

Child pornography as a menace

February 25, 2020

Source: *The Hindu*

Manifest pedagogy: Child Pornography is of particular concern in India. The proliferation of mass media and internet has further complicated the process of keeping a check on the bad practice. Moreover, trafficking and related issues are also a key concern in this regard.

In news: A Parliamentary House committee headed by Rajya Sabha member Jairam Ramesh has recommended a multi-pronged strategy to tackle the menace of child pornography.

Placing it in syllabus: Social evils

Static dimensions: Child pornography as a menace

Current dimensions: Recommendations of the committee

Content:

The committee was set up by Rajyasabha chairman in January, 2020 after the Parliament was informed in the winter session that 377 websites hosting child pornography had been taken down and 50 police cases had been filed involving online sexual exploitation of children.

A US-based NGO in January, 2020, highlighted that nearly 25,000 cases of suspected child pornographic content have been uploaded in India on various social media websites within a period of five months.

Child pornography as a menace:

- National Centre on missing and exploited Children (NCMEC) NGO recently alerted the Indian government about the presence of child pornographic content on various

social media sites in the country.

- **Delhi has topped the list of places where child porn was uploaded**, followed by Maharashtra, Uttar Pradesh, Gujarat, and West Bengal.

Legal status of child pornography in India:

- Pornography in any form is illegal in India and comes under Section **292 and 293 of the Indian Penal Code (IPC)**.
- Information Technology **(IT) Act – Section 67B** makes child pornography illegal in the country.
- But **neither** Section 67 of the IT Act nor Section 293 of the IPC **define child pornography**.
- The laws **strictly prohibit child pornography in India** and any person convicted for browsing child porn content can be awarded a sentence of five years in prison and a fine of Rs 1 million.

Recommendations of the committee:

- 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.**
- The **fine** for possessing child porn but not deleting or reporting it is **increased to ₹5,000** from the earlier proposal of ₹1,000.
- 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 upto 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.