Attitudes to pornography vary according to the culture we live in. In India, at least, watching pornography is still taboo and against our ‘cultural values’. Be that as it may, it still does not deter a large number of young people from viewing pornography surreptitiously.

The IT Act contains several provisions on pornography - making, transmitting, viewing etc. Given that a number of young adults consume pornography, it is important to know what legal provisions cover this aspect.

Apart from pornography, viewing which may be harmless, child pornography is an act that should be condemned in the strongest possible terms and with punishments that match the heinousness of the crime. The IT Act details punishments for viewing, publishing or transmitting pornography.

**Q. Is viewing pornography an offence under the IT Act?**

No. It is not a crime to view sexually explicit material as long as you do not transmit, publish or cause to be published or transmitted content that is sexually explicit in any form.

**Q. What is the punishment for transmitting or publishing pornography?**

For those convicted of this offence for the first time, it involves a prison term of 5 years or a fine of upto Rs 10 lakh. In the second and subsequent convictions, the guilty can be sentenced to 7 years in prison and a fine upto Rs 10 lakh.

**Q. What are the provisions to protect children from pornography?**

The IT Act contains strict punishments to prevent child pornography. One is guilty of child pornography if:

- a person publishes, transmits, creates text or digital images, collects, seeks, browses, downloads, advertises, promotes, exchanges or distributes material in any electronic form depicting children in obscene or indecent or sexually explicit manner

- a person entices children to online relationship with one or more children for a sexually explicit act

- a person who facilitates abusing children online

A first conviction is punishable with imprisonment of upto 5 years and a fine upto Rs 10 lakh. The second and subsequent convictions will result in imprisonment of upto seven years and a fine of upto Rs 10 lakh.

**Q. How is a “child” defined under the IT Act?**

A child is any person below 18 years of age.

**Q. Are there any exceptions to printing material that may be considered lascivious?**

Yes. The IT Act makes exceptions for a book, pamphlet, paper, writing drawing, painting

representation or figure that is:

- Meant for science, literature, art or learning or other objects of general concern

- Is of bonafide heritage or religious purposes.

--Ends