

Chapter-07

CHILD PORNOGRAPHY IN INDIA: COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN

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ABSTRACT:

A considerable number of nations have relied on pre-existing laws pertaining to pornography or general laws pertaining to the corruption of youngsters instead of passing legislation that specifically forbids child pornography. The harm that child sexual abuse can do is very severe. The original abuse is increased and exacerbated if it was documented in a pornographic image. These pictures turn into irrevocable recordings of abuse. Child pornography, child sex tourism, and child prostitution all have a very close connection. Many of the nations where these behaviors are common are now major producers of new child pornography. Child pornography used to be mostly found in paper-based photographic forms, periodicals, on videos, and in drawings. The availability of child pornography has significantly changed as a result of the introduction of the Internet and other technical advancements. The chapter makes several recommendations, such as harmonizing national and international laws and definitions of child pornography; strengthening national law enforcement agencies' capabilities and resources to pursue child pornographers; and creating technologies that can more quickly locate child pornographic images on the Internet in order to facilitate quick identification and removal.

Keywords: *Child, Child Pornography, Internet, Minor, Social Media.*

INTRODUCTION:

People now rely on the internet for a variety of things, including information, communication, shopping, etc. Children are equally connected to the internet for amusement or instructional objectives. The internet is a great resource for many positive things, but it is also a significant source of crime. Every day, countless internet crimes take place, including phishing, cyberbullying, hacking, etc. The most distressing and horrific of these crimes is child pornography. Some people obliterate a child's or children's entire life just for their own gain or want. A subset of pornography known as "Child Pornography" uses images, audio, video, computer-generated content, and other methods to take advantage of children under the age of 18. Child pornography is defined by the Protection of Children from Sexual Offences (POCSO) Act of 2012 as "any visual depiction of sexually explicit conduct involving a child, including photographs, videos, digital or computer-generated images that are indistinguishable from actual children and an image created, adapted, or modified but appears to depict a child." Because the photographs are posted online and can never be totally removed or recovered, it is a victimization that never stops and not just a legal concern but also a moral one because it has the potential to alter a child's view of mankind. Images keep moving from one person to the next. The victim's present and future will be impacted by

this. In addition, it encourages additional crimes like sex tourism and abuse. Most of the time, the youngsters are aware of the pornographers, and pressures like grooming are used to coerce their behavior. Following are two types of prisoners that are described:

- **Unintentional Criminals:** These innocent individuals unintentionally come into child pornographic material. Such individuals cannot and should not be found guilty of this. Monitoring his or her search history can help establish innocence.
- **Intentional Criminals:** People of this type intentionally come into contact with child pornographic material. They must be found guilty because they are the true offenders.

Legislation on Child Pornography:

The 2012 Protection of Children from Sexual Offenses Act is also known as POCSO. The Indian government carries out this law to prevent child abuse, harassment, pornography, etc. According to this bill, anyone found guilty of using a youngster for sex will face up to five years in prison and a fine. Both the sentence and the fine may be lengthened up to seven years. In addition, those who engage in penetrative sexual assault on a minor under the age of 16 face the possibility of the death penalty or a sentence of up to 20 years in jail.

The Act also has safeguards to stop the child from falling prey to the legal system once more. It creates special courts that conduct trials in secret, without revealing the children's identities, and in a manner that is as kid-friendly as possible. As a result, the child can request assistance from an interpreter, special educator, or other professional while giving evidence, and they are also allowed to have a parent or other responsible adult present.

Child pornography is defined as any visual depiction of kid sexual behaviour that employs a child and includes a photograph, video, digital, or computer-generated image that cannot be separated from a real child (POCSO Act of 2019).

There is currently no law that forbids viewing porn in private. The Department of Telecommunication banned a number of websites that contained child pornography following the Supreme Court's directive. The Information Technology (IT) Act of 2002 makes it illegal to expose youngsters to any pornographic material.

The Chairman of the House has established the Ad-hoc Committee of the Rajya Sabha to investigate and report on the problem of child pornography and the prevalence of its terrible effects.

In addition to launching activities at the technological, institutional, social, educational, and state levels, the Committee has also suggested significant modifications to the Protection of Children from Sexual Offenses (POCSO) Act, 2012, and the Information Technology Act, 2000.

Difficulties with child pornography:

The availability of child pornographic material is growing exponentially. There are a tone of websites with this kind of stuff. To completely eradicate child pornography is a big task for us. A single strategy will not be effective in treating a variety of child groups to safeguard them from such abuses.

A child, an adolescent, etc., all receive different treatment. Another key obstacle to eliminating this crime is the lack of appropriate sex education. On this vast internet, it is exceedingly challenging for IT professionals to regularly follow and monitor such content. The availability of offensive content on the internet makes this situation worse.

Many countries have adequate anti-child pornography laws, but their enforcement is relatively lax. Because of their reputation or because they were blackmailed by the offender, the victim's family occasionally refuses to assist police in locating the social hotspots for child pornography.

SUGGESTIONS AND CONCLUSION:

India has one of the highest populations of children in the world, with 472 million children under the age of 18 living there, according to census data from 2011. An expansive reading of Article 21 of the Indian Constitution ensures that the state will protect children for its residents, and it is also required given that India is a signatory to the UN Convention on the Rights of the Child.

The Goa Children's Act, 2003, the sole explicit piece of child abuse legislation, was in effect prior to the POCSO Act. Few Suggestions are here to curb the Child Pornography from the Society.

- Parents should periodically monitor their children's activity on their phones, laptops, tablets, and other devices. And guide them in downloading and uploading material online safely.
- Limit the usage of devices like laptops, tablets, and phones for a set period of time.
- Teach young children about the internet and safe online behaviour.

- Configure your device's parental lock and privacy settings. (such as a phone, a laptop, etc.).
- Consider the features of any game, app, website, etc. that children will use before installing it, such as end-to-end encryption, video calls, messages, user anonymity, etc. And always download games, apps, and other content from reputable websites.
- Pornographic websites must be prohibited, and ISPs must be held accountable for this.
- To reduce this crime, tough measures should be taken against such offenders..