



The Big Picture: Pornography - Impact on Children & Society

The Ad-hoc Committee of the Rajya Sabha was instituted recently by the Chairman of the House to examine and report on the **issue of child pornography** and the prevalence of its horrific consequences. The Committee was chaired by Jai Ram Ramesh and has made 40 recommendations to prevent sexual abuse of children and contain access to & transmission of child pornography content on social media.

- The Committee has also recommended important amendments to the Protection of Children From Sexual Offences (POCSO) Act, 2012 and the Information Technology Act, 2000 besides initiating changes at technological, institutional, social, educational and state-level initiatives.

[Protection of Children from Sexual Offences \(Amendment\) Bill, 2019](#)

- **Definition of Child Pornography:** Any visual depiction of sexually explicit conduct involving a child which includes a photograph, video, digital or computer-generated image indistinguishable from an actual child.
- **Storage of Pornographic Material:** The Act penalised storage of pornographic material for commercial purposes with a punishment of up to three years, or a fine, or both. However, the bill increases it to 3-5 years. In addition, the Bill adds two other offences for storage of pornographic material involving children:
 - Failing to destroy, or delete, or report pornographic material involving a child, and
 - Transmitting, displaying, distributing such material except for the purpose of reporting it.

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Punishment for offences for using child for pornographic purposes

Offence	POCSO Act, 2012	2019 Bill
Use of child for pornographic purposes	<ul style="list-style-type: none">• Maximum: 5 years	<ul style="list-style-type: none">• Minimum: 5 years
Use of child for pornographic purposes resulting in penetrative sexual assault	<ul style="list-style-type: none">• Minimum: 10 years• Maximum: life imprisonment	<ul style="list-style-type: none">• Minimum: 10 years (in case of child below 16 years: 20 years)• Maximum: life imprisonment
Use of child for pornographic purposes resulting in aggravated penetrative sexual assault	<ul style="list-style-type: none">• Life imprisonment	<ul style="list-style-type: none">• Minimum: 20 years• Maximum: life imprisonment, or death.
Use of child for pornographic purposes resulting in sexual assault	<ul style="list-style-type: none">• Minimum: Six years• Maximum: Eight years	<ul style="list-style-type: none">• Minimum: Three years• Maximum: Five years
Use of child for pornographic purposes resulting in aggravated sexual assault	<ul style="list-style-type: none">• Minimum: Eight years• Maximum: 10 years	<ul style="list-style-type: none">• Minimum: Five years• Maximum: Seven years

Laws for Pornography in India

- There is no law banning watching pornography in personal space.
- After the Supreme Court's order, the Department of Telecommunication banned several websites containing child pornographic material.
- As per the Information Technology (IT) Act, 2002, it is punishable to show children any pornographic content.

Impact of Pornography on Children and Society

- **Psychological impact:** Porn creates a psychological impact on children. It is associated with depression, anger and anxiety. It can lead to mental distress. It also impacts day to day functioning of children, their biological clock, their work, and their social relationship.
- **Impact on sexuality:** When seen regularly, it gives a sense of sexual gratification and sexual obsession, which leads to a willingness to do the same things in real life.
- **Sexual addiction:** According to some experts, pornography is like an addiction. It produces a similar effect on the brain as produced by consumption of drug or alcohol on a regular basis.
- **Behavioural impact:** Adolescent pornography use is associated with stronger beliefs in gender stereotypes, particularly for males. Male adolescents who view pornography frequently are more likely to view women as sex objects.
 - Pornography may strengthen attitudes supportive of sexual violence and violence against women.

Other Impacts

- Pornography can influence a young person's expectations about sex. There is some evidence that exposure to pornography can increase the likelihood of an earlier first-time sexual experience.
- Pornography is also associated with unsafe sexual health practices such as not using condoms and unsafe anal and vaginal sex.
- Both male and female consumers of pornography had increased levels of self-objectification and body surveillance.
- The content of pornography may reinforce double standards of active male sexuality and passive

female receptacle.

Challenges

- The effect of pornography is different in children belonging to the lower class compared to children belonging to the high class. A single approach won't be able to handle the issue effectively.
- Lack of sex education courses and workshops in the school curriculum.
 - In India, sex is seen as negative (something which should be hidden). There is no healthy family dialogue regarding sex. It leads the child to learn this from outside which led to an addiction to pornography.
- It's very difficult for agencies to detect the activities of child pornography and monitor them effectively.
- Availability of obscene content on regular websites and OTT (over the top) services like Amazon Prime, Netflix, Hotstar, etc, make it difficult to differentiate between the non-vulgar content and vulgar content.

Efforts Undertaken

- Agencies across the world are sharing information to combat child pornography. New technologies and methods are being adopted.
- Coordination between police and ordinary people to identify the hotspots of child pornography.
- The Uttarakhand High Court asked the Centre to strictly implement the ban on pornographic websites, after the reports that a girl was gang-raped in a Dehradun school by her fellow students after they watched porn clips.

Way Forward

- Child porn should be banned immediately. Most of the time, the first exposure of porn to a child is accidental for eg. in the form of advertisement while browsing for other things on the internet. The government should try to find technological solutions to stop accidental exposure.
- Awareness and sex education is a must and should be made compulsory in schools. Parents and teachers must be skilled to deal with children in the modern era and technology. It is important for parents and teachers to be able to initiate open conversations about their child's online experiences.
 - Parents and caregivers are encouraged to educate themselves about the internet and social media, in order to be aware of the current online dangers and opportunities facing their children.
 - Other than giving punishment, reformation should be done too. Support for children and young people who have been exposed to online pornography is extremely important.

Recommendations by the Rajya Sabha Committee

Legislative Measures

- **Changes in the [POCSO Act, 2012](#):**
 - Advocating sexual activities with a person under the age of 18 years through any written material, visual representation or audio recording or any characterization -should be made an offence under the Act.
 - Prescribing a Code of Conduct for online platforms for maintaining child safety online, ensuring age-appropriate content and curbing the use of children for pornographic purposes.
 - School management should be held responsible for the safety of children within schools, transportation services and any other programs with which the school is associated.
 - To report offences dealing with **electronic material**, the **National Cyber Crime Reporting Portal** shall be designated as the national portal.

▪ Changes in the IT Act, 2000:

- A new **Section 67B** should be added to the Act to deal with punitive measures for those providing pornographic access to children and also those who access, produce or transmit **Child Sexual Abuse Material (CSAM)**.
- Section 69A of the Act should provide for powers to the Union Government shall be empowered through its designated authority to block and/or prohibit all websites/intermediaries that carry CSAM.
- Section 69C must be inserted in the Act to authorise law enforcement authorities to use cyber-generated and existing pornography for the purpose of investigations.
- Making intermediaries responsible for all measures to proactively identify and remove CSAM as well as report it to Indian authorities under the National Cybercrime Portal.
- Gateway Internet Service Providers (ISP's) must bear a significant liability to detect and block CSAM websites.

▪ Technology Measures

- Law enforcement agencies should be allowed to break end-to-end encryption so as to trace distributors of child pornography.
- Applications that help in monitoring children's access to pornographic content shall be made mandatory on all devices sold in India.
- Coordination with **blockchain analysis companies** must be enhanced in order to trace identities of users engaging in cryptocurrency transactions to purchase child pornography online.
- All social media platforms should be mandated with minimum essential technologies to detect Child Sexual Abuse Materials. Also, social media shall have a mechanism for age verification and restricting access to objectionable/obscene material.
- On-streaming platforms like Netflix and social media platforms like Twitter, Facebook, etc. should have a separate adult section where under-aged children could be disallowed the access.

Institutional Reforms

- The Committee recommended an upgraded and technologically empowered National Commission for Protection of Child Rights (NCPCR) to be designated as the **nodal agency** to deal with the issue of child pornography.
- The National Crime Records Bureau (NCRB) shall mandatorily record and report annually cases of child pornography of all kinds.
- A **national Tipline Number** should be created where child sexual abuse, as well as the distribution of child pornographic material, can be reported.

Social and Educational Reforms

- Campaigns should be launched for **greater awareness among parents** to recognize early signs of child abuse, online risks and improving online safety for their child.
- Schools shall undertake **training programmes** for parents at least twice a year, making them aware of hazards for children of free access to smartphones, internet at an early age.

State-level Implementation

- The Committee recommended that each State and Union Territory shall have empowered State Commission for the Protection for Child Rights mirroring capabilities and capacities of the NCPCR.
- E-safety Commissioners be appointed at the state level to ensure implementation of social media and website guidelines.

