

The background of the journal cover features a top-down view of a desk. On the left, a pair of black leather brogue shoes is partially visible. In the center, an open notebook with lined pages and a silver pen lies on a light-colored wooden surface. To the right, a black leather bag with a zipper and a black leather watch with a silver face are also visible. A large, semi-transparent white rectangular box is centered over the image, containing the journal's title and ISSN information.

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AIM & SCOPE

The aim of *White Black Legal – The Law Journal* is to promote excellence in legal research and to provide a credible academic forum for the analysis, discussion, and advancement of contemporary legal issues. The journal encourages original, analytical, and well-researched contributions that add substantive value to legal scholarship.

The journal publishes scholarly works examining doctrinal, theoretical, empirical, and interdisciplinary perspectives of law. Submissions are welcomed from academicians, legal professionals, researchers, scholars, and students who demonstrate intellectual rigour, analytical clarity, and relevance to current legal and policy developments.

The scope of the journal includes, but is not limited to:

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- Cyber Law, Artificial Intelligence, and Emerging Technologies
- Family Law, Labour Law, and Social Justice Studies

The journal accepts original research articles, case comments, legislative and policy analyses, book reviews, and interdisciplinary studies addressing legal issues at national and international levels. All submissions are subject to a rigorous double-blind peer-review process to ensure academic quality, originality, and relevance.

Through its publications, *White Black Legal – The Law Journal* seeks to foster critical legal thinking and contribute to the development of law as an instrument of justice, governance, and social progress, while expressly disclaiming responsibility for the application or misuse of published content.

INDIA'S GOT OBSCENITY!!!

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The recent controversy in Samay Raina's show attracted humor, obscenity and legality. The show named India's Got Latent was hosted by Samay Raina, which was marketed as a parody show of India's Got Talent. In the show, a contestant had to perform an act of own choice and later that act was judged by some guests called by the host of the show and also, they made some comment/s, on an interest sheet provided to the judges, which could be sometimes bold comments. Videos of the episodes of the show were uploaded by the host out of which - one was for paid subscribers and the other was for free access by the public on YouTube.

On February 10, 2025, Samay called some guests to judge the contestants and youtuber Ranveer Allahbadia was one of them. That was a bonus episode of India's Got Latent in which Ranveer posed a controversial question to a contestant: "Would you watch your parents having s*x every day for the rest of your life or join in once to make it stop forever?" This question attracted controversy on social media as well as news and it led to various legal controversies. The National Commission for Women and various political leaders filed FIR against Allahbadia as well as host of the show - Samay Raina. On February 10, 2025, Assam Chief Minister Himanta Biswa Sarma announced that Guwahati police had registered an FIR against individuals which included all judges of the said show - Ranveer Allahbadia, Ashish Chanchlani, Jaspreet Singh and Apoorva Mukhija. The said FIR was filed for "promoting obscenity and engaging in s*xually explicit and vulgar discussion on the show." Along with this, Maharashtra Cyber Police had registered an FIR against the same individual. This action was taken under section 67 of the IT Act, 2000 which restricts the transmission of obscene material in electronic form.

For the complaint filed in Maharashtra, Cyber Police summoned the accused for questioning and recorded their statements. The Assam Police visited Samay Raina's residence in Pune to serve a notice, requesting his appearance in Guwahati for further investigation. So

basically, the controversy attracts various sections under various acts. First of all, section 292 of the IPC (which is section 294 of BNS) which prohibits sale, distribution, or public exhibition of obscene content. Here the term obscene is not defined properly which involves judicial interpretation.

Hon'ble Supreme Court in the case of "Aveek Sarkar vs. State of West Bengal (2014)" interpreted the word obscenity and adopted the "Contemporary Community Standard Test", stating that material must be judged, to be obscene, from the perspective of an average, reasonable person and its entirety. If a work has literary, artistic, or social value, it may not qualify as obscene. Further, it also involves section 67 of the IT Act, 2000 which criminalizes publishing or transmitting obscene material in electronic form. Punishment under the section includes imprisonment as well as fines. The next one is central concern of Article 19(1)(a) of the Constitution of India which guarantees Freedom of Speech and Expression and Article 19(2) allows the state to impose reasonable restrictions for that freedom under various circumstances.

In response to the same controversy, Hon'ble Supreme Court of India on February 18, 2025 while dealing with multiple FIRs filed against Ranveer across Maharashtra, Assam and Rajasthan, granted him an interim protection from arrest. This protection involved many conditions such as he was directed to surrender his passport and prohibited from leaving the country. Ranveer and others were also barred from publishing new shows on YouTube or other platform/s until further orders. During the proceedings, Hon'ble Justice Surya Kant (current Chief Justice of India) remarked on the nature of content by stating that, "there was something that is dirty in his mind that has been vomited by way of this program." Further on March 3, 2025, the Supreme Court, allowed Ranveer Allahabadi to continue his podcast named 'Beer Biceps' subject to some conditions like adherence to morality and decency and also required Ranveer to furnish an undertaking that his content would maintain public morality and decency standards. The court also issued a warning to Samay Raina for mocking legal proceedings during a standup performance in Canada. Hon'ble Justice Surya Kant (current Chief Justice of India) criticized this behaviour by stating that, "these young and over smart ones think they know more than this...One of them went to Canada and spoke about all this. Possibly, they do not know the jurisdiction which this court enjoyed."

When looked at the controversy, the controversial statement given by Ranveer on the

show was not like original creation. The same question previously featured in an episode of 'OG Crew's Truth or Drink' series. This series involves asking each other bold and sometimes uncomfortable questions and they have option to answer truthfully or take a drink. But in that show, the question was presented as part of consensual, adult oriented game intended for the purpose of entertainment for a specific audience. There is nothing, like OG crew facing legal consequences for this content due to cultural differences or maybe we can say different legal standards for the obscenity and also it involves comedic and voluntary nature of exchange. But when it comes to the statement given by Ranveer, it attracted legal consequences given that legal standards in India set for obscenity are very different and we can also say something like there is a consensual interaction between the judges and contestants of the show.

It is also critical to note that India's Got Latent was not streamed on public broadcasting platform but it was a part of YouTube's paid members only service. So here a question arises that, by subscribing to the paid members only service, you are giving your consent or not? If this question is to be answered, the answer would probably be 'yes', because when you are subscribing to a show you know the context, roast format, and the other things about it. So, this could be a consent of adults who voluntarily engaged in a comedy show and they know there could be some bold jokes and question - answers. Further does by giving the consent, it really weakens the argument of public obscenity? If we see the jurisprudence laid down by the Supreme Court about obscenity and cultural nature, the answer may be 'no'.

YouTube, despite offering paid members service only, remains a publicly available platform which is accessible to minors with some restrictions. Unlike the films are regulated by CBFC, platforms like YouTube and OTT do not have many strict legislations. This incident once again highlighted the lack of active mechanism for filtering adult content on freely accessible platforms. While YouTube offers age restriction, it is applied inconsistently. Also, the incident failed to pass the "Contemporary Community Standard Test" set by the Hon'ble Supreme Court in the case of "Aveek Sarkar vs. State of West Bengal (2014)" which considers perspective of an average, reasonable person assessing the material as a whole. Also, when it comes to cultural sensitivity, India has diversification in morality. It is a country where humor involving incest, disability or s*xually explicit content may trigger legal and societal problems.

On the other hand, this show should be viewed through the constitutional perspective under article 19(1)(a), which protects the right of freedom of speech and expression. The show

was also hosted in private members only section of YouTube, accessible to only paying subscribers and all participants were consenting to adult nature who were familiar to the roast format of the show. In this context, the content was neither public nor non-consensual. Additionally, there was no evident mens rea or criminal intent. The controversial joke was adopted from a show named 'Truth or Drink' hosted by Australia's OG Crew, which faced no legal consequences.

India's Got Latent controversy highlighted the challenge at intersection of digital creativity, societal norms and the law. While creators' intent was comedic and it was only for the purpose of entertainment but their execution was lacking of due diligence, particularly for ensuring that content was not easily accessible for the general public including minors. The controversy also reflects culturally different views as it was considered humorous by some people and deeply offensive and obscene by the other section. In such diverse society, the burden on digital content creators is much large. They must know how to balance these cultural and moral sensitivities. Where Article 19(1)(a) provides freedom of speech and expression, the right is not an absolute right. Also, these content creators should impose some self-regulations while creating such content. The laws should also be improved to regulate the content which is freely accessible on the platforms like YouTube. So, this controversy is a caution not only for content creators but also for the law itself which must be modified or amended to adopt modern expression while safeguarding societal norms.

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