



CHILD PORNOGRAPHY - GS II AND III MAINS

Q. Child pornography was an emerging issue in India with the adverse impacts of the rising technologies. Discuss the impacts of child pornography in India and bring out the measures taken by India to address the issue. (15 marks, 250 words)

News: *Teens must be counselled out of porn addictions rather than being punished: Madras High Court*

What's in the news?

- Generation Z (Gen Z) teenagers are getting addicted to porn just like the millennials used to get addicted to cigarettes and liquor. Instead of damning and punishing such youngsters with criminal charges, society must be mature enough to counsel them out of these addiction, the Madras High Court has said.

Key takeaways:

- Justice N. Anand Venkatesh made this observation while quashing a criminal case against a youngster who had downloaded and watched child porn videos on his mobile phone.
- He stressed the need for society to tackle this issue from school onwards.

Pornography:

- It is defined as the **reporting or portrayal of sexual actions in order to produce sexual excitement through books, films or other media.**
- Pornographic websites, pornographic material created using computers, and the use of the internet to download and transmit pornographic films, texts, photographs, and photos, among other things, fall under this category.

Child Pornography:

- Consumption of child pornography after the lockdown in the country has gone up by 95% with online data monitoring websites.
- Keyword searches related to child porn **increased significantly.**

Growing Challenges:

- **Dark web** is often used to distribute child pornography. Dark web is out of ambit of any regulation.
- **Social media** and chatting apps like WhatsApp, Facebook have become the medium of online child pornography. Their content remains encrypted and cannot be put under surveillance.



- Though artificial intelligence and machine learning is used to prevent the uploading of child pornographic content in respect of any known and reported image. However, any minor change in the property of the image would enable it to evade discovery through automated processes.

Unhealthy trend

Consumption of child pornography online increased nearly two-fold after the lockdown was imposed

- Traffic to child pornographic websites from India increased 95% between March 24 and 26 compared to that before the lockdown

- Keyword searches for "child porn", "sexy child" and "teen sex videos" increased significantly

- In a survey conducted on demand for child

pornography in 100 cities in December 2019, it was found that there were 5 million downloads on average per month

- Under Section 15 of the POCSO Act, a person who stores child porn for commercial purposes shall face imprisonment for up to 3 years or will have to pay a fine or face both punishments

Impacts of Child Pornography:

1. Psychological impact:

- Pornography creates a psychological impact on children. It is associated with **depression, anger and anxiety**. This can lead to mental anguish.
- It also affects children's daily functioning, their biological clock, their work and their social relationships.

2. Impact on sexuality:

- When seen regularly, it gives a feeling of sexual satisfaction and sexual obsession, which leads to the will to do the same things in real life.

3. Sex addiction:

- According to some experts, pornography is like addiction. It has a similar effect on the brain produced by regular use of drugs or alcohol.

4. Behavioural impact:

- The use of pornography among adolescents is associated with stronger beliefs in gender stereotypes, particularly among men. Adolescents who watch pornography are often more likely to view women as sex objects.
- Pornography can reinforce attitudes that support sexual violence and violence against women.

Associated laws/punishments:

The following laws specify the events and situations that trigger punishment but they do not define "pornography" or "obscenity" precisely and specifically.



Indian Penal Code (IPC):

- Sections 292 and 293 of the Indian Penal Code, 1860 make it illegal to sell, distribute, and exhibit or circulate obscene objects.
- The Criminal Law Amendment Act of 2013 added Section 354 D to the Indian Penal Code, 1860, which deals with stalking.

Information Technology (IT) Act 2000:

- The transmission of photographs of “a private part of any person without his or her agreement” is covered under the Act.
- For the same, the penalty is either three years in prison or a fine of not more than two lakh rupees, or both.
- The publication or transmission of obscene material is covered by the Act.
- Publishing or sending anything that depicts sexually explicit acts or conduct is punishable

Protection of Children from Sexual Offences (POCSO) Act 2012:

- POCSO Act, 2012 is a significant piece of law aimed at protecting children’s rights and preventing child sexual abuse and exploitation.
- This Act deals with sexual offences against children, and a kid is defined as a person under the age of 18 under the Act.
- The POCSO’s provisions address the use of minors for pornographic purposes, which we are not concerned with in this case.
- This Act **establishes Special Courts** to hear cases involving minors.

Recommendations:

The Adhoc Committee of the Rajya Instituted by Chairman M. Venkaiah Naidu has made far reaching recommendations to prevent sexual abuse of children and to contain access to and transmission of child pornography content on social media. The committee has recommended important amendments to the POCSO Act, 2012 and the IT Act, 2000 besides technological, institutional, social and educational measures and state-level initiatives.

- It has recommended a **broader definition of child pornography for legal purposes**. The new definition "Any visual depiction of sexually explicit conduct involving a child which include photographs, video, digital or computer generated image indistinguishable from an actual child and an image created, adapted or modified but appear to depict a child".
- It has proposed for **making Internet service providers (ISPs) accountable** for the availability of such content.
- **ISPs are to identify and remove child sexual abuse material (CSAM)** as well as report such content and those trying to access them to the authorities under the national cybercrime portal.
- The amended law will also apply to pornographic content where adults or young adults pretend to be children.
- If a person stores such content for distributing it further, except for when presenting it in court as evidence, he could face a punishment of up to three years.



- It has called for **strengthening the National Commission for Protection of Child Rights (NCPCR)** so that it can serve as the nodal body for curbing child pornography.
- NCPCR should **include technology to curb circulation of child porn** such as breaking end-to-end encryption to trace its distributors of child pornography, mandatory applications to monitor children's access to pornographic content, employing photo DNA to target profile pictures of groups with CSAM.
- To **strengthen state-level implementation** it has recommended appointing 'safety commissioners' in every state, who could monitor the reporting of sexual exploitation of children on social media.

WAY FORWARD:

- **Awareness/Education:** Banning everything is difficult and, as we know, the technology is available for free. Sex education must be in school so that children can understand exactly what it is.
- **Parents** must play a very important role. They should keep watching the children for what they are doing.
- There must be a type of program in which parents, teachers and students interact openly and discuss **sex education**.
- From a **technological** point of view, we have to be extremely selective and more vigilant and cautious when developing our pornography policy.
- **National Cyber Crime Reporting Portal** shall be designated as the national portal under-reporting requirements in the POCSO Act in case of electronic material
- Union Government shall be empowered through its designated authority to block and/or prohibit all websites/intermediaries that carry child sexual abuse material
- **Law enforcement agencies** should be permitted to brake end to end encryption to trace distributors of child pornography. Apps that help in monitoring children's access to pornographic content shall be made mandatory on all devices sold in India. Such Apps or similar solutions to be developed and made freely available to ISP, companies, schools and parents.
- Ministry of Electronics and IT and Ministry of Home Affairs shall coordinate with **Blockchain analysis** companies to trace identities of users engaging in cryptocurrency transactions to purchase child pornography online. Online payment portals and credit cards are prohibited from processing payments for any pornographic website.
- All social media platforms should be mandated with minimum essential technologies to detect Child Sexual Abuse Material besides regular reporting to law enforcement agencies in the country.
- There is a need to separate the types of pornography and prohibit them accordingly. We must ban all types of child pornography and sexual abuse pornography.