

The AIB Knockout Case: How much is too much !!

Shows come up all the time, some are funny, some romantic and some dramatic. What happens when a show comes up that is brutally honest. It says all the things we have all been thinking and steps on a lot of toes! Where is the line between being funny and offensive? Who gets to decide the “limit” of what can be said in the name of humour?



Recently AIB which is an Indian Comedy Group is making the headlines for its roast show AIB Knockout Championship which was organized on December, 2014 and featured celebrities like Karan Johar, Ranveer Singh and Arjun Kapoor. The format of the show presented roast form of comedy, where a celebrity guest was brought on stage and comedians and peers “roast” him/her. They picked up on the

celebrity, and made comments on him/ her which were allegedly rude, nasty and offensive. The show was uploaded on YouTube and received over four million views in a matter of four days.

Following the show being aired on YouTube, the same has landed in some legal trouble and is facing controversies.

In view of alleged filthy and abusive language being used in the AIB Knockout, several complaints were filed with the Mumbai Police. Consequently, the Mumbai

Police lodged FIR against the organizers of the show. It has also been reported that complaints have been received all over the country and FIRs have been lodged against the attendees of the show as well including Bollywood celebrities.

Maharashtra’s Minister for Cultural Affairs Vinod Tawde remarked the “vulgarity” of the show “a crime” and remarked that “we will register an FIR against them as they appear to have performed without any performance license. Such vulgarity is a crime and based on facts which will

emerge, the government will file a case against them.”

The mounting complaints has now compelled Maharashtra Government to even consider a probe into the AIB Knockout event. Moreover, it has gone so far now that a Magistrate Court in Bombay has asked a Police station to file a FIR against 14 people including but not limited to DeepikaPadukone, Alia Bhatt, Ranveer Singh, Arjun Kapoor, Karan Johar and organizers and participants of the Roast. It has stirred up some serious legal trouble for AIB and also led to massive controversies in the film industry and media alike regarding the kind of jokes that were cracked at the expense of many people and the message it sends out to the youth of the country.

Reportedly in the FIRs the celebrities, organizers and even members of the audience have been charged for various offences under the provisions of the Indian Penal Code and the Information Technology Act including inter alia criminal offences like criminal conspiracy, punishment for acts intended to insult the modesty of women and punishment for publishing information which is obscene in electronic form.

LIMITS ON THE FREEDOM OF SPEECH AND EXPRESSION

Article 19 of the Indian Constitution protects people and their right to express and speak freely.

However, the constitutional provision is guarded by some “reasonable restrictions” and under few stipulated parameters limits the freedom of expression of the media and press. These restrictions come under the forms of subjective terms such as “decency or morality”. The relevant law is reproduced under:

Article 19(2): Nothing in sub clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State

from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub clause in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence.

In view of the present context, it would be relevant to analyse the limits of decency and morality. In several cases, the Indian Courts while adjudging a matter relating to obscenity and public decency and morality have made reference to the test laid down by Cockburn C.J. in Queen v. Hicklin [(1868) L.R. 3 Q.B. 360], wherein the Judge stated “*I think the test of obscenity is this, 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. . . .*” The Judge further remarked that “*it is necessary a balance should be maintained between freedom of speech and expression and public decency and morality but when the latter is substantially transgressed the former must give way.*”

CONCLUSION

The makers and the attendees of the show would have never thought that a comedy show would land them in such an indictment and criminal charges would be levelled against them. The Courts are yet to decide whether the impugned AIB Knockout show transgressed the limits of decency and morality as enumerated under Article 19(1)(a)(2) of the Constitution. The decision and the observations of the Court in this case would go a long way in defining the limits of the freedom of speech and expression in case of TV shows involving celebrities in light of the impact and influence celebrities have on the youth of the country. 



Vikrant Rana is the managing partner of S.S Rana & Co., a premier Intellectual Property Law Firm of India. He is an Advocate-on-Record with the Supreme Court of India (2006) and is a registered patent agent. For over a decade, Vikrant has

been providing practical legal advice to many Fortune 500 companies and some of the world’s most esteemed corporations on securing, protecting, and enforcing their IP assets in India and world over.

He is actively involved in sensitizing awareness on Intellectual Property Rights in India and is associated with several government organizations including the TIFAC, Department of Science and Technology, Patent Facilitating Centers (PFC), Patent Information Centers (PIC), FICCI, Ministry of Small Scale Industries (MSSI), CII, WIPO, TERI, IIM Ahmadabad, BHU etc. and is a frequent speaker and panelist in seminars and conferences conducted by these organizations. He is a member of several law associations and forums including INTA, FICPI, APAA and AIPPI.



Nidhi Chopra is an Associate in the Litigation department of S. S. Rana & Co. She obtained her B.B.A. LL.B. from Symbiosis International University, Pune. She is well versed in aspects of Trade Marks, Copyrights, and Arbitration and

regularly advises clients on such issues. She has a flare for writing and regularly submits articles and journals as well as writes for the firm’s weekly newsletter IPConnectTM.