Profiles in Law, Sexuality and Outrage: Uorfi Javed

Umara Zainab

The formal complaint against former television actress and social media celebrity Urfi/Uorfi Javed on grounds of indecent exposure has triggered debates around obscenity, social identity and self-expression within the digital sphere in India. Chitra Wagh, the Bharatiya Janata Party's Women's Wing president, was the first to issue a complaint to the Maharashtra Women's Commission about Javed's 'indecent' clothing. This was followed by other political leaders requesting the state authorities to take action against the actor for "fuelling the perverse attitude of the society". [1]

While violence against women constitutes a significant aspect of their experience within the digital realm, Javed's case points to how her efforts at self-fashioning necessitates negotiating the lines between free speech and provocation, and transgression and obscenity. Despite constant media scrutiny around her choice of clothes (made of bizarre shapes and cuts with items ranging from clothes hanging clips to dangling mobile phones), Javed has stood her ground in wearing what she loves and her desire to be recognized as a 'fashionable actor'. Her resistance to pressures to conform is duly appreciated by her fans. In interviews, she has said, "As for trying to flaunt a happy image, well, I am always honest. So, I end up crying, getting angry even on camera. I take no pressures." Her fashion sense is commended also on the grounds that she advocates for a DIY (Do It Yourself) approach to make clothing more accessible to those who can't afford luxury brands. [2]



Uorfi Javed's DIY dresses made out of garbage bags, wires and photographs. Image source: Instagram.

Her brand and image have become political not only because of how she unabashedly owns up to her clothing being 'provocative' and 'bold', but also due to the ways in which she persistently refutes and challenges religiously informed patriarchal ideas about women's sexuality. Javed summarizes this when she states "What is vulgar for a woman is okay for a man; it will take time to come out of it [that mindset]." [3] Javed's online image has also affected her offline life, as she has spoken about her difficulties in finding a house to rent due to her social identity and public persona.

Obscenity Laws and Moral Policing

The application of obscenity laws in the case of Javed is an example of how the law handles what is perceived to be a cause of public outrage, shock, scandal and controversy. Section 292 of the Indian Penal Code (1872) prohibits any visual or written material that appeals to "prurient interest" or has a corrupting effect on people. Section 293 criminalises the sale or distribution of content deemed as obscene to anyone under the age of 20, while Section 294 is against the depiction and

performance of obscene acts and songs in public spaces. The Indecent Representation of Women Act (1986) is also part of the obscenity laws, as it prohibits the "depiction of the figure of a woman as to have the effect of being indecent or is likely to deprave or corrupt public morality." Within the digital realm, Section 67 of the Information Technology Act puts in place stipulations for punishment of anyone who publishes or transmits obscene material in electronic form. [4]

The complaint against Javed is founded on the assumption of the mass effect of digital media and the hurtful or damaging impact it may have on the moral sensibilities of people. The principle followed by the obscenity law, according to feminist scholar Ratna Kapur, has been that "any representation of sex and sexuality is bad; sexually explicit representations are immoral; and sex and sexuality are not a normal part of our humanity, but an evil, corrupting, poisonous influence from which 'decent people' must be protected." [5] This argument is further solidified when one looks at the research around Section 67 which deals with 'digital obscenity'. The unfair use of the law has been disproportionate to its appropriate application, as most cases studied did not even involve an element of nudity or sexual overtones. [6]

The vague definition of obscenity as well as its changing perceptions have allowed for the law to be interpreted differently in each case. Consequently, the controversies around obscenity have more to do with what is deemed unacceptable at a current time than with a uniform or standardised idea. The criticism of Javed's revealing outfits is rooted in notions about the boundaries between permissible style and sleaze, between fashion and pornography. Javed subverts classed ideas about decency and respectability through her DIY style and professed preference for 'attention' and 'publicity'. In her case, conservatism around sartorial choice and sexual speech, especially that of women, parallels the obsession and fixation over Muslim women's sexuality as well. Chetan Bhagat, an Indian author and writer, sees her clothing style not only as a moral outrage but a transgression against national sensibilities: "On one side, there is a youth who is protecting our nation at Kargil and on another side, we have another youth who is seeing Urfi Javed's photos hiding in their blankets." [7]

The colonial legacy of censorship and obscenity points to how laws were instrumentalized to maintain public order and control the dissemination of opinions and news. They were rooted in

Victorian morality that viewed sex and sexuality as inherently immoral and shameful. The ghost of colonial-era laws still props up on various occasions to create scandals that speak to the tensions of our current times, and prevent multiple readings of not just images but also representations of sexuality.

The Item Girl: Precedents for Web Stardom

Uorfi Javed's special appearances in front of the media may be read in the context of pre-existing cultures of paparazzi and Page-3 journalism, but also with regard to the changing role of the 'item girl' in the 1990s. The latter was a phenomenon associated with Malaika Arora, an MTV India video jockey who stepped into the world of films through her performance with Shahrukh Khan to the "Chaiyya Chaiyya" song in the movie *Dil Se* (1998). Arora was honest and unabashed in embracing the 'item girl' tag and tried to remove it from its attendant notions of debasement and empty entertainment. She proclaimed, "I love dancing. I enjoy it a lot. And I'm not apologetic about being an item girl at all…I have no plans to act in films. I don't enjoy it." [8]

The confluence between stardom and item numbers points to how post-1990s actresses have been able to build their own networks of influence within Bollywood and outside of it, through 'starry' special appearances in sexualized dance songs which may or may not have any relation to the narrative. The status of respectability is important in holding on to the status of item girls and preclude the diminishing of mass entertainment into mere sleaze. Film scholar Silpa Mukherjee sees Malaika Arora's marriage into Salim Khan's family as providing the garb of respectability that allowed her to build her own space within this genre. [9] After her divorce, Arora has tried to renegotiate her image, with her reality TV series, *Moving In with Malaika*, where she provides glimpses of the 'real Malla' that has so far remained largely hidden behind the 'star Malaika'. The impulse to be authentic as she openly discusses her divorce and her current relationship with a younger actor is accompanied by constant references to her legacy as a star item girl. In one of the episodes, she recreates her iconic "Chaiyya Chaiyya" performance with Nora Fatehi, who is among the new crop of item girls to make their mark in films. The choreography is aimed at paying tribute

to the ‘sexiness’ of Malaika, that today can also be easily reproduced through the virality of Instagram reels.



Malaika Arora and Nora Fatehi’s recreation of “Chaiyya Chaiyya” in *Moving in with Malaika*. Image source: Hotstar.

Arora has provided a script for transgressing middle-class norms whilst also maintaining her respectable status through her networks within Bollywood. This script has been reappropriated by other outsiders to the industry who aspire for stardom. A number of social media influencers and small-time celebrities use the interactions with their followers and certain sections of the media as a means of gaining fame and popularity. The important differentiating factor is the absence of familial networks and high social status in the case of figures like Javed, that doesn’t afford them the respectability and glamour of an item girl.

The interpellation of the individual self within the ideological apparatus of the entertainment industry has gradually given way to a more nuanced understanding of individual agency and action. Judith Butler’s formulation of “gender performativity” allows us to explore the ways in which norms are restructured and reproduced by people in multiple ways. Social media, with its

power of visibility, potential for creative expression and relatively democratic circulation networks, has allowed a new generation of stars to craft an image of the self, according to their own voices and styles, to reach a wide audience. But even within this field, there are constraints imposed by the law and moral police. The freedom to experiment and disrupt sartorial and gender expectations may bring with it an equal a barrage of violence, trolling and slut shaming. Uorfi shows how fun, pleasure, desire and fashion, encapsulated in the image of the item girl, are useful and important tools in creating "technologies of the self", and how a new brand of authenticity is being forged through the defence of one's rights to hold on to the power of this created image against various sources of backlash.

Endnotes

[1] "Urfi Javed Lands in Legal Trouble," *The Times of India*, December 12, 2022, https://timesofindia.indiatimes.com/tv/news/hindi/urfi-javed-lands-in-legal-trouble-lawyer-submits-complaint-against-her-for-obscene-acts/articleshow/96168422.cms.

[2] Hasto Doshi, "Urfi Javed: Yes, I'm Doing It for Attention," *The Times of India*, January 19, 2023, https://timesofindia.indiatimes.com/tv/news/hindi/exclusive-uorfi-javed-yes-im-doing-it-for-attention-whats-wrong-with-that/articleshow/97097905.cms.

[3] Tasmayee Laha Roy, "Uorfi Javed: Consistency is the Key to Stay in Fashion," *Money Control*, January 23, 2023, https://www.moneycontrol.com/storyboard18/brand-makers/uorfi-javed-consistency-is-the-key-to-stay-in-fashion-in-conversations-and-in-business-5067.htm.

[4] "Urfi Javed Controversy: What Are the Obscenity Laws in India?" *The India Express*, January 9, 2023, https://indianexpress.com/article/explained/explained-law/urfi-javed-controversy-obscenity-laws-explained-8368986/.

[5] Ratna Kapur, "The Profanity of Prudery: The Moral Face of Obscenity Law in India," *Women: A Cultural Review*, 8, no. 3 (1997): 293-302, DOI 10.1080/09574049708578318.

[6] Bishaka Datta, "Sexual Expression, Law and Media in Contemporary India," in *Acts of Media: Law and Media in Contemporary India*, ed. Siddharth Narrain (New Delhi: Sage Publications, 2022), 80-97.

[7] "Chetan Bhagat Reacts to Screenshots of Leaked WhatsApp Chats Shared by Urfi Javed," *The Times of India*, November 30, 2022, https://timesofindia.indiatimes.com/tv/news/hindi/chetan-bhagat-reacts-to-screenshots-of-leaked-whatsapp-chats-shared-by-urfi-javed/articleshow/95817966.cms.

[8] "Malaika Arora Khan: Not Apologetic About Being an Item Girl," January 23, 2015, *Mid-Day*, http://www.mid-day.com/articles/malaika-arora-khan-not-apologetic-about-being-an-itemgirl/.

[9] Silpa Mukherjee, "The Body and Its Multimedia Sensations: Forging Starry Identities Through Item Numbers," in *Stardom in Contemporary Hindi Cinema: Celebrity and Fame in Globalized Times*, eds. Aysha Iqbal Viswamohan and Clare M. Wilkinson (Springer Link, 2020), 135-157.

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