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CYBER PORNOGRAPHY AND ITS RELATED PROVISION IN INDIA- Aayush Tiwari¹**ABSTRACT**

The Indian society is a very valuable society with its morality. Nowadays, Cybercrime is a new class of crime not only in India but also in the whole real world due to the growth of internet users. Dishonestly using of internet leads to cause of cybercrime in the virtual world. From doing online shopping to watching movies online and using excess internet usage cause Cybercrime.

The government creates awareness to make people aware of online bullying financial fraud, child pornography, cyber terrorism etc, and educates users not to give their data to any unauthorized person or authority and not to click on any unauthorized link.

Nevertheless, if any cyber or online Pornography happens then there is a punishment in the law i.e. Information Technology Act, 2000, and also in the Indian Penal law. We need to be aware and secure the general public of our country regarding same of Cyber pornography and its Indian Legal System related provisions under the Indian Legal system.

Keywords: Cybercrime, Cyber Pornography, Pornography, Information Technology Act, 2000, Indian Penal Code, 1860.

I.) Introduction

Crime is not new to the world it is as old as human society with time. Society has changed and so has the effect of crime with the emergence of development in the new era of technology which came to be known as cyber-crime. The Internet has given a different dimension to the real world and the life around us has become very simple. Everything is possible in the blink of an eye. But it excites the crime which gives more challenges to the growth of the internet. Any criminal

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activity that takes place via the medium of internet comes under the purview of cybercrime. The Internet has made surfing and uploading so simple that one can send and receive any type of video or clips from India while sitting in any country. As all pros consist of cons, one can also become insolvent by clicking on a link. Pornography is the most prevailed crime in modern society. People must be aware of their rights and legal provisions related to cyber pornography.

Cyber Pornography: The term “Cyber pornography” means, anything or content of a book, magazine, internet, films, etc describes or showcases sexual things in a manner to attract human excitement.

Pornography may be better understood simply, as a man and woman acting like a playboy or playgirl to attract people especially adults sexual emotions with the help of the internet, that is why it is named as “cyber pornography”.

According to surveys, there are millions of websites that contain online sexual content for demonstration and to attract the general public to indulge in it. Online pornography is becoming a business to earn money by selling nude videos and pictures. Even nowadays films have also started to click their naked base pictures and videos and print media as well as social media uploads to engage more people in our society.

II.) Effects of Cyber Pornography.

- 1.) The people's faces hormonal imbalance when they are caught with porn addiction.
- 2.) The person addicted to porn content may result in changing its behavior and attitude towards others.
- 3.) Sometimes it may lead to distraction towards studies when students are engaged in this and they also have a problem remembering anything.
- 4.) Porn content may lead to high addiction once any person gets engaged over it.
- 5.) Many types of internal and external diseases take place for a long time.
- 6.) It may also lead to prostitution as well as adultery.
- 7.) Addiction to pornography or previous experience may lead to deception in marriages.

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III.) Indian Legal Framework

According to the Information Technology Act, of 2000, the provision for cyber or child pornography is to restrict the production of pornographic content on any website and social media, but the contradiction is that it allows us to download pornographic content if it is not a child pornography.

Section 67 of the Information Technology Act, 2000 states that there must be a punishment for transmitting and publishing the obscene material in electronic or in any virtual form. It mentioned that whoever publishes or transmits any pornographic material on the internet, may be liable for imprisonment of *up to three years* and a fine of *up to five lakhs rupees*.

The term **publication** means anything that we are uploading on the internet either its social media or any website where another party can access that content.

According to **Section 67A** of the act, Those who indulged in the activity of transmitting and publishing any sexual material in any form were punished with-

[**First-time conviction:-** Jail extends to five years & Fine up to ten lakh Rs.]

[**Second-time conviction:-**Jail extend to seven years & Fine extent to 10 lacksRs.]

Illustration:- Annie and Arav were engaged in sexual intercourse in their private hotel room. The owner of the hotel i.e Amar puts the CCTV camera hidden in the rooms of the hotel. Afterward, he saves the recording on his device. Therefore he is liable for either description. There are some exceptions for this section when the person stores information with bona fide intention and uses it for science, literature, art, learning, etc.

Section 67B - child pornography

A person who is below the age of 18 years is called a child and those who transmits or publishes any sexual content in virtual mean which results in engaging children in the following way -

1. Children engaged in sexually explicit acts or any conduct
2. Obscene or indecent Materials related to child
3. Induces children to have relationship with other children
4. Abusing children online
5. Abuse the child with sexual activity via online

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Punishment-

[**First time** - Jail up to three years & Fine: ten lakh Rs.]

[**Second time** - Jail up to seven years & Fine: up to ten lakh Rs.]

Some provisions under the Indian Penal Code, of 1860:

According to **section 292**, obscenity means a disgusting act that is not acceptable to society. The newspaper, book, or pamphlet that contains obscene material and expresses open sexual desire, those who distribute, sell, or hire shall be for conviction of two-year imprisonment and also with a fine, concerning this section if accused again committed the same offence second time then he shall be liable for five years and fine.

According to section 293, the sale of obscene material or hiring or distribution of material that expresses an interest in sexual matters below the age of 20 years.

[First-time conviction: three years jail and 2000 rs fine].

[Second-time conviction: seven years jail and 5000 rs fine].

Some provisions in POCSO Act, 2012 was enacted to prevent children who is below 18 years of age from sexual offense covered under the act. This act protects the children from any sexual assaults, harassment with children, and child pornography.

The aim is to save the child from various offenses related to sexuality and pornography.

Section **13** of the act defines the offense in which one child indulges in sexual activity with another child and the person who uses this activity in the electronic media is liable for punishment.

Section **14** defines the punishment for children's pornography and its related content.

According to **section 15**, when the person stores any pornography of a child in any form is given a punishment of three years or a fine or both.

IV.) Conclusion

In the present era, the internet has increased pornographic content. There are many legal provisions related to child pornography that prohibit and restrict publication in any media, If anyone is seeing normal pornographic content he is not liable for child pornography until and unless the content includes any child.

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Minor children are accessing pornographic content due to the usage of the internet worldwide. The main role is of parents to prevent their children from using the internet and also view the surfing activities and what things they are watching and exploring in the virtual world.



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