

# Weekly Judiciary Digest

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## Current & Conceptual Weekly

18th - 23th February, 2025

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### 1. Supreme Court Orders Podcaster to Cease Shows Amid Obscenity Charges

**Case: *Ranveer Allahabadi v. State of Maharashtra and State of Assam***

**Citation:** 2025 LiveLaw (SC) 145

**Court:** Supreme Court of India

**Date:** February 18, 2025

**Summary:** The recent Supreme Court directive against podcaster Ranveer Allahabadi, known as BeerBiceps, highlights significant legal questions surrounding obscenity, freedom of speech, and digital content regulation in India. The Court ordered him to halt all online shows following allegations of obscenity and indecency in a comedy program while also granting him protection from arrest and permitting him to seek police protection due to credible death threats.

Obscenity laws in India are governed by various legal provisions, including Sections 292, 293, and 294 of the Indian Penal Code (IPC), which criminalize the sale, distribution, and public exhibition of obscene material, with increased penalties for offenses involving minors. The Information Technology Act, 2000, also plays a crucial role, with Section 67 prohibiting the publication and transmission of obscene electronic content and Section 67A addressing sexually explicit material. While Article 19(1)(a) of the Indian Constitution guarantees freedom of speech and expression, Article 19(2) allows the state to impose reasonable restrictions in the interest of decency and morality.

Judicial interpretation of obscenity has evolved over time. In **Ranjit Udeshi v. State of Maharashtra (1965)**, the Supreme Court applied the Hicklin Test, holding that material could be

deemed obscene if it corrupted susceptible minds. However, in **Aveek Sarkar v. State of West Bengal (2014)**, the Court moved toward the Community Standards Test, considering contemporary societal norms in determining obscenity. Additionally, in **Shreya Singhal v. Union of India (2015)**, the Court struck down Section 66A of the IT Act, ruling that vague restrictions on online speech violated constitutional protections.

In Allahabadia's case, the Supreme Court's decision to halt his shows suggests a preventive measure taken to address concerns over public morality and order. At the same time, granting him protection from arrest ensures procedural fairness, preventing arbitrary detention before trial. The provision of police protection recognizes his right to life and safety under Article 21, acknowledging the seriousness of the threats he received.

This case underscores the judiciary's role in regulating digital content while maintaining a balance between legal constraints and artistic freedom. It highlights the complexities involved in defining obscenity in the digital age, the need for clearer legislative guidelines, and the risks of overregulation leading to censorship. The ruling also emphasizes the evolving jurisprudence on free speech, particularly in the context of online platforms, where courts are actively shaping the boundaries of permissible content

## 2. Supreme Court Quashes Criminal Defamation Case Against Times of India Editorial Director

**Case:** *Jaideep Bose & Ors. v. State of Maharashtra*

**Citation:** 2025 LiveLaw (SC) 150

**Court:** Supreme Court of India

**Date:** February 18, 2025

**Summary:** In a landmark decision on February 18, 2025, the Supreme Court of India quashed a 2014 criminal defamation case against Jaideep Bose, the Editorial Director of Bennett Coleman and Co Ltd, the publisher of The Times of India. The case originated from an article suggesting that M/s Bid and Hammer Auctioneers Private Limited had auctioned counterfeit artworks, leading the company to file defamation charges against Bose and other journalists, including correspondents and editors Nergish Sunavala, Swati Deshpande, and Neelam Raj. **The Karnataka High Court** had previously dismissed the case against the publishing company but allowed proceedings against the individual journalists to continue. Upon appeal, the Supreme Court found significant procedural lapses, notably the Magistrate's failure to conduct a mandatory inquiry under Section 202 of the Code of Criminal Procedure, which is required when accused individuals reside outside the court's jurisdiction. The Court also noted the complainant's inability to provide evidence demonstrating actual harm to their reputation resulting from the publication. Emphasizing the influential role of the media in shaping public opinion, the bench underscored the necessity for journalists, especially those in key editorial positions, to exercise utmost caution and responsibility in their reporting. This judgment reinforces the balance between upholding freedom of speech

under Article 19(1)(a) of the Constitution and ensuring responsible journalism to prevent unwarranted harm to individuals' reputations.

### **3. Police Seize Books in Kashmir Amid Crackdown on Dissent**

**Event:** Book Seizure Operations in Kashmir

**Date:** February 19, 2025

**Summary:** In February 2025, Indian authorities conducted a series of raids on bookstores in Srinagar, the summer capital of Jammu and Kashmir, seizing over 650 books. The majority of these were works by Abul A'la Maududi, a prominent 20th-century Islamic scholar and the founder of Jamaat-e-Islami, an organization banned in India since 2019. The police justified the seizures by citing intelligence reports suggesting that these publications promoted the ideology of the proscribed group. This action has ignited a debate over the balance between national security and freedom of expression, with critics arguing that such measures may infringe upon fundamental rights and could inadvertently increase interest in the prohibited literature among the youth. The incident underscores the ongoing tensions in the region and raises important questions about the legal frameworks governing censorship and the dissemination of literature associated with banned organizations.

### **4. Bollywood Music Labels Challenge OpenAI in Copyright Lawsuit**

**Case:** *Indian Music Industry v. OpenAI*

**Court:** Delhi High Court

**Date:** February 14, 2025

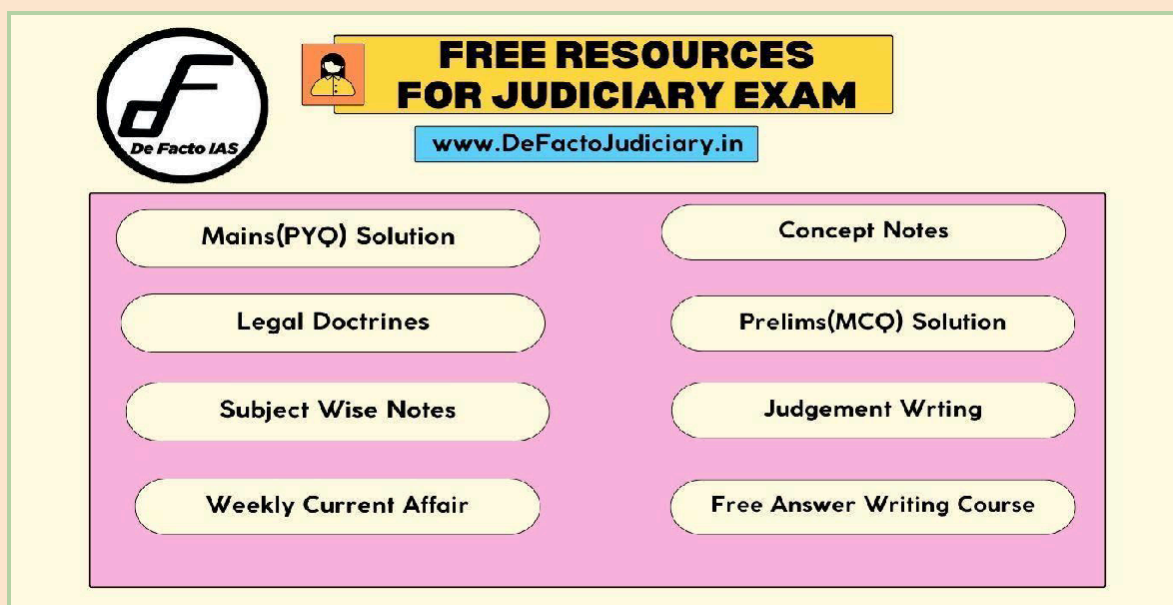
**Summary:** In February 2025, leading Bollywood music labels, including T-Series, Saregama, and Sony Music, sought to join a copyright lawsuit against OpenAI in New Delhi. The lawsuit, initially filed by Indian news agency ANI in 2024, alleges that OpenAI's AI models, particularly ChatGPT, have been trained using copyrighted content without authorization, infringing upon intellectual property rights. The music labels contend that their sound recordings have been improperly utilized in the training of these AI models, raising significant legal questions about the use of copyrighted material in artificial intelligence development. This case highlights the tension between technological innovation and the protection of intellectual property, as well as the complexities of jurisdiction when multinational entities are involved. The outcome could set a precedent for how AI technologies interact with copyrighted content, influencing both legal frameworks and industry practices in India and potentially worldwide.

### **5. Supreme Court Criticizes Political Handouts**

**Event:** *Supreme Court Remarks on Political Freebies*

**Date:** February 12, 2025

**Summary:** In February 2025, the Supreme Court of India expressed significant concerns regarding the prevalent practice of political parties offering freebies during election campaigns. A bench comprising Justices B.R. Gavai and A.G. Masih observed that such handouts could foster a dependency culture, creating a "class of parasites" disinclined to work, as individuals receive benefits without corresponding labor. This critique emerged during the hearing of a public interest litigation focused on securing shelter for the urban homeless. Justice Gavai highlighted that, due to these pre-election freebies, many people are reluctant to engage in work, relying instead on free rations and financial aid. He emphasized the necessity of integrating these individuals into mainstream society, enabling them to contribute productively to national development. The Court's remarks underscore the potential fiscal strain such promises place on state resources and question the long-term societal impact of perpetuating non-productive segments within the population. This judicial perspective invites a reevaluation of electoral strategies, advocating for sustainable development policies over short-term populist measures.



The screenshot displays the De Facto IAS website interface. At the top left is the logo, a stylized 'f' inside a circle with 'De Facto IAS' written below it. To the right is a yellow banner with a person icon and the text 'FREE RESOURCES FOR JUDICIARY EXAM'. Below the banner is a blue button with the website URL 'www.DeFactoJudiciary.in'. The main content area is a pink box containing eight white buttons with rounded corners, arranged in two columns. The left column buttons are: 'Mains(PYQ) Solution', 'Legal Doctrines', 'Subject Wise Notes', and 'Weekly Current Affair'. The right column buttons are: 'Concept Notes', 'Prelims(MCQ) Solution', 'Judgement Wrting', and 'Free Answer Writing Course'.

## 6. Practise Session: Prelims and Mains

### Prelims Q&A

1. Which fundamental right is primarily affected when a person is accused of obscenity under Indian law?

- Right to Life and Personal Liberty
- Right to Equality
- Right to Freedom of Speech and Expression
- Right against Exploitation

**Answer: a. Right to Freedom of Speech and Expression**

**Explanation:** Article 19(1)(a) of the Indian Constitution guarantees **freedom of speech and expression**. However, Article 19(2) allows the state to impose **reasonable restrictions** on this right in the **interest of decency and morality**, under which obscenity laws are framed. In the

**Ranveer Allahabadia v. State of Maharashtra & Assam** case, the Supreme Court directed the accused to cease shows due to allegations of obscene **content**.

2. The Supreme Court recently dismissed a criminal defamation case against the Editorial Director of which media house?

- a. The Hindu
- b. The Times of India
- c. Hindustan Times
- d. Indian Express

**Answer: b. The Times of India**

**Explanation:** In **Jaideep Bose & Ors. v. State of Maharashtra (2025)**, the **Supreme Court quashed a criminal defamation** case against the Editorial Director of **Bennett Coleman and Co. Ltd. (publisher of The Times of India)**. The Court reiterated that media must exercise caution while publishing content but also upheld press freedom.

3. Which of the following provisions of the Indian Penal Code (IPC) deals with obscenity?

- a. Section 124A
- b. Section 292
- c. Section 499
- d. Section 377

**Answer: b. Section 292**

**Explanation:** **Section 292 IPC** criminalizes the sale, distribution, and exhibition of obscene material. The Supreme Court has interpreted obscenity through various judgments, balancing it with **freedom of speech and artistic expression**.

4. The recent Supreme Court ruling on Adjusted Gross Revenue (AGR) dues impacts which sector the most?

- a. Aviation
- b. Telecommunications
- c. E-commerce
- d. Banking

**Answer: b. Telecommunications**

**Explanation:** The Supreme Court dismissed telecom companies' plea to **recalculate AGR dues**, significantly affecting the financial health of companies like **Vodafone Idea, Bharti Airtel, and**

**Reliance Jio**. The AGR dispute involves **license fees and spectrum charges**, as ruled in earlier SC judgments.

5. The recent copyright dispute involving OpenAI and Indian music labels is related to which legal doctrine?

- a. Fair Use Doctrine
- b. Doctrine of Public Trust
- c. Doctrine of Legitimate Expectation
- d. Doctrine of Proportionality

**Answer: a. Fair Use Doctrine**

**Explanation:** The **Fair Use Doctrine** allows limited use of **copyrighted material without permission** for purposes like education, research, and commentary. Bollywood music labels argue that **OpenAI's AI models are illegally using copyrighted music**, raising concerns about **intellectual property rights and AI**.

6. Which Indian constitutional article permits the imposition of reasonable restrictions on free speech for maintaining public order and decency?

- a. Article 14
- b. Article 19(2)
- c. Article 21
- d. Article 32

**Answer: b. Article 19(2)**

**Explanation:** **Article 19(2)** of the Indian Constitution **allows the government** to impose **reasonable restrictions** on freedom of speech and expression in the interests of **public order, decency, morality, sovereignty, and integrity of India**.

7. In the context of criminal defamation in India, which Supreme Court case upheld the validity of Section 499 and 500 IPC?

- a. Subramanian Swamy v. Union of India
- b. Shreya Singhal v. Union of India
- c. Vishakha v. State of Rajasthan
- d. Indira Gandhi v. Raj Narain

**Answer: a. Subramanian Swamy v. Union of India**

**Explanation:** In **Subramanian Swamy v. Union of India (2016)**, the **Supreme Court upheld the constitutionality of criminal defamation under**

**Sections 499 and 500 IPC**, ruling that reputation is an **integral part of Article 21 (Right to Life)**.

8. Which legal principle is relevant in cases where the judiciary intervenes to prevent economic harm caused by political freebies?

- a. Doctrine of Laches
- b. Doctrine of Legitimate Expectation
- c. Doctrine of Public Trust
- d. Doctrine of Proportionality

**Answer: c. Doctrine of Public Trust**

**Explanation:** The **Doctrine of Public Trust** asserts that **government resources** should be used **for the greater public good** and not wasted on **politically motivated freebies**. The **Supreme Court recently criticized political handouts**, stating that they create a **dependency culture**.

9. What is the penalty for criminal defamation under Section 500 of the IPC?

- a. Fine only
- b. Imprisonment up to 2 years or fine or both
- c. Imprisonment up to 5 years and fine
- d. No punishment

**Answer: b. Imprisonment up to 2 years or fine or both**

**Explanation:** Under **Section 500 IPC**, **criminal defamation** is punishable by **simple imprisonment up to two years, or fine, or both**. Courts have frequently addressed **whether criminal defamation violates free speech rights**.

10. Which of the following international treaties governs intellectual property rights, including copyright laws?

- a. Kyoto Protocol
- b. TRIPS Agreement
- c. Vienna Convention
- d. Hague Convention

**Answer: b. TRIPS Agreement**

**Explanation:** The **Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement** governs **global intellectual property laws**, including **copyright, patents, and trademarks**. The recent **Bollywood v. OpenAI case** raises concerns about **AI and copyrighted content**.

**Mains Q&A**

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**Question:**

The Supreme Court of India recently directed a well-known podcaster to cease online shows due to allegations of obscenity and indecency. Discuss the scope and limitations of obscenity laws in India under the Indian Penal Code, 1860, and the constitutional safeguards available under Article 19(1)(a). Critically analyze the impact of judicial interpretation on artistic and digital content in India.

**(Word Limit: 500 words)**

**Marks: 20**

**(Based on a previous year's question paper and relevant to current affairs, February 2025)**

**Model Answer:**

**Introduction**

Obscenity laws in India seek to regulate expressions that may be deemed offensive to public morality and decency. However, such restrictions must be balanced with the fundamental right to free speech under

Article 19(1)(a) of the Indian Constitution. The recent Supreme Court direction against a podcaster accused of obscenity raises questions about the legal limits of artistic and digital content in India.

## 1. Legal Framework Governing Obscenity in India

### A. Indian Penal Code, 1860 (IPC)

1. **Section 292 IPC** – Criminalizes sale, distribution, and exhibition of obscene material.
2. **Section 293 IPC** – Imposes harsher penalties for selling obscene material to persons under 20 years of age.
3. **Section 294 IPC** – Penalizes obscene acts in public places, with a maximum punishment of three months imprisonment, fine, or both.

### B. Information Technology Act, 2000

- **Section 67** – Criminalizes the publication, transmission, or circulation of obscene content in electronic form.
- **Section 67A** – Addresses sexually explicit content, with a higher degree of punishment.

### C. Judicial Interpretations on Obscenity

- a. **Ranjit Udeshi v. State of Maharashtra (1965)**
  - The Supreme Court applied the Hicklin Test, stating that material is obscene if it tends to deprave and corrupt susceptible minds.
- b. **Aveek Sarkar v. State of West Bengal (2014)**
  - Introduced the Community Standards Test, shifting from the stricter Hicklin Test.
- c. **Shreya Singhal v. Union of India (2015)**
  - Struck down Section 66A IT Act, ruling that vague provisions on online speech violate Article 19(1)(a).

## 2. Constitutional Perspective: Freedom of Speech vs. Reasonable Restrictions

- a. Article 19(1)(a) of the Constitution guarantees freedom of speech and expression.
- b. Article 19(2) permits reasonable restrictions on grounds of:
  - Public order
  - Decency and morality
  - Defamation
  - Security of the State
  - Incitement to an offense

The Supreme Court in the recent case against the podcaster appears to have applied these restrictions by temporarily curbing content deemed obscene.

## 3. Impact of Judicial Interpretation on Artistic & Digital Content

- Courts have tried to balance individual liberties with public morality.
- Cases involving movies, literature, and online platforms have led to varying thresholds of obscenity.
- Digital platforms fall under IT laws but face judicial scrutiny over vague censorship norms.

## 4. Critical Analysis: Need for a Balanced Approach

### a. Arguments for Regulation

- Prevents the corruption of young minds.
- Protects public morality in a rapidly digitizing society.
- Stops exploitation under the guise of free speech.

### b. Arguments Against Over-Regulation

- Can lead to censorship and artistic suppression.
- Courts must adopt context-based reasoning rather than blanket bans.
- The judiciary must ensure consistent legal principles in digital-age obscenity cases.

### Conclusion

Obscenity laws in India have evolved, but their application must align with constitutional principles. The judiciary plays a crucial role in defining the scope of free speech while protecting societal values. Courts must ensure that legal frameworks do not disproportionately curtail artistic and digital expression under the pretext of obscenity restrictions.

## 7. Clear Concepts: Judicial Review and Separation of Powers

### Key Concept in Criminal Law: The Principle of Mens Rea (Guilty Mind)

#### Concept and Importance:

The principle of **Mens Rea**, meaning "guilty mind," is a fundamental doctrine in criminal law, signifying that a crime consists of both a **wrongful act (actus reus)** and a **guilty intention (mens rea)**. This principle ensures that an individual is not held criminally liable unless they possess the necessary mental state to commit the crime. The requirement of mens rea distinguishes **accidental acts** from intentional **wrongdoing**, ensuring fairness in criminal liability.

#### Application in Judicial System:

The doctrine of mens rea is crucial in determining **criminal culpability**. In many offenses, particularly those involving moral and social harm, the prosecution must establish the accused's intention, knowledge, recklessness, or negligence. Some crimes, such as **strict liability offenses**, do not require mens rea, but for most criminal offenses, proving a guilty mind is essential.

#### Landmark Case Laws Illustrating Mens Rea

1. **State of Maharashtra v. M.H. George (1965)**
  - The Supreme Court ruled that **mens rea is presumed unless explicitly excluded by statute**. This case involved gold smuggling, where the accused argued a lack of knowledge of new regulations. The Court, however, held that ignorance of the law is not a defense.
2. **Kartar Singh v. State of Punjab (1994)**
  - This case examined the constitutionality of **anti-terrorism laws** under the TADA Act. The Supreme Court ruled that even in strict liability offenses, some degree of **culpable mental state** must be considered, ensuring protection against arbitrary application.
3. **R v. Prince (1875) (UK Case with Influence in India)**
  - This case established that even if a person **mistakenly believed in a lawful action**, if the act itself is inherently wrongful, **mens rea can still be presumed**. This principle influences cases involving **statutory rape and offenses against minors in India**.
4. **Nathulal v. State of Madhya Pradesh (1965)**
  - The Supreme Court quashed the conviction of a businessman under the Essential Commodities Act, emphasizing that a **bona fide mistake** without guilty intent does not attract criminal liability.
5. **DPP v. Morgan (1975) (UK - Influential on Indian Jurisprudence)**



- This case clarified that **recklessness and negligence** could substitute for direct intention in criminal cases. It has influenced Indian cases dealing with **sexual offenses and consent** under IPC.

