https://www.thegoodtrade.com/features/reclaiming-body-autonomy-for-women/>

autonomy, citing Articles 3 and 17 of the International Covenant on Civil and Political Rights, 1966, recognized that “the right of a woman or a girl to make autonomous decisions about her own body and reproductive functions is at the very core of her fundamental right to equality and privacy, concerning intimate matters of physical and psychological integrity”⁷. In 2022, Executive Director of the UN Population Fund gave a presentation during the 66th session of the Commission on the Status of Women, whereby she talked extensively on the concept and fundamental right of bodily autonomy. She firstly highlighted that bodily autonomy is often construed as a taboo, even in “the most progressive societies”. She described the concept as meaning, “my body is for me; my body is my own. It’s about power, and it’s about agency. It’s about choice, and it’s about dignity”. She recognized that “societies flourish when women and girls are empowered to exercise their bodily autonomy. Yet, many are still denied this basic right”⁸.

As mentioned, bodily autonomy extends beyond reproductive rights, and encompasses notions of self-representation and body positivity. Activists seek to create spaces where individuals can represent themselves authentically, free from scrutiny or judgement on the basis of their appearance. This form of activism is often seen on various social media platforms, whereby creators encourage individuals to accept embrace their bodies as they are, while promoting the message of changing the culture of objectification and sexualization of female bodies. Besides social media activism, activists have utilized various methods including art to empower women to reclaim control over their own representation and reshape narratives on beauty and identity within societies. An artist to note is Tracey Emin, a British artist who works with mixed media, creating norm-challenging pieces relating to the themes of sexuality, female representation, and gender roles.

This study will be particularly focusing on body representation as a facet of women’s bodily autonomy. Body representation refers to the freedom to present one’s body in the manner they choose to. This includes physical appearance, clothing, demeanour, actions, forms of creative expression, etc. The right to bodily autonomy includes within its scope the ability of a woman to be able to depict and represent her body authentically and in the manner of her choice, without fear of judgement, scrutiny, objectification or sexualization.

⁷ Working group on the Issue of Discrimination Against Women in Law and In Practice, (2017), “Women's Autonomy, Equality and Reproductive Health in International Human Rights: Between Recognition, Backlash and Regressive Trends”, UN Office of the High Commissioner for Human Rights, <https://www.ohchr.org/sites/default/files/Documents/Issues/Women/WG/WomensAutonomyEqualityReproductiveHealth.pdf>

⁸ “Bodily Autonomy: A Fundamental Right” (2020) United Nations Population Fund, <https://www.unfpa.org/press/bodily-autonomy-fundamental-right>

THE INTERSECTION OF BODILY AUTONOMY & OBSCENITY

The intersection of bodily autonomy and obscenity highlights a complex dynamic wherein society often combines women's exercise of bodily autonomy with notions of obscenity, with women asserting control over their own bodies by depicting and representing themselves in the way they wish to often being viewed as "obscene" by society. Body representation as a means of promoting bodily autonomy in women is frequently misconstrued and labelled as obscene by society. When women claim ownership over their bodies by choosing how to represent themselves, whether it be through clothing, art, photography, or other modes of expression which showcase women embracing their sexuality, displaying confidence in their bodies, challenging conventional beauty standards and societal norms, they often encounter societal backlash, which considers such acts as indecent, inappropriate or provocative. Such labelling and misconception stems from and reflects deeply ingrained patriarchal norms which seek to regulate and moral police women's bodies and actions, particularly when they deviate from societal norms and prescribed standards of morality. Depictions of women's bodies and expressions of bodily autonomy are frequently subjected to scrutiny and censorship in the name of "obscenity", reinforcing the harmful culture of not granting women the same independence men enjoy in terms of decision-making and body representation. A woman exercising her right to bodily autonomy being perceived as "obscene" stifles women's freedom of expression and self-determination, while perpetuating stigmas surrounding women's bodies and their rightful ownership over them.

EVOLUTION OF OBSCENITY: NAVIGATING THE INTERSECTION WITH BODILY AUTONOMY IN A CHANGING SOCIETY

As society evolves, the relationship between bodily autonomy and obscenity has changed as well. The concept of "obscenity" has evolved significantly with changing times, reflecting the change in societal attitudes and values. For example, what was considered obscene in one era may be accepted or even celebrated in the current era. As societal norms have expanded and evolved to include notions of inclusivity, diversity, gender equality, individual autonomy, and freedom of expression, the definition and boundaries of obscenity have become increasingly blurred and subjective in nature. The changes in societal attitudes towards women and notions of gender equality, in particular, recognizing the right of women to individual autonomy and freedom of representation and expression, has contributed to a change in what the term "obscenity" encompasses. Traditional and conservative values and norms regarding decency and morality have been challenged and transformed over time, with new ideas and attitudes towards sexuality, gender

roles and expression being introduced and inculcated in the population.

As society continues to evolve, navigating the intersection of bodily autonomy and obscenity continues to be complex. But, it is clearly observed that with societal attitudes evolving, in light of modernization and westernization, the concept and boundaries of “obscenity” have changed alongside the transforming society.

EVOLVING JURISPRUDENCE: JUDICIAL PRONOUNCEMENTS ON OBSCENITY & ADAPTIVE LEGAL BOUNDARIES

This section will be exploring certain judicial decisions regarding obscenity which portray the evolving jurisprudence and adaptive legal boundaries surrounding issues of morality and expression in the 21st century. In the recent years and amid a rapidly changing society, the Courts of India have dealt with questions regarding what constitutes obscenity and which actions may be punishable under the law as violating provisions which have been put in place in interest of the larger public. These decisions highlight the evolution from traditional to modern values and shed a light on the shifting attitudes towards gender equality and sexuality in India.

Rehana Fathima Case

In 2020, Rehana Fathima, a 33 year old prominent women’s rights activist who gained significant attention while being one of the 2 women in 2018 to attempt to enter the Sabrimala Temple in Kerala after years of being vocal against body discrimination, “moral policing” of women and participating in various protests against sexism⁹, posted a video which went viral soon thereafter, displaying her two children, her 14 year old son and 8 year old daughter, painting on her semi-nude upper body. She uploaded the video under the hashtags “body”, “art”, and “politics” and with a caption expressing the real agenda behind the video, which was meant to discourage the default mindset of society which sexualizes and objectifies the female body,¹⁰ and display how she was attempting to normalize natural female bodies among her children and instil sexual

⁹ Teotia, R. “Who is Rehana Fathima, activist who won “nudity” case in Kerala High Court?”, Wion News (2023) <https://www.wionews.com/india-news/who-is-rehana-fathima-activist-who-won-nudity-case-in-kerala-high-court-what-was-the-case-all-about-601664>

¹⁰ “Kerala HC quashes case against activist Rehana Fathima”, ET Legal World, the Economic Times (2023) <https://legal.economicstimes.indiatimes.com/news/litigation/kerala-hc-quashes-case-against-activist-rehana-fathima/100848025>

consciousness in them¹¹.

The post triggered widespread outrage as people regarded the video as Fathima subjecting her children to obscenity and vulgarity, implying an element of sexual intent being to be present. Subsequently, Fathima was arrested as a result of the police registering an FIR against her as a result of public outcry, alleging offences under various sections of the Protection of Children from Sexual Offences Act, 2020 (POCSO), Juvenile Justice (Care and Protection of Children) Act, 2015, and the Information Technology, 2000. The final police report was filed at the Additional Sessions Court, Ernakulum. Fathima, after 15 days in jail, was subsequently released on bail. Thereafter, she filed an application for discharge from the case under Section 227 of CrPC, arguing that there was no sufficient ground for trial to proceed against her. She stated her actions to be “a form of self-expression and an attempt to break free from social and cultural taboos that constrain women’s bodies”. Her application was dismissed by the trial court. Fathima appealed such order before the High Court of Kerala.

Before the High Court of Kerala, the main question being determined by the Court was whether there was any sexual intent on the part of the petitioner, Fathima, in the acts shown in the video. The Court recognized the following arguments of Fathima – “she argues that the naked body is the response to a controlling, sexually frustrated society. According to her, no child who has grown up seeing his mother’s nakedness and body can abuse another female body. She believes children will mature to view the body as a different medium altogether rather than seeing it as a sexual tool alone. She asserts that the body art was meant as a political statement against the default view of society that the naked upper body of the female is sexualized in all contexts, whereas the naked male upper body is not treated to this default sexualization. She wanted to challenge this double standard prevailing in society. She claimed that she uploaded the video with these intentions which are clear from the detailed message attached to the video”.

The High Court of Kerala in 2023, while acquitting Rehana Fathima of the charges, delivered a landmark judgement upholding a women’s bodily autonomy. It was firstly stated that “the body is the most fundamental space over which an individual shall have autonomy. Body autonomy that allows individuals the freedom to make their own choices about their bodies is a natural right and part of their liberty. Every individual is entitled to the autonomy of his/her body – this is not selective on gender. But we often find this right is diluted or denied to the fairer sex. The autonomy of the male body is seldom questioned, while the body autonomy of women are under constant threat in a patriarchal structure”.

¹¹ Padhmanabhan, P. “Rehana Fathima case: A problematic bail order”, The Leaflet (2020)
<https://theleaflet.in/rehana-fathima-case-a-problematic-bail-order/>

After assessing Fathima's arguments mentioned above, the Court highlighted the track record of the activist and the causes she has advocated for. It was emphasized that the video uploaded by Fathima must be looked at in the context of her previous activities and the message accompanying the video as well. In light of these factors, the Court, in understanding the purpose of the post, stated the video to be displaying "body painting as an artistic form of protest against sexualized portrayal of the naked upper body of a woman and to express her views on bodily autonomy and the emancipation of women". Understanding the true purpose of the video was important for the Court in examining whether there was any sexual intent present on the part of the petitioner. The Court observed the innocence in the actions of the children, as they requested their mother to paint on her body after finding body painting fascinating. It was emphasized by the Court that "there is nothing wrong with a mother allowing her body to be used as a canvas by her children to paint to sensitize them to the concept of viewing nude bodies as normal and thinking about them as more than just sexual objects. Such an act cannot be termed as to be one which is done with sexual intent". Therefore, it was held that there is no indication that the petitioner partook in the act with any sexual intent.

Moreover, in line with the meaning of the term "obscenity" explored by the Court as above-mentioned, it was held that the depiction of nudity in the video posted by Fathima cannot be considered obscene or indecent as, by reason of body paint covering her breast and her bare chest not being shown on the video, "it can never arouse any sexually explicit feeling in the mind of a prudent man". It further commented that obscenity, being subjective in nature, is in the eyes of the beholder, similar to the notion that beauty is in the eyes of the beholder.

Furthermore, the Court upheld a woman's right to bodily autonomy in recognizing such right as falling under various constitutional provisions. The Court observed that the right of a woman to make autonomous decisions about her body is at the very core of her fundamental right to equality, privacy as well as personal liberty guaranteed by the Constitution. It further referred to the cases of *Joseph Shine v. Union of India*¹², whereby the Supreme Court highlighted that women's autonomy as a facet of human dignity, and the case of *KS Puttaswamy v. Union of India*¹³, where the Supreme Court declared bodily autonomy to be an integral part of the right to privacy. The Court also examined the precedents of *Ranjit D. Udeshi v. State of Maharashtra*¹⁴ and *Aveek Sarkar v. State of West Bengal*¹⁵, which are explored further on in this study.

¹² (2019) 3 SCC 29

¹³ AIR 2017 SC 4161

¹⁴ (1965) 1 SCR 65

¹⁵ (2014) 4 SCC 257

The Court, in rejecting the contentions of the prosecution that the naked upper body of the petitioner renders the video obscene and indecent, sparked the statement from the Court that “nudity and obscenity are not always synonymous. It is wrong to classify nudity as essentially obscene or even indecent or immoral”. It was further stated that, “nudity should not be tied to sex. The mere sight of a naked upper body of the woman should not be deemed to be sexual by default. So also, the depiction of the naked body of a woman cannot per se be termed as obscene, indecent, or sexually explicit”. Furthermore, the Court addressed the intention of the petitioner in creating a video which exposes the double standard prevalent in society, whereby body art on men during religious rituals and men walking around without shirts are considered normal rather than obscene or decent while female bodies are not treated the same way and are instead sexualized and considered taboo¹⁶.

Therefore, in determining that the video was not obscene or indecent in nature, the Court absolved Rehana Fathima of all charges proposed by the prosecution while giving importance to the context in which the video was posted and the message it aimed to convey to the public at large. The Court recognized that what started out as an innocent body art project for a mother with her kids turned out to be a criminal act in the eyes of the society and highlighted that the message of Rehana Fathima that there needs to be nothing sexual or offensive about the naked female body.

Grihalakshmi Magazine Cover Case

In 2018, Malayalam magazine, *Grihalakshmi*, released an issue with the cover of the magazine being a woman breastfeeding a baby with the caption, “don’t stare, we have to breastfeed”. A citizen filed a writ petition before the Kerala High Court that the magazine cover violates certain provisions of POCSO and Juvenile Justice Act as the woman on the cover was not the mother of the child but a model, and the Indecent Representation of Women (Prohibition) Act, and Article 39(e) and (f) of the Constitution of India.

The Court placed significant emphasis on the fact that the concept of “obscenity” is vague and indefinite. It firstly highlighted the subjective nature of the concept of “obscenity” in stating that, “what may be obscene to some may be artistic to other; one man’s vulgarity is another man’s lyric” and further, “as the beauty lies in the beholder’s eye, so does obscenity”.

¹⁶ Rehana Fathima v. State of Kerala CrI. Rev. Pet No. 433 OF 2022, Available at: https://www.livelaw.in/pdf_upload/2044000043320226-475061.pdf

This Court heavily relied upon two judgements which were also referred to in Rehana Fathima's case, *Ranjit Udeshi v. State of Maharashtra* and *Aveek Sarkar v. State of West Bengal*. The case of Ranjit Udeshi was referred to by the High Court in understanding the meaning of the term "obscenity". In declaring that mere sex and nudity does not amount to obscenity, the Court referred to the Hicklin test. In the case of Aveek Sarkar, the Supreme Court abandoned the Hicklin test. The Supreme Court referred to the American case of *Roth v. United States*¹⁷ which put forward that a "picture of a nude/semi-nude woman cannot per se be called obscene unless it has the tendency to arouse feeling or revealing an overt sexual desire. The picture should be suggestive of deprave mind and designed to excite sexual passion in persons who are likely to see it, which will depend on the particular posture and background in which the nude/semi-nude woman is depicted". Subsequent to the Aveek Sarkar case, the "contemporary community standards test", for determining obscenity, adopted from the Roth v. USA case, became popular. The High Court of Kerala commented that the shift from the Hicklin test to the named test represents a shift from the test determining "tendency to deprave or corrupt" to a test which examines the work as a whole and whether such work appeals to "prurient" or lewd interests. The Court also referred to the judgement in *Bobby Art International v. Om Pal*¹⁸, where the Supreme Court observed that nakedness does not always arouse the "baser" or vulgar/immoral instinct.

On observation of such factors and precedents, the High Court dismissed the writ petition declaring that the magazine cover is not obscene. It placed great reliance on the Aveek Sarkar case, as it observed in light of the contemporary community standards test that the magazine's cover posture and background setting is not "prurient or obscene; nor even suggestive of it". It was commented that, "we do not see, despite our best efforts, obscenity in the picture" and that the sections relied on by the petitioner failed to convince the Court that the publishers of the magazine had committed any offense relating to morality.

ANALYSIS

Through the examination of two landmark cases, it becomes evident that the judiciary has not only played a pivotal role in reshaping the legal understanding of "obscenity", particularly concerning nudity and body representation, but has also reflected the changing attitudes and values towards the concept of "obscenity" within the Indian society. In these cases, the Court has issued progressive judgements that have expanded

¹⁷ 354 US 476 (1957)

¹⁸ (1996) 4 SCC 1

the boundaries of what constitutes obscenity, emphasizing that nudity does not inherently equate to obscenity. Such rulings mark a significant change in attitudes and legal interpretation from earlier times, during which nudity was often viewed as indecent and obscene. By asserting that nudity does not automatically violate legal or societal standards of decency, these decisions reflect a shift towards recognition of bodily autonomy and freedom of expression.

These judicial pronouncements highlight various important aspects with respect to a woman's right to bodily autonomy. Firstly, it upheld the right of women to body representation – asserting that a woman has the right to decide how she wants to represent or depict her body. The decisions of the Court recognized that women can depict her body in whichever manner, without it being deemed as overtly sexual or obscene. Secondly, the decisions of the Court depicted the shift in attitude in India, which has historically been a society with traditional and conservative values, but is now growing to accept notions that nudity does not always amount to obscenity, and that women have the right to display their bodies without it constituting an offence. A society which has historically disapproved of women showing skin, has accepted the same in these cases in recognition of rights of women to bodily autonomy, self-determination and the right to creatively and express themselves with their bodies without having to be subjected to objectification or sexualization. Furthermore, the decisions of the Court pushes the Indian society to continue evolving and moving away traditional notions of obscenity and advocating for greater gender equality and individual freedom. These decisions are indicative of a social and legal shift towards a more progressive understanding of gender roles, sexuality and rights of women. By affirming women's right to bodily autonomy and self-expression, these rulings contribute to the dismantling of patriarchal mindsets which have historically constrained women's autonomy over their own bodies.

CONCLUSION

Through examination of the above cases, it is understood that the concept of “obscenity” has evolved over time, in a legal and social sense. The explored judicial decisions display that, while women exercising their right to bodily autonomy and attempting to express and represent their bodies in a manner which aligns with their personalities and causes does cause commotion within societies as individuals push for such acts to be punished under obscenity laws, the judiciary promotes progression in societal attitudes and legal understanding of the concept of obscenity. With these pronouncements, it is displayed that the legal boundaries of “obscenity” are expanding to include within its ambit recognition of the right of women to exercise their right to bodily autonomy, including their freedom to present their bodies in a manner of their choice, even if it means depiction of their naked body.