
OBSCENITY IN THE DIGITAL ENVIRONMENT: TRADITIONAL STANDARDS, INTERMEDIARY LIABILITY, AND THE CONSENT-CENTERED FRONTIER

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ABSTRACT

The paradigm shift in obscenity jurisprudence from nineteenth-century "public morality" doctrines to the modern digital context centered on personal consent, bodily autonomy, and informational privacy. Historically rooted in the Victorian-era Hicklin test and codified in statutes like the Indian Penal Code (IPC) and the U.S. Communications Decency Act (CDA), obscenity laws have long struggled to balance state-enforced moral order against individual expression. The advent of borderless digital networks and generative artificial intelligence has fractured the geographic assumptions of "contemporary community standards". This has resulted in a dual crisis: the over-censorship of legitimate sexual speech by private corporate "shadow regulators" fearing intermediary liability under reforms like SESTA-FOSTA, and the systemic failure of traditional public-morality frameworks to address the targeted, non-consensual exploitation of generative AI deepfakes. Through a comparative analysis of Indian, British, and American legal frameworks, this study critiques the commercialized "personality rights" model dominating contemporary litigation and instead advocates for a horizontal, rights-based constitutional remedy. This paper analyzes the evolution of obscenity law from public morality toward privacy, consent, autonomy, and dignity in the digital age. It highlights the inadequacy of traditional obscenity frameworks in addressing non-consensual AI-generated sexual deepfakes and the risks of excessive private censorship. Ultimately, the study advocates a rights-based constitutional approach that recognizes sexually explicit deepfakes as technology-facilitated gender-based violence and protects individual dignity under Article 21.

Keywords: Deepfakes, Synthetically Generated Information (SGI), Intermediary Liability, Section 230, Article 21, Hicklin Test, Corporate Shadow Regulation, Bodily Dignity, Consent Paradigm

I. Introduction: The Death of Distance and the Crisis of Moral Policing

For over a century, the regulation of sexually explicit material has been structured around the preservation of "public decency and morality." Sovereign states exercised localized policing power over print, film, and mail, validating restrictions on free speech by invoking the need to protect vulnerable minds from moral depravity. This legal architecture presupposed a closed, geographically bounded jurisdiction where a jury or a local judge could reliably interpret "contemporary community standards." The digital revolution has dismantled these foundational assumptions. Cyberspace has severed the link between distribution and physical geography, enabling a single web server to transmit content instantaneously to diverse communities with radically different moral tolerance levels. As legal systems attempt to force digital networks into jurisdictional frameworks designed for physical-world offenses, they have created a profound structural mismatch. Traditional obscenity laws, which criminalize the dissemination of offensive ideas to protect public morals, are functionally incapable of addressing modern digital harms. Meanwhile, legislative efforts to enforce platform accountability have led to aggressive corporate censorship, driving marginalized communities offline and consolidating control of online speech in the hands of multinational payment providers. At the same time, the emergence of generative artificial intelligence has enabled unprecedented forms of non-consensual sexual exploitation. These algorithmic harms bypass traditional moral paradigms entirely, revealing a critical need for a new legal framework that decouples online regulation from subjective public decency standards and instead anchors it in the principles of consent, dignity, and fundamental constitutional rights. Moreover, the scale, speed, and permanence of digital dissemination intensify the consequences of sexualized content beyond those contemplated by traditional obscenity doctrines. Once uploaded, intimate or fabricated material can be copied, modified, and redistributed across multiple platforms, making meaningful removal exceptionally difficult. The victim may therefore experience continuing harm even when the original source is deleted. This problem is particularly acute where artificial intelligence can manufacture realistic sexual imagery without the knowledge or participation of the person depicted. Such content does not merely offend community standards; it appropriates an individual's identity, body, and sexual autonomy. Consequently, the central legal question should shift from whether society finds particular content morally objectionable to whether its creation and dissemination violate the rights of identifiable individuals. A rights-based approach would allow legal systems to distinguish consensual sexual expression from coercive or exploitative conduct while preserving legitimate freedom

of expression in digital spaces.

II. The Historical Roots of Public Morality in Substantive Criminal Law The legal conceptualization of obscenity in common law jurisdictions is a direct inheritance of Victorian-era British puritanism. In the seminal English case of *Regina v. Hicklin* (1868), Chief Justice Cockburn established the classic test that would govern common law jurisdictions for more than a century: "Whether the tendency of the matter charged as obscenity is to deprave and corrupt those whose minds are open to such immoral influences, and into whose hands a publication of this sort may fall."¹ The Hicklin test established an exceptionally low threshold for state censorship. It allowed a work to be judged based on isolated passages rather than its artistic whole, and evaluated its harmful potential against the most susceptible members of society such as children, adolescents, or impressionable minds rather than an average, rational adult.

This restrictive framework was codified in British India under Section 292 of the Indian Penal Code (IPC), 1860² (now Section 292 of the *Bharatiya Nyaya Sanhita*, BNS, 2023), which prohibited the sale, distribution, and public exhibition of "obscene" books, drawings, and representations. Jurisprudentially, this codification reflected a deepseated belief that law must act as an active guardian of social morality. As legal philosopher A. Raghunadha Reddy observes, "values are the life-blood of law," and legislators and judges do not operate in a vacuum but rather translate the recognized social ideals of their contemporary society into enforceable rules.³ In the classical legal philosophical debates, particularly those surrounding the Hart-Devlin debate, the enforcement of a "shared minimum morality" was deemed essential to prevent the decay and collapse of the social fabric.⁴

In India, this moralistic framework faced its first major constitutional challenge in *Ranjit D. Udeshi v. State of Maharashtra* (1965)⁵, where the Supreme Court of India was called upon to evaluate the constitutional validity of Section 292 IPC in light of the right to freedom of speech and expression guaranteed under Article 19(1)(a). The case arose from the prosecution of a

¹ *Regina v. Hicklin*, (1868) L.R. 3 Q.B. 360 at p. 371.

² Indian Penal Code, 1860, Section 292 (now Section 292 of the *Bharatiya Nyaya Sanhita*, BNS, 2023). See also Vishnu D. Sharma & F. Wooldridge, 'The Law Relating to Obscene Publications in India', *The International and Comparative Law Quarterly*, Vol. 22, No. 4 (Oct. 1973), pp. 632-647.

³ A. Raghunadha Reddy, 'Role of Morality in Law-Making: A Critical Study', *Journal of the Indian Law Institute*, Vol. 49, No. 2 (April-June 2007), pp. 194-211.

⁴ See H.L.A. Hart, *Law, Liberty, and Morality* (1963) and Lord Devlin, *The Enforcement of Morals* (1965).

⁵ *Ranjit D. Udeshi v. State of Maharashtra*, A.I.R. 1965 S.C. 881.

Bombay bookseller for stocking the unexpurgated edition of D.H. Lawrence's *Lady Chatterley's Lover*. Chief Justice Hidayatullah, writing for the Court, rejected the constitutional challenge, holding that obscenity which is offensive to modesty or decency does not enjoy constitutional protection because Article 19(2) explicitly permits "reasonable restrictions" in the interests of "public decency and morality."

However, the Court sought to mitigate the harshness of the colonial standard by introducing three critical modifications to the Hicklin test: (1) the mere depiction of sex and nudity in art and literature cannot *per se* be deemed evidence of obscenity; (2) the challenged work must be evaluated as a whole, rather than on the basis of isolated passages; and (3) publication for the "public good" represents a valid defense against an obscenity charge. Despite these modifications, the Court ultimately upheld the ban on *Lady Chatterley's Lover*, concluding that the book's detailed descriptions of sexual acts appealed to the prurient interest and lacked redeeming social value. This ruling exposed massive gaps in the statutory framework, which lacked any clear definition of obscenity or robust defenses for artistic, scientific, or literary works. In response, the Indian Parliament enacted the Criminal Law (Amendment) Act, 1969⁶, following the recommendations of the Akbar Ali Khan Select Committee. The 1969 amendments formally defined obscenity in Section 292, adopting both the American "prurient interest" standard and the English statutory definition. Crucially, it codified a robust "public good" exception, shielding works justified in the interest of science, literature, art, or learning.

III. The Creative Urge vs. The Censorship Impulse: Samaresh Bose and the Literary Antithesis

The inherent tension in obscenity law lies in what legal scholar P.M. Bakshi describes as a structural "antithesis" between the limitless creative urge of the artist and the localized moral constraints of the state. The artist's duty is realism the unvarnished depiction of human experience whereas the state's impulse is the maintenance of the existing social order. This conflict reached its zenith in the Indian Supreme Court's landmark ruling in *Samaresh Bose v. Amal Mitra* (1985)⁷. Samaresh Bose, an eminent Bengali novelist, and his publisher had been convicted under Section 292 IPC by the trial court and the Calcutta High Court for publishing the novel *Prajapati* in the popular Puja issue of the magazine *Desh*. The novel depicted the

⁶ Criminal Law (Amendment) Act, 1969 (Act No. 36 of 1969). See also Sharma & Wooldridge, *supra* note 2, at p. 636.

⁷ *Samaresh Bose v. Amal Mitra*, A.I.R. 1986 S.C. 967.

restless mental world of its protagonist, Sukhen, whose lack of human love drove him into several uninhibited sexual episodes and vulgar reminiscences.

The Supreme Court reversed the convictions, establishing a profound distinction in criminal jurisprudence between **vulgarity** and **obscenity**: vulgarity may shock, disgust, and arouse revulsion among readers, but it does not necessarily corrupt their morals. Obscenity, on the other hand, must go beyond mere vulgarity; its core essence is the active tendency to deprave, debase, and corrupt the morals of those into whose hands it falls.⁸ The Court recognized that the characters described by Bose were not mere figments of imagination but reflected real-world societal ills. It held that a book meant for a general audience should not have its standard dictated solely by the fear of how an adolescent might react to descriptions of sex.

Analyzing the procedural dimensions of this ruling, Bakshi argued that criminal sanctions should not be indiscriminately applied against works of distinguished authors without rigorous safeguards. He proposed two vital reforms: (1) **Preliminary Screening** requiring proposed obscenity prosecutions of eminent writers to undergo preliminary screening by a senior legal expert, such as the Advocate-General, to prevent ill-advised, moralistic indictments; and (2) **Expert Literary Testimony** legislative recognition of expert evidence from literary scholars and critics to guide courts in assessing the genuine character and value of a work, formalizing the Supreme Court's reliance on Bengali scholars in *Samaresh Bose*.

IV. The Fracturing of Geographic and Community Standards Online

The legal balance established in cases like *Samaresh Bose* was utterly destabilized by the rise of the internet. Traditional obscenity laws, both in India and the United States, relied heavily on **regional community standards**. Under the landmark U.S. Supreme Court decision in *Miller v. California* (1973)⁹, a three-prong test was established to identify unprotected obscenity: (1) whether "the average person, applying contemporary community standards," would find that the work, taken as a whole, appeals to the prurient interest; (2) whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by state law; and (3) whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.⁹ By permitting local juries to determine the first two prongs based on local,

⁸ See P.M. Bakshi, 'Obscenity Revisited', Journal of the Indian Law Institute, Vol. 29, No. 1 (Jan-Mar 1987), pp. 97-99.

⁹ *Miller v. California*, 413 U.S. 15 (1973). See also 'Miller test', Wikipedia, available at https://en.wikipedia.org/wiki/Miller_test.

geographic standards rather than a national benchmark, *Miller* sought to respect regional cultural diversity. In India, a similar shift occurred in *Aveek Sarkar v. State of West Bengal* (2014)¹⁰, where the Supreme Court formally abandoned the restrictive 19th-century Hicklin test. In its place, the Court adopted the contemporary community standards test, declaring that obscenity must be judged from the perspective of an average, rational person applying the evolving moral sensitivities and tolerance levels of modern society.

However, the "death of distance" on the internet turned these localized standards into a jurisdictional nightmare. When a content creator uploads material to a web server, that content is accessible globally. Under the localized community standard model, online distributors can be prosecuted in whatever jurisdiction the content is viewed, effectively forcing them to conform to the standards of the most conservative community in the network. This risk was realized in *United States v. Extreme Associates*¹¹, where a California-based pornography distributor was prosecuted and held liable under the conservative community standards of western Pennsylvania, simply because their online materials were accessible in that district. In response to this systemic vulnerability, the U.S. Court of Appeals for the Ninth Circuit in *United States v. Kilbride* (2009)¹² held that a "national community standard" must be applied to online speech to prevent the massive chilling effects of localized prosecutions. However, this attempt at harmonization was rejected by the Eleventh Circuit in *United States v. Little* (2010)¹³, which re-asserted that *Miller* mandated local geographic standards, concluding that the Supreme Court of the 1970s simply could not have envisioned the "amorphous and viral nature of the internet."

As courts struggled with doctrinal stagnation, a much more powerful and unaccountable regulatory system emerged. In his critical essay "Imagine a Community," technology law scholar Kendra Albert examines how multinational technology corporations and payment processors have supplanted legal rules entirely, replacing sovereign community standards with corporate risk management.¹⁴ When platforms like Facebook first drafted their content moderation guidelines, they specifically borrowed the legal terminology of "community

¹⁰ *Aveek Sarkar v. State of West Bengal*, (2014) 4 S.C.C. 257. See also 'Obscenity Laws in India', Drishti Judiciary, available at <https://www.drishtijudiciary.com/editorial/obscenity-laws-in-india>.

¹¹ *United States v. Extreme Associates, Inc.*, 439 F.3d 150 (3d Cir. 2005).

¹² *United States v. Kilbride*, 584 F.3d 1240 (9th Cir. 2009).

¹³ *United States v. Little*, 365 F. App'x 159 (11th Cir. 2010).

¹⁴ Kendra Albert, 'Imagine a Community: Obscenity's History and Moderating Speech Online', 25 Yale Journal of Law and Technology Special Issue 59 (2023).

standards" to cloak corporate decision-making in a veneer of democratic legitimacy. In reality, these platforms do not moderate content based on any organic, localized community norms. Instead, uniform global standards are dictated by centralized payment networks like Mastercard and Visa, which exercise *de facto* regulatory control over online speech. Fearing reputational damage or regulatory scrutiny, these payment providers impose highly restrictive "adult content guidelines" on any platform utilizing their financial pipelines. This private ordering termed "**shadow regulation**" has established a highly uniform, corporate, and multinational standard of speech that bypasses the constitutional protections, judicial transparency, and democratic checks of the formal legal system.

V. Intermediary Liability and the Collateral Harms of State Regulation

The state's primary mechanism for enforcing digital content regulation has been the modification of **intermediary liability safe harbors**. Under historical safe harbor provisions, such as Section 230 of the U.S. Communications Decency Act (CDA) and Section 79 of the Indian IT Act, 2000, internet service providers and platforms were shielded from civil and criminal liability for third-party user content. This statutory immunity was the foundational bedrock that allowed the modern interactive internet to flourish, permitting platforms to host billions of user posts without the ruinous cost of pre-screening every piece of content. In 2018, the U.S. Congress chipped away at this safe harbor by enacting the Allow States and Victims to Fight Online Sex Trafficking Act / Stop Enabling Sex Traffickers Act (SESTA-FOSTA)¹⁵. By stripping Section 230 immunity from platforms that "knowingly facilitate" sex trafficking, the law aimed to target illicit actors like Backpage.com. However, the broad and vague language of the statute created immense collateral damage. Cautious platforms, terrified of facing federal criminal liability, scrambled to shut down entire forums, personal ads, and user accounts that touched on sexual themes.

Studies documented by the American Civil Liberties Union (ACLU)¹⁶ revealed that SESTA-FOSTA had devastating real-world consequences for the very communities it was designed to protect. The law forced online platforms to censor vital, noncommercial speech, including sex education, LGBTQ+ health forums, and sex worker safety advocacy. Crucially, by shutting

¹⁵ Allow States and Victims to Fight Online Sex Trafficking Act of 2017 (FOSTA), Pub. L. No. 115-164, 132 Stat. 1253 (2018). See also Charles Matula, 'Any Safe Harbor in a Storm: SESTA-FOSTA and the Future of Section 230', Duke Law & Technology Review, Vol. 18, No. 1 (2020), pp. 354-368.

¹⁶ Laura Moraff, 'How Online Censorship Harms Sex Workers and LGBTQ Communities', American Civil Liberties Union (June 27, 2022).

down "bad johns" lists compiled by sex workers to identify abusive clients, the law pushed individuals out of safe indoor environments and onto the streets where they are more vulnerable to violence and police harassment. A major study highlighted by the ACLU showed that SESTA-FOSTA increased economic instability for approximately 72% of the surveyed sex workers, and nearly 34% of participants reported a direct increase in physical violence from clients.

Against this backdrop of severe harm, the law proved to be functionally useless for law enforcement. A 2021 Government Accountability Office report revealed that in the three years following its enactment, federal prosecutors had used the additional criminal penalties established by FOSTA to prosecute only a single case¹⁷. The Department of Justice had already successfully dismantled Backpage.com using existing money laundering and sex trafficking statutes, rendering the statutory gutting of Section 230 entirely unnecessary and counterproductive.

VI. The Generative Frontier: "Synthetically Generated Information" (SGI) and the Consent Paradigm

The emergence of generative artificial intelligence and deepfake technology has pushed digital content regulation into its most complex phase. Powered by Generative Adversarial Networks (GANs), deepfake technology allows users to create hyperrealistic, fabricated audio-visual content with minimal technical expertise. The overwhelming majority of this technology is weaponized for non-consensual sexual exploitation. According to data compiled in the Law School Policy Review¹⁸, sexually explicit deepfakes constitute over 90% of all deepfakes uploaded online, with 99% of targets being women and girls. The scale of this harm is unprecedented; in January 2026, the New York Times reported that a single AI chatbot generated and posted up to 1.8 million sexualized images of women in less than 10 days, representing 41% of all images generated on the platform.

Faced with this flood of synthetic abuse, the Indian government notified the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules,

¹⁷ Government Accountability Office (GAO) Report, 'Sex Trafficking: Online Platforms' Relocation and Challenges', GAO-21-385 (June 2021). See also Matula, *supra* note 9, at p. 357.

¹⁸ Ritwik Sharma, 'Rethinking Judicial Approaches to Sexually-Explicit Deepfakes: The Case For Article 21-Based Relief Against Nudifying Websites', Law School Policy Review (Feb. 23, 2026).

2026¹⁹ (effective February 20, 2026). The 2026 Rules represent the most aggressive regulatory intervention into AI-generated content globally, introducing several sweeping obligations for online platforms: (1) **Definition of Synthetically Generated Information (SGI)** defining SGI as audio, visual, or audiovisual content created or algorithmically altered using computer tools in a manner that could convincingly deceive a reasonable viewer into mistaking it for a real person or event; (2) **Mandatory Labeling and Provenance** requiring intermediaries to ensure synthetic content is prominently labeled and embeds permanent, tamper-resistant metadata to trace its origin; and (3) **The Two-Hour Takedown Clock** forcing platforms to remove non-consensual intimate imagery (NCII) within two hours of a victim's report, or risk losing their Section 79 safe harbor. While supporters argue that the rapid spread of deepfakes requires immediate intervention, digital rights advocates warn that these hyper-compressed timelines force platforms to rely on automated detection classifiers, leading to erroneous removals of lawful speech, including political satire and parody.

The deeper crisis in the regulation of synthetic media is **doctrinal**. As analyzed by Record of Law²⁰, substantive criminal law is built upon physical-world paradigms of *actus reus* (the guilty act) and *mens rea* (the guilty mind). When prosecutors attempt to address deepfakes using traditional obscenity laws, they encounter insurmountable conceptual barriers: first, obscenity laws are rooted in the protection of public morality protecting the public from seeing offensive materials whereas deepfaked non-consensual pornography is a direct violation of personal consent and bodily privacy. By treating deepfakes as "obscenity," the law focuses on the nature of the image rather than the absence of consent. Second, generative AI fragments *mens rea*, as liability is diffused across the developer who wrote the software, the platform hosting the "nudifying service," the user who inputs the photo, and the secondary distributors. The current BNS framework remains silent on this technology-driven abuse, leading to fragmented prosecution and legal uncertainty.

VII. Horizontal Constitutionalism and Rights-Based Remedies

The failure of substantive criminal law to keep pace with generative AI has forced litigants to

¹⁹ Ministry of Electronics and Information Technology (MeitY), IT (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2026, notified via Gazette Notification G.S.R. 120(E) (Feb. 10, 2026). See also 'India's IT Amendment Rules 2026 Explained: How the New Law Regulates Deepfakes and AI-Generated Content', The Legal Hub, available at <https://thelegallhubb.com/indias-it-amendment-rules-2026-explained/>.

²⁰ Debdip Banerjee, 'Criminal Liability for AI-Generated Deepfake Sexual Content under BNS: Gaps, Overlaps, and the Need for a Separate Offence', Record of Law (June 6, 2026).

turn to civil and constitutional remedies. However, a critical analysis of deepfake litigation in India reveals a stark, gendered power discrepancy. Between 2023 and 2025, Indian High Courts issued several highly publicized takedown orders for unauthorized deepfakes, including landmark cases like *Anil Kapoor v. Simply Life India* (2023)²¹ and *Shilpa Shetty Kundra v. Getoutlive.in* (2025)²². As documented by Ritwik Sharma, the overwhelming majority of these suits eight out of nine were filed by well-known, wealthy celebrities or public figures. Crucially, the predominant legal rationale used by courts to grant immediate takedown orders in 77.8% of these cases was the violation of personality and publicity rights proprietary, commercial rights designed to protect a celebrity's financial interest in their image, voice, and likeness.

This commercialized approach has severe gendered and class-based consequences: it prioritizes property rights over dignity, suggesting that the legal system is more responsive to the financial loss of a celebrity than the psychological and bodily violation of a private individual. This creates a massive gender gap in litigation access. While women and girls are the targets of 99% of sexually explicit deepfakes, female petitioners represent only 33.3% of takedown lawsuits in India, because non-celebrity women cannot easily prove "commercial harm" resulting from their image being superimposed onto explicit content. The sole exception to this trend is *Kamya Buch v. JIX5A* (2025)²³, where the Delhi High Court moved away from commercial property rights and focused on the non-commercial, dignitarian ramifications of unauthorized sexually explicit deepfakes, granting relief on the ground that such content was *prima facie* defamatory and a patent breach of fundamental rights. Defamation, when stripped of its commercial lens, represents a far more gender-neutral and accessible path for private individuals seeking justice.

The true path forward for digital obscenity jurisprudence lies in the **horizontal application of Article 21 of the Constitution of India**. Article 21 guarantees the fundamental right to life and personal liberty. In the historic nine-judge bench ruling of *K.S. Puttaswamy v. Union of India* (2017)²⁴, the Supreme Court unequivocally declared that the right to privacy is a core constitutional guarantee, intrinsic to human dignity and personal autonomy. Crucially, the *Puttaswamy* court recognized informational control as a central component of privacy, affirming that individuals must retain sovereign authority over how their digital likeness,

²¹ *Anil Kapoor v. Simply Life India*, 2023 SCC OnLine Del 6914.

²² *Shilpa Shetty Kundra v. Getoutlive.in*, 2025 SCC OnLine Bom 5486. See also Ritwik Sharma, *supra* note 11.

²³ *Kamya Buch v. JIX5A*, 2025 SCC OnLine Del 6428.

²⁴ *Puttaswamy v. Union of India*, (2017) 10 S.C.C. 1.

identity, and personal data are represented. Unauthorized sexually explicit deepfakes directly subvert this principle by stripping individuals of informational control and superimposing a fabricated, sexualized persona onto their identity without consent.

Following the Supreme Court's ruling in *Kaushal Kishor v. State of Uttar Pradesh* (2023)²⁵, which made the horizontal enforcement of fundamental rights against private non-state actors a reality, Article 21 can now be applied directly against private websites, platforms, and individual perpetrators. By framing deepfake abuse as a direct violation of the constitutional right to privacy and dignity under Article 21, the legal system can shift the inquiry from commercial damage to the inherently violative nature of non-consensual sexual fabrication, protecting all citizens regardless of their celebrity status. This route also validates the Right to be Forgotten²⁶ empowering victims of revenge pornography and synthetic abuse to mandate the permanent removal of explicit fabrications from search engines and digital archives to prevent perpetual humiliation.

VIII. Conclusion: Toward a Consent-Centered Digital Jurisprudence

Traditional obscenity jurisprudence, designed for a physical world of print and paper, has collapsed under the weight of generative AI and borderless networks. The Hicklin and Miller tests, with their focus on paternalistic public morality and regional community standards, are fundamentally incompatible with a digital ecosystem governed by global distribution and private shadow regulation. Legislative efforts to regulate digital spaces must shift their conceptual focus. Intermediary rules like India's 2026 IT Amendments, while operationally demanding, must be paired with deep judicial sensitivity that prioritizes individual rights over commercial interests.

Ultimately, online obscenity law must be transformed from a system that polices sexual speech to preserve public decency into a precise, victim-centric framework designed to protect bodily privacy, informational control, and consent under the horizontal shield of constitutional dignity. Only by establishing consent and individual autonomy as the bedrock of cyber-legal doctrine can the legal system ensure inclusive and effective protection for all citizens in the digital age.

²⁵ *Kaushal Kishor v. State of Uttar Pradesh*, (2023) Supreme Court of India. See also Ritwik Sharma, *supra* note 11.

²⁶ See *Subhranshu Rout @ Gugul v. State of Odisha*, (2020) Odisha High Court. See also Ritwik Sharma, *supra* note 11.