

Research Article

Prevalence of Online Child Pornography and Applicable Laws in India

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ABSTRACT

With the increasing use of Internet technology, online child pornography has taken a heap over the years. The figures published by Interpol which say that more than 24 lakh online child abuse are reported in the last 3 years in India clearly show the widespread of online child abuse. Although child pornography is not a new crime, with quick and easy access to the Internet, it has become easier to commit and hunt and make children fall prey to child pornography. Children use the Internet for education, entertainment, social interactions, etc. and end up spending the majority of their time on various Internet platforms. Hence, it is the need of the hour to protect children from the victim of online child pornography. This can be done with a strict legislative framework, accountability of social media platforms, government and LEAs preventive measures, a robust reporting mechanism and awareness among parents, schools and children. Hence collaborative efforts are called for. This chapter discusses the prevalence of online child pornography in India. The relevant provisions under different laws in India that touches on the aspect of online child pornography are comprehensively laid down in the chapter. It also examined the reasons behind increasing cases of online child pornography in India and concluded by suggesting recommendations to curb the issue of online child pornography.

Keywords: Online child pornography, Child sexual offences, Cybercrimes, Legal challenges, information technology Act, 2000, Protection of children from sexual offences Act, 2012 Indian penal code, 1860

MEANING AND NATURE OF ONLINE CHILD PORNOGRAPHY

Children due to their innocent nature and unknowing character are the easiest prey and most vulnerable to becoming a victim of any crime. For ages, they are being exploited and harassed for one or other reasons. May it be making them victims directly or using them for committing any crime, they are abused in every possible way.

One of the most heinous crimes committed against children is child pornography. In general, child pornography implies using or involving any child in any sexually explicit conduct and visually presenting such act in digital formats such as pictures, videos or any other digitally generated content. Sexually explicit acts may include conduct such as showing intercourse, oral sex, bestiality, masturbation, nudes of genitals, etc.¹

Etymologically, the word pornography is derived from the Greek word ‘porni’ which means prostitute and ‘graphein’ which means to write. Combining the two implies a work of art or literature depicting the life of prostitutes.²

Section 2 (da) of the Protection of Children from Sexual Offences Act, 2012 defines Child Pornography as:

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 and image created, adapted, or modified, but appear to depict a child.

Article 2(c) of the Optional Protocol of the Convention on Rights of the Children, 2002 defines child pornography as:

any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.

In Citizen’s Guide to Federal Law on Child Pornography, the Department of Justice, The United States defines child pornography as any visual depiction of sexually explicit conduct involving a minor (A person less than 18 years old).³

Child pornography is not a new phenomenon, it exists in society for a long time but with the advent of Internet technology, it has expanded its scope to a large extent

¹Improving the Response to Victims of Child Pornography, 2014. Retrieved 30 November 2021, from <https://victimsofcrime.org/doc/Policy/section-1-improving-response-to-vcp.pdf?sfvrsn=2>

²Etymology of Pornography. Retrieved 29 November 2021, from <https://www.britannica.com/topic/pornography>

³Child Pornography, Section 2256 of Title 18, United State Code, U.S. Department of Justice, 2020.

becoming a new version of itself, that is, Online or Cyber child pornography. It is considered one of the most prevalent cybercrimes in the present time.

Online child pornography means using Internet technology to access, possess, produce, import, publish, transmit or distribute pornography involving a person below the age of 18 years.⁴ The law that deals with cybercrimes in India are the Information Technology (IT) Act, 2000. Child Pornography is punishable under Section 67B of the IT Act, 2000 which lays down that publishing or transmitting material depicting children in the sexually explicit act, etc. in electronic form is a crime. Even the storage or watching of child pornography is an offence under Indian law. There are many other laws that deal with online child pornography which are discussed later in detail.

Child pornographers are using the Internet as an instrument to commit child pornography. May it be catching prey for pornography or for its distribution, supply, production, etc. everything has become much easier through Internet technology.

The National Centre for Sexual Abuse reported that child pornography is growing as an online business at a rapid rate across the world and India is one of its major consumers and contributors. Every 40-s pornographic content is created and out of this 38% depict a child.⁵ There is an altogether separate porn industry that works as a business that is spread across cyberspace in which children are exploited for monetary and sexual benefits. Hence we can imagine the severity of this crime and its prevalence across the world and particularly in India. Indian children become the soft target of child pornography due to many factors such as poverty, unemployment, illiteracy, etc. Some children do it to fulfil financial needs and other basic requirements and some are forcefully made to do it. In both ways, the children are gravely exploited and oppressed whether they do it with consent or without consent.

EFFECTS OF ONLINE CHILD PORNOGRAPHY ON THE VICTIM

Injury and Pain

The most evident effect on victims of child pornography is the physical pain and injuries caused due to indulgence in sexual activities. As the body of a child is not physically ready to be actively involved in sexual acts, they go through acute pain and suffering which includes exhaustion, fever, panic attacks, discomfort, irritation, bleeding, allergies,

⁴Schell, B.H., Martin, M.V. *et al.* (2007) 'Cyber child pornography: A review paper of the social and legal issues and remedies and a proposed technological solution', *Aggression and Violent Behavior*, Vol. 12, No. 1, pp. 45–63.

⁵Milind Rajratnam, Combating Child Pornography in India (May 14, 2020). Retrieved 29 November 2021, from <https://www.jurist.org/commentary/2020/05/milind-rajratnam-combating-child-pornography/>

cramps, ache, sleeplessness, vaginal infections, etc. Generally, in child pornography cases, the sexual act is not a one-time thing, it is done repeatedly which causes even more physical suffering. Also, there are high chances of a girl victim getting pregnant and later going through an abortion.

Fear of Transfer of Sexually Transmitted Diseases

Pornography is directly related to un-protective sex, hence there is a great risk of transfer of sexually transmitted diseases such as Human immunodeficiency virus (HIV)/ Acquired immunodeficiency syndrome (AIDS) and Human Papillomavirus (HPV). HIV is one of the most lethal diseases which is ranked number two on the list of infectious diseases provided by the World Health Organization.⁶ In the case of victims of child pornography, there is always a higher possibility of getting attacked by this deadly disease. Hence we can clearly see the danger associated with the victim of child pornography which can even end up taking their lives.

Chances of Landing Up in Prostitution/Sex Trafficking

Once a child is trapped in pornographic activities, he/she might get attracted to it because of a lack of sensibility and understanding or other personal reasons such as financial stress, homelessness, etc. and start feeling comfortable in it which may lead to their indulgence in prostitution or sex trafficking purposes.

Depression

Depression is a very common aftereffect of being a victim of any sexual abuse. The victim generates a feeling of worthlessness in society and restricts himself/herself from mixing up with the outer world. This in turn leads to lower self-esteem and guilt. They start hating themselves and get into extreme passive mode.⁷ This leads to isolation or complete withdrawal from society. The victim develops anxiety issues as well.

Suicide and Suicidal Thoughts

Self-destruction behaviours such as committing suicide, attempting to commit suicide and having suicidal thoughts are some of the immediate consequences of pornography victimisation. The victim wants to end his life as he feels unacceptable in society. These thoughts get stronger when there is no support from the family and the victim is all alone to fight the battle of surviving (Briere, Runtz, 1986).

⁶Porn and Sexually Transmitted Infections. Retrieved 30 November 2021, from <https://rewardfoundation.org/porn-sexually-transmitted-infections/>

⁷Child Sex trafficking victims. Retrieved 30 November 2021, from <https://www.stairwayfoundation.org/resources/online-resources-on-child-sexual-abuse-and-sex-trafficking/child-sex-trafficking-victims/>

Sexual Addictions

Sex addiction is another aftereffect that is found common in male victims who he was the victim of sexual abuse for a long time. Due to habitual indulgence in sexual activities, the survivor's victim impulses or urges to get involved in it again and again. This can also be termed compulsive sexual behaviour. In this, there is an uncontrolled urge or intensity to have sex and if not able to get it, the victim suffers mental stress and anxiety.⁸ This is a kind of compulsive sexual behaviour disorder that is categorised under impulse control disorder notified by the World Health Organization.⁹

Feeling of Revenge, Enmity and Ill-Will

The feeling of revenge is quite usual in all the victims of sexual abuse/pornography which is coupled with enmity and ill-will. The victim cries out for retribution and is desirous to inflict the same pain on the culprit as he/she has suffered. The greater the harm and transgression suffered by the victim and the greater the desire for revenge. The feeling of revenge is directly proportional to the amount of harm suffered by the victim.¹⁰ The experiences of a child in his childhood especially the negative experiences such as sexual abuse remain with him throughout his life as it hits his mind and soul and it's difficult to erase those incidents.

Fear of Being Out-Casted and Non-Acceptance in the Society

The victims of sexual abuse always face humiliation in society, especially in a country like India where the word 'sex' is taboo and the victim of sexual abuse is considered a co-accused in the crime. Hence, the victim of such abuse is always afraid of being out-casted from society. There exist negative societal reactions towards the victim of sexual abuse and a notion of non-acceptance in society.¹¹

CRIMINOLOGY BEHIND THE INCREASING RATE OF CASES OF ONLINE CHILD PORNOGRAPHY

Excess of Indulgence in the Online Activities

Presently, India is ranked second on the list of Internet users across the world with

⁸Melissa, S., Arielle, S. *et al.* (2020) 'Child sexual abuse and compulsive sexual behavior: A systemic literature review', *Current Addiction Reports*, Vol. 7, No. 1, pp. 76–88.

⁹World Health Organization (2018) *International Statistical Classification of Diseases and Related Health Problems* (11th Revision).

¹⁰Van Denderen, M., De Keijser, J. *et al.* (2014) 'Revenge and psychological adjustment after homicidal loss', *Aggressive Behavior*, Vol. 40, pp. 504–511. doi: 10.1002/ab.21543

¹¹Claire, G., Moica, B. *et al.* (2018) 'Blaming the victim of acquaintance rape: Individual, situational and sociocultural factors', *Frontiers in Psychology*, Vol. 9, p. 2422.

over 760 million Indians using the Internet.¹² With so many people accessing the Internet for one or another reason, all won't use it for ethical purposes, criminal activities are bound to happen. Both the perpetrator and the target are using the Internet platforms in a big number. Perpetrators, with the intent to catch children for child pornography, use the Internet to connect to them. On social networking sites and dating applications one can easily access the profile of an individual and can communicate and interact. Children in their teenage are naïve and open to new people and relationships and easily trust strangers and get into their trap. The perpetrator online grooms the child and asks for private photos and videos and then further uses them for pornographic purposes (Wolak and Mitchell, 2007).

Easy Availability of Child Pornographic Content

Internet platforms are full of pornographic content. The availability of sexually explicit content is not restricted specifically to pornographic websites but various social media platforms, entertainment websites, gaming platforms, etc. provide such content and this is not only for adults but also children. As reported by the U.S. National Centre for Missing and Exploited Children with National Crime Record Bureau, there are more than 25,000 images depicting child explicit content found on various Indian social media platforms in just 5 months, that is, from September 2019 to January 2020.¹³ We can gather the gravity of the offence and its prevalence in contemporary times. Such easy availability of the child's sexually explicit content may appeal to or captivate the adults to involve in such activities with the child and they might end up indulging in it by making a child his target nearby to him (Ybarra and Mitchell, 2005).

Anonymous Nature of the Internet Paves the Way for the Wrongdoer

Anonymity is one of the major characteristics of the Internet which is most perilous as no one knows who is actually behind the screen of the computer.¹⁴ This facilitates crime. Cases of impersonation and identity theft are very frequent crimes that occur almost daily. A person can make a fake profile on any Internet platform and put false information about himself and there is hardly any authentication of such information (Armstrong, 2003). He may represent himself to be someone else and can commit a crime smoothly without any fear of being caught. The situation is worse as the Internet

¹²Distribution of Internet Users in India, 2019, by Age Group, 2021. Retrieved 1 December 2021, from <https://indianexpress.com/article/india/child-pornography-india-ncmec-us-report-6238603/>

¹³Mohamed Thaver, Indian Express, 2020. US alert for India: 25,000 child porn cases uploaded in five months. Retrieved 1 December 2021, from <https://indianexpress.com/article/india/child-pornography-india-ncmec-us-report-6238603/>

¹⁴Armstrong, F. (2003) 'Internet anonymity practices in computer crime', *Information Management & Computer Security*, Vol. 11, No. 5, pp. 209–215.

does not have any territorial boundaries, a person sitting seven seas apart can become a victim or fall prey to any crime and so as child pornography.

Curious Nature of the Children

Children, in their teenage, are open to trying new things, making new relationships and exploring different things and are effortlessly made victims of any crime and it is even easier online as the parents are not always eyeing the activities of the children and they are also not restricted while sharing their information online. They share their personal information such as name, contact address and number, birth details, etc. even to a person they do not know physically. The predators are actively looking at such youngsters to trick them and gain their trust and later use them for any crime.

Irregular Practices by Social Media Platforms

Social media platforms such as Instagram, Facebook, Snapchat, etc. are acting as a cakewalk for the cybercriminal to commit crimes and exploit this unregularised platform. Under Section 79 of the IT Act, 2000 Intermediaries are free from any kind of liability for any third-party information available on their platforms. This implies that if there is any pornographic content being shared or created through their platform and they are not aware of such content, they can't be held liable. There are hardly any checks or prohibitions available on part of the social media platforms to restrict the sharing or creation of child pornographic content.¹⁵

Lack of Digital Literacy and Cyber Ethics

Children lack digital literacy and cyber ethics. They are not aware of the best practices to be adopted while using the Internet. National Commission for Protection of Child Rights reported that on the one side the increased usage of smartphones helped children in learning but on the other hand lack of digital literacy and online safety measures has led to children becoming victims of cybercrimes.¹⁶ This factor also makes many children a victim of online child pornography as they are unaware of what kind of information, images, videos or other personal content should be shared online. They are not well equipped with basic blocking, filtering and other techniques to keep them safe online (Flint, 2000).

¹⁵Impact of Social Media on Cybercrime in Today's Digital Age, 2021. Retrieved 2 December 2021, from <https://www.thecable.ng/impact-of-social-media-on-cyber-crime-in-todays-digital-age>

¹⁶Cyber Crime is Growing Challenge, Lack of Digital Literacy Measures Exposes Children, 2019. Retrieved 2 December 2021, from <https://varindia.com/news/cyber-crime-is-a-growing-challengelack-of-digital-literacy-measures-exposes-children>

Sexual Cultural among the Children

These days, modernisation is also linked with the development of sexual culture. Society wants to remove the taboo of 'sex' and 'sex talks' in society and keep it a normal topic to be openly talked about. This can work in the adult group but this mentality doesn't work in the case of children. If a stranger (an adult, generally) talks to a child about sex, there are chances that he might have an ulterior motive which can land up in sexting, sharing of private pictures and videos, etc. and ultimately leading to generating pornographic content of a child (Cameron and Salazar, 2005).

CRITICAL ANALYSIS OF LAWS DEALING WITH OR TOUCHING ANY ASPECT OF ONLINE CHILD PORNOGRAPHY IN INDIA

Information Technology Act, 2000

Section 66E of the IT Act, 2000 provides punishment for violation of privacy. It says that capturing, publishing or transmitting any picture of any person without such person's consent depicting any private area of the body is punishable with imprisonment extendable up to 3 years or a fine maximum of 2 lakh or both.¹⁷ Hence if any person takes any sexually explicit picture or even a nude or semi-nude picture of a child is punishable under this section. These acts are the initial steps toward the committing of online child pornography.

Section 67B of the IT Act, 2000 deals with punishment for publishing or transmitting material depicting children in sexually explicit acts, etc. in electronic form.¹⁸ It says that publishing, transmitting, collecting, viewing, browsing, creating or downloading child pornography is punishable with 5 years of imprisonment and a 10 lakh rupees fine.

Protection of Children from Sexual Offences Act, 2011 (POCSO)

Section 2(da) of POCSO defines child pornography as:

any visual depiction of sexually explicit conduct involving a child which include photograph, video, digital or computer-generate image indistinguishable from an actual child, and image created, adapted, or modified, but appear to depict a child.¹⁹

Here it was important to provide the exact definition of child pornography as laid down in the act to get a clear interpretation of the definition. The definition addresses the

¹⁷Section 66E, Information Technology Act, 2000.

¹⁸Section 67B, Information Technology Act, 2000.

¹⁹Section 2(da), POCSO, 2012.

constant growth of the digitally-driven society and included in its ambit the digital mode of creation of child pornography. Therefore, online child pornography is covered under the definition.

Section 13 of the POCSO punishes any person who uses a child for a pornographic purpose. The pornographic purpose implies representing the sexual organ of a child in an indecent or obscene manner or using the child for sexual acts. It includes the Internet as a means of representing such conduct. Hence this 'usage' implies online child pornography.²⁰ The punishment for such an offence shall not be less than 5 years and a fine.²¹

Section 15 of the POCSO punishes the storage of pornographic material involving a child. Even possession of a child's pornographic material is an offence for which a minimum of 5,000 rupees fine can be imposed.

Indian Penal Code, 1860 (IPC)

Section 292 of the IPC²² prohibits the sale, distribution, public exhibition, circulation, production or possession of any obscene book, pamphlet, drawing, etc. This implies that any object or material which contains anything which depicts any person in an obscene manner contained in any form as laid above shall be held liable under this section. The term obscene has been defined as:

which is lascivious or appeals to the prurient interest or if its effect, or (where it comprises two or more distinct items) the effect of any one of its items, is, if taken as a whole, such as to tend to deprave and corrupt person, who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it.

The punishment prescribed for this offence in the case of the first conviction is imprisonment for a term that may extend to 2 years and a fine maximum of 2,000 rupees. In a second conviction or more, imprisonment may extend to 5 years and with a fine maximum of 5,000 rupees.

Section 293 of the IPC is an extension of Section 292, IPC and is specifically dedicated to the obscene object or matter which depicts any person under the age of 21 years.²³ This restricts the publication, transmission, possession, etc. of child pornographic

²⁰Section 13, POCSO, 2012.

²¹Section 14, POCSO, 2012.

²²Section 292, Indian Penal Code, 1860.

²³Section 293, Indian Penal Code, 1860.

content. The term material also includes electronic material. The offender for this shall be punishable with imprisonment extending up to 3 years and a fine extending to 2,000. In case of repetition of this offence, imprisonment may extend to 7 years and a fine up to 5,000 rupees.

Section 354A(iii) of the IPC states that if any man shows pornography to any woman (the term woman means the female of any age and hence includes a female child) against her will is an offence and shall be punished for a term which may extend to 3 years or with fine or both.²⁴ Thus, showing pornography to any girl child against her will is a crime. This provision helps in avoiding circumstances under which the child can be lured by showing sexually explicit content and asking her to do the same. Though this provision is gender-biased. Male children are also a victim of child pornography. It needs to be amended accordingly.

Section 354B of the IPC says that any man who compels any woman to be naked shall be punishable with a minimum of 3 years which may extend to 7 years or a fine.²⁵ Hence, any person who compels any child to get naked shall be punished under this section. There have been frequent practices by the perpetrators where they compel the child either physically or online to get naked. This is much more prevalent in video calls and live streaming on online platforms.

Section 354C of the IPC deals with Voyeurism.²⁶ Voyeurism is when any man watches or captures the pictures of a woman in her private act where a person is reasonably expected to be in privacy and where the genitals, posterior or breasts are exposed or are only covered with underwear or while using lavatory or involved in some sexual act generally done in private, is said to have committed an offence under this section. Voyeurism is a part of pornography where the child's pictures are captured while doing a private act. The punishment of this offence shall not be less than 1 year and extendable up to 3 years and also be liable for a fine. In case of repetition, imprisonment shall not be less than 3 years and can extend to 7 years along with a fine.

Section 509 of the IPC states that a word, gesture or act intended to insult the modesty of a woman is an offence.²⁷ It includes the act of a person where he intends to outrage the modesty of a woman intruding upon her privacy, in such a scenario, he shall be punished under this section for imprisonment extendable to 3 years along with a fine.

²⁴Section 354A, Indian Penal Code, 1860.

²⁵Section 354B, Indian Penal Code, 1860.

²⁶Section 354C, Indian Penal Code, 1860.

²⁷Section 509, Indian Penal Code, 1860.

In the case of child pornography, there is a sheer intrusion upon the privacy of a child by taking images or recording the sexual activity of a child, knowingly or unknowingly. If such pictures are leaked, it will lead to online child pornography.

RECOMMENDATIONS AND SUGGESTIONS FOR RESTRAINING THE SPREAD OF ONLINE CHILD PORNOGRAPHY

Need for Stringent Laws and Higher Punishment and Penalties

The laws that deal with online child pornography have been already laid down above. After analysing the laws, it can be said even stricter punishment and fines should be imposed on some of the crimes that may be an initial step toward online child pornography or have a higher probability of culminating in online child pornography such as online grooming, voyeurism, cyber stalking, etc. The punishment or penalty should act as deterrence in society so that other people think thrice before committing such an act. For example, the punishment for voyeurism under IPC is one to 3 years. The act of voyeurism involves capturing the images of a woman while engaging in a private act. Such a private act includes a woman or child doing a sexual act. This can be the initial step toward pornography. If at this moment itself the wrongdoer is punished with higher punishment and penalty, he may not dare to repeat the act again. This approach would definitely control the prevalence of online child pornography as preventive measures are taken at the initial level itself (Malamuth and Huppert, 2006). Also, some provisions of the IPC should be made gender-neutral. (The sections which are gender-biased under the IPC are already stated above.)

Using Technology such as Automated Tools, etc. to Control or Restrict Online Child Pornography

The websites and particularly social media platforms should use stricter and more accurate filtration tools to control the spread of online child pornography. Since 2014, Google is using a special filter in which every child's sexually abusive picture is provided with a unique digital fingerprint which helps in tracking down similar pictures through their system identity.²⁸ Using different filters such as Domain Name System (DNS) filtering,²⁹ Internet Protocol (IP) filtering³⁰ and Uniform Resource Locator (URL) filtering³¹ is recommended to reduce online child pornographic content to a large extent.

²⁸In a report published by Porn Hub, India stands on the third rank in the world in watching pornography videos and the maximum of such videos is child pornography. Mostly the youngsters watch such content.

²⁹DNS filtering is used to block malicious websites and filter out harmful or inappropriate content.

³⁰IP filtering follows filter rule set up by the user to restrict the data traffic. It basically controls what IP traffic will be allowed into and out of your network.

³¹URL Filtering puts restrictions on accessing and loading certain URLs as being harmful.

Similarly, Microsoft developed a PhotoDNA tool for law enforcement agencies in which a digital signature is designated for each image which can be compared with a database containing already prevailing sexual abusive pictures. This filter automatically detects the child's abusive pictures and reports it thereby. Not only the significant social media platforms but also other online platforms should be promoted to use these filters.³²

Establishment of Separate Cyber Courts and Empanelment of Specialised Cyber Law Advocates

Presently, the offences defined under the IT Act, 2000 are dealt with by the civil courts in India and not a specific cyber court. There are exclusive and separate courts, tribunals and commissions in other laws such as the Environment Act, 1986 (National Green Tribunal), Consumer Protection Act, 2019 (Three-level Consumer Commission), Companies Act, 2013 (Company law tribunal), etc. to handle the cases in these technical subject matters. The adjudication mechanism as laid down under Section 46 of the IT Act, 2000 deals with only contraventions of this act. Looking at the mounting rate of cybercrimes and so as of online child pornography, the exclusive cyber court is the need of an hour. Also, the National and State Legal Service Authority should hire or empanel cyber law expert advocates to deal with a case of cybercrime. Such as the case of online child pornography, if taken up by a cybercrime advocate, he will understand the technicality attached to it and the aftereffects of such an offence better than the advocate who has no knowledge of cyber laws and technology.

Mandatory Cyber Awareness Sessions and Sensitisation Programs for Teachers, Children and Parents

Awareness, prevention and precautions are the keys to saving oneself from becoming a victim of cybercrime. Mandatory cyber awareness sessions and sensitisation programs should be organised not only for the children but also for the guardian and teachers. The children spend most of their time in the care of teachers and guardians, the children can be constantly monitored and guided by both regarding safety measures to be opted by the children while being online. These sessions can be organised by schools, non-profit organisations or any other government agencies.³³

School Curriculum to include a Course on Digital Literacy

Inculcation of digital literacy and cyber ethics in the school curriculum for children is

³²Supra note 3

³³Akdeniz, Y. (2001) 'Governing, Pornography and Child Pornography on the Internet: The UK Approach', Cyber-Rights, Protection, and Markets: A Symposium, University of West Los Angeles Law Review, at 20.

a pressing priority. Children are not aware enough of how to conduct themselves on online platforms, what information and how much of the information should be shared and with whom should it be shared. They should be taught the best practices to be adopted while using the Internet, setting up a time limit for using the Internet, blocking and filtering techniques should be promoted to be used for inappropriate content, restricted data sharing and various other guidelines as issued by the school authorities (Patchin and Hinduja, 2012).

Establishment of National Cyber Training University for Police Professionals and Judicial Officers

Police officials and judicial officers should be trained in the field of cyber laws during their training and before they are officially designated to their offices. For this National Cyber Training University may be established with expert faculty members to train the officials of law enforcement agencies in dealing with cybercrimes. Under the Cyber Crime Prevention against Women and Children Scheme, the Govt. of India has already made a training curriculum on the investigation and prosecution of cybercrimes for Law enforcement agencies personnel, prosecutors and judicial officers. This training curriculum and other Massive Open Online Courses (MOOC) e-courses should be taken as a reference while preparing the curriculum for National Cyber Training University. Along with this, the e-courses for cybercrime investigation.

Government-Initiated Projects and Programs to Curb Online Child Pornography

Government should take more initiatives by implementing programs and projects to tackle cyber pornography. In a report published by Porn Hub, India stands in the third rank in the world in watching pornography videos and the maximum of such videos is child pornography. Mostly the youngsters watch such content.³⁴ This reproduces two things, firstly easy availability of pornographic content and the massive number of people accessing such content. In such a case, the banning of pornographic websites is an instant remedy to it. Lately, in January 2020, the Indian government banned around 857 porn websites as a measure to curb the issue of online child pornography.³⁵ Though it is just a temporary measure to combat this issue as these pornography industries easily come up with new websites with the same content. Also, the Govt. of India has already ordered the Internet Service Providers to implement a Child Sexually Abusive

³⁴Is Watching Porn a Crime in India, 2020. <https://cyber-cops.com/blog/is-watching-porn-a-crime-in-india-2020>

³⁵857 Porn Sites Banned in India, 2020. Retrieved from <https://www.financialexpress.com/industry/technology/porn-ban-in-india-sparks-censorship-debate/113070/>

Material (CSAM) list of websites of Internet Watch Foundation, UK and Canada's Project Arachnid for blocking access to child pornography websites. Indian Govt. should also come up with such projects or CSAM list which specifically depicts Indian children as pornography and work on blocking access to such children by sharing the such list with other countries.

Duty of the Parents, Teachers and Guardian to Develop Mutual Trust and Friendly Relation with Children

Children need the support of their parents, guardian and teachers if they fall prey to online child pornography or any other sexual abusive crime. Being young and immature, they feel hesitant to share their awkward or embarrassing experiences with anyone, this might lead to their further exploitation. Hence, a friendly relationship should be developed with the children so that they openly share their daily life issues and difficulties. Even if a child becomes a victim of cybercrime, proper consultation should be provided in an effort to reconcile the child back to a normal situation (Dombrowski, 2007).

Checks over the Duties of the Cyber Cafes

Generally, the offender, rather than using his own device for creating, distributing, processing or publishing child pornographic content online, visit a cyber cafe and use their computer to do such activities so that the fear of getting caught through an IP address is removed. Therefore, the responsibility and liability arise on part of the cyber cafes to take strong preventive measures by keeping watch on the activities of the visitors of the cyber café. The Ministry of Electronics and IT has published the IT (Guidelines for Cyber Café) Rules, 2011 under the IT Act, 2000 for regulating the conduct of cyber cafes but it needs amendments such as adding a provision for setting up the software in each computer system for automatically blocking pornographic websites,³⁶ disallowing debit cards and credit cards as identity card as this leads to more number of online credit card frauds,³⁷ protecting the privacy rights of the user while storing photographs and personal information collected for identification purpose and any other provisions that directly or indirectly encroach upon the privacy and security of the user online or restrict the user from using the Internet facilities.³⁸

³⁶Rathore, A. and Hinduja, A. (2021) 'Need for regulation of cyber cafe in India', *IJLMH*, Vol. 4, No. 2, pp. 153–159.

³⁷Acharya, B. (2011) Comments on the Information Technology (Guidelines for Cyber Café Rules, 2011). Retrieved from <https://cis-india.org/internet-governance/blog/comments-on-the-it-guidelines-for-cyber-cafe-rules-2011>

³⁸*Ibid*

CONCLUSION

All been said and discussed, it can be concluded that immediate action needs to be taken to impede the widespread cases of online child pornography. Child pornographic content in cyberspace spread like fire and there is always a fear associated with the complete deletion of child pornographic images or videos as cyberspace is a universe in itself without any boundaries, one can never where any such content is being shared or transferred from one online platform to another.

As rightly said 'An ounce of prevention is worth a pound of cure', this absolutely fits in the case of online child pornography cases. Firstly, efforts should be made to avoid such circumstances which might lead to an instance of online child pornography such as vigilant nature of the children, implementing what is taught in the awareness sessions on cyber security tips and using various techniques and software to prevent viruses attacks, hacking, etc. and subsequently, parents and teachers actively supervising the activities of children online, connecting to them on a daily basis, will definitely protect the children from becoming a victim of online child pornography.

Along with this, a strong detecting mechanism to catch the culprit who is hiding behind the interest, an active and efficient cyber investigating team and stricter laws will act as the strongest pillar in providing remedy and justice to the victim of online child pornography and punishing the culprit. Hence, both prevention and remedial measures should be robust enough to fight back the menace of online child pornography.

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