

Meaning of Indecency in India: A question yet to be answered

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ABSTRACT

Through this article, the author of this article is going to elaborate the definition of indecency, especially regarding in terms of Indian perspective, the constitutional sides of it and the extent, degree of its action, or how it is affecting our society and the human rights. Before getting us into this perspective, the researcher will throw some lights on the basic definition of indecency.

What it means and till what extent it is punishable?

Is it, a negative representation of someone in a meaningful manner?

Carrying on with this, he will explain the rights of women and the rights of child in India which is going to be the major highlight of this article, explaining the term indecency and its effects over India, This article will also describe other human rights concepts which will help in describing the issues related to obscenity and indecency that occurs due to some person who is not asserting with general standards of behaviour, but will also unravel certain rights that every person or citizen possesses in its own sense.

A person's dignity is its own identity and other rights which help them to be free as in terms of freedom which is been given under the constitution provisions of the country.

India is becoming a country where crime rates are been hyped up in the society and that such act of misbehave shall not be tolerated in the society. And that there is a need to end this issue by making certain provisions related to the extent of indecency related to humans, women & child.

KEYWORDS: INDECENCY, WOMEN&CHILD, HUMAN RIGHTS

INTRODUCTION

Indecency means indecent representation of women & child through advertisements or in publications, writings, paintings, and figures or in any other manner and for matters connected therewith. It is an act where a person commits or is a party to the commission by any person of, any act of gross indecency with another person or any manner of any material depicting women or child as a sexual object or which appeals to the prurient interests or distribution in any form or figure of a woman & child, form of body or any part thereof in such a way as to have the

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effect of being indecent or denigrating women or which is likely to deprave, corrupt or injure the public morality or morals. There has been a massive growth of incidents related to indecency in India which is in a manner of showing something opposite of good behaviour.

As per the present situations which are totally related to women & child, most of them are the acts of obscenity and indecency;

Indecency word related particularly to India consists of many meaning as the crimes which are related to women & child in India are been acted upon at a very frequent time span, like sexual offences, rape, acid attacks, trafficking, sexual harassment, molesting, child labour and many more, these offences in terms moulds the society in a very ruffle nature.

Indecency in India is seen in a form of negative behaviour which is acted up by the person, who is not in tendency to understand general standards of behaviour. The person of indecent behaviour can by means of transmission (audio or visual), orally, advertisement, and pictures may occur circumstances of obscenity and indecency but the indecency is so much of a sensitive issue that the degree of its action is been taken into view, when any proceeding or case is been taken into and the issues involved in such cases if relates to indecency then certain steps are been taken by the government authorities that provides certain better ways of protection, rights related to women & child :

Gender equality and protection under the constitution of India; Women & child has a exclusive position in every society and country. But, despite that they suffer in silence and in a class of society which make a disadvantage position because of countless barriers and setback. Women & Child in India needs a proper care and protection as the indecency acts occurs at a very frequent count. Protections like legal, social, political, and economic.

The escalation of women & child issues and rights are been reflected all over the world in form of various conventions passed by the U.N, which in terms helps the whole class to get International protection. The whole class is been tended by the ways of living and the society they populate in, where the minds of criminals build up as per the living, education, environment they get, which affects them as well as the acts of obscenity and indecency supervene very rapidly.

Human Rights

1. **Child-** child means every human being below the age of 18 years, which is universally accepted definition which is given by the United Nations Convention on the rights of child (UNCRC). 14 years of age is given under THE CHILD AND ADOLESCENT LABOUR (PROHIBITION AND REGULATION) ACT OF 1986, which prohibits employment of child in any employment including as a domestic help (except helping own family in non-hazardous section). Some of the other laws define child differently and are yet to be brought in conformity with UNCRC, with your assistance and support children below age of 18 will get a mass of protection;

Under the case of Ajay Goswami v Union of India it was submitted that relevant may not be of any obscenity in law but in fact it has tendencies to deprave and corrupt the minds of children who by some or other reason need special care and protection because of their physical and mental immaturity.

UNITED NATIONS CONVENTION (CHILD RIGHTS)

Human rights belong to all human beings, irrespective of their age, including children. Because of their special status, children need extra protection and guidance from adults and society as they also have some special rights of their own (rights which are laid down in the UN Convention on the rights of child). Most protection rights come within the category of immediate rights and which demands immediate attention and intervention. The united nation draws attention on civil, political, social, economic and cultural rights:

- Survival includes right to life of a human being, to attain their highest standard of health
- Protection includes freedom from all forms of abuse, inhuman degrading treatment, neglect, exploitation.
- Development includes right to education, early childhood care and development, right to recreation and cultural activities
- Participation includes respect for the views of the child, freedom from thought, conscience and religion.

2. **Women** – there are many grounds for gender equality under the Indian constitution. The main pillars of Indian constitution, the Fundamental Rights, Fundamental duties, Directive Principles work together towards shaping policies and putting safeguards, protection for women empowerment in India. In India there has been curb demeaning representations of women in main streams like media, print publications which is likely to deprave, corrupt or injure the public morality or morals. Woman has the human right to be a woman class, she cannot be alienated from her rights (to live with dignity and respect)

Indecent portrayal of women through media

The media cannot be underestimated. It is the source that captures the mood and ideologies of the age. It lights up the pathways of conflict situations. The media today matters more than previous times. In recent years in India it has been observed that media has emerged in a big way as the major exploiter of women, targeting the weaker components of class. An overdose of nudity and vulgarity is being forced into the brain of common viewer through means of newspaper, television, films, magazines, hoardings.

THE INDECENT REPRESENTATION OF WOMEN (PROHIBITION) ACT, 1986

The act punishes the indecent for the indecent representation of women, means portrayal in any manner, the figure of woman, form of body or any part in such a way as to have the effect of being indecent or denigrating women or is likely to corrupt or injure the public morality or morals. This act states that no person shall publish or published or cause to be published or take part in the publication or retrospective of any advertisement which contains any obscenity or indecent representation of women in any form.

YOUNG PERSON HARMFUL PUBLICATIONS ACT OF 1965

Any book, magazine, pamphlet, leaflet, newspaper or any other publication which consists of any mezzanine with the assistance of pictures or wholly in pictures, being a story portraying wholly or mainly are the terms of harmful publications under the act.

THE INDIAN PENAL CODE 1960

Under sec292: This section deals with the sale of obscene books, pamphlets, any other representation which shall be deemed to be “lascivious or appeals to be in the prurient interest”. These can be in form of obscene material, advertisement. Indecent representation of women can be obscene in the country like India. Under Ranjit D.Udeshi vs. State of Maharashtra the test of obscenity was established, it was stated that in judging a work, stress should not be laid upon a word (here or there), or a passage (here or there), the obscene mater must be considered by itself only to find out whether it is gross or so gross and its obscenity so decided that are likely to deprave and corrupt those who are influenced.

FUNDAMENTAL RIGHTS

- Article 14- states that the state shall not deny any person equality before the law or the equal protection of laws within the geographical location of India.
- Article 15- states that the state shall not discriminate against any citizen, nothing in this article shall prevent the state from making any special provisions for women & child.
- Article 21- states that no person shall be deprived of his life or personal liberty (except according to procedure given by law).
- Article 21 A- states that the state shall provide free and compulsory education to all children of the age of 6- years in such a manner as a state may by law, determine.
- Article 23- traffic in human beings, beggary and other forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in the eyes of law.
- Article 24- no child below the age of 14 years shall be employed in any work, factory, mine or engaged in any hazardous employment.
- The constitution 86th amendment act was on 13th December 2002, made free compulsory education a fundamental right for all children in the age group of 6-14 years.

DIRECTIVE PRINCIPLES

- Article 39(e) and (f) provides that state shall direct its policy towards securing to ensure that there should be no abuse of the health and strength of men women and the tender age of children and that citizens are not forced by any economic necessity to enter in any situation unsuited to their age or strength.

- Article 45- states that the state shall aim to provide early childhood care and education (until the age of 6 years).
- Article 47- states that state shall concern the raising of the level of nutrition, standards of living, improvement of public health
- Article 243G read with Schedule 11- provide for the child care by seeking to entrust programmes of Women & Child development to panchayat, education, family welfare, health and sanitation and other items with a bearing on the welfare of children.

Note: Indecency shall always be judged on the facts which are nearly related to the gross indecent act, means the tendency of its, shall be judged on the degree of damaged caused by the indecent act. It is not always possible that, act of indecency cause any much damage to the person in a way that, such act is always punishable but in terms of gross indecency (heavy damage) the scenarios of the act must change, there must be some heavy punishment on such act of indecency. Women & Child are as same as other classes, same as other human beings, but because of some tended situations they become the common target for the act of indecency. Someone's whose mind is corrupted by the unordinary situations of living and behaviour, becomes the main target to be induced and be part of any indecent act. Day by day indecent acts occur in our society and we must take a stand to put down this act of representation, as these acts happen at much times at a lower level and the person responsible for such acts is never been known by anyone. The act of indecency totally must be knocked off from our society and everywhere in the country as it is corrupting the minds of our youth and other generations.

CONCLUSION

There are many other incidences of indecency aside from the ones that are mentioned in the article. There are no such straight formulas or restriction regarding what constitutes an incidence of indecency, as it is some kind of human error that is intentional or done with indecent view. The author used the above instances keeping in mind that there were no specific definition related to indecency in India. The instances, in the opinion of the researcher of this article, requires some mandatory amendments and corrections in order to the benefit of the society and the statute itself as the acts of indecency is destroying the morality of the society and is harming the other classes of human beings. Provisions and other instances present in the act are required to be enhanced and modified in order to provide relief to the women & child on default of other person making an act of indecency. This can be the start in order to remove the problem of indecency.

Also the author, despite there were many other provisions related to indecent representation, didn't use them as he wanted to convey it in a form of an example from the word indecency. Being the part of the instances, the above mentioned definition had at a time certain lacunas which were required to be changed time by time as the acts of indecency are growing up.

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