

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
LOK SABHA
UNSTARRED QUESTION NO. 162
TO BE ANSWERED ON 7.12.2022

RESTRICTION OF PORNOGRAPHIC WEBSITES

162. SHRI T. N. PRATHAPAN:

Will the Minister of Electronics and Information Technology be pleased to state:

- (a) the details of the present stand of the Government with regard to adult films and pornographic content;
- (b) the details about appropriate restrictions imposed/measures taken to regulate such sensitive subject matters;
- (c) whether there is a decline in the internet traffic, relating to pornographic websites in the country and if so, the details thereof, State/UT-wise; and
- (d) if not, the steps taken/being taken by the Government to curtail the same during the last three years?

ANSWER

MINISTER OF STATE FOR ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI RAJEEV CHANDRASEKHAR)

(a) to (d): The policies of the Government are aimed at ensuring an Open, Safe and Trusted and Accountable Internet for its users. With the expansion of the Internet and more and more Indians coming online, the number of Indians exposed to content on the Internet has also grown. The many challenges in securing cyberspace also flow from its vastness and borderless nature. With regard to pornographic content/websites, it is informed that the Information Technology Act, 2000 ("IT Act") penalises publishing or transmission of material containing sexually explicit act in electronic form (section 67A and 67B) and publishing or transmitting of obscene material in electronic form (section 67), and makes them punishable with imprisonment for a period that may extend to three and five years respectively, and as per section 77B such cybercrimes are cognizable offences. As per the provisions of the Code of Criminal Procedure, 1973, prevention and investigation of cognizable offences is to be done by the police, and as per the Seventh Schedule to the Constitution, 'Police' is a State subject. As such, States are primarily responsible for the prevention, investigation etc. of such cybercrimes through the State police departments, which take preventive and penal action as per law, including in respect of the said cybercrimes pertaining to publishing or transmitting of material containing sexually explicit act or obscene material in electronic form.

To help achieve the aim of making Internet Open, Safe and Trusted and Accountable and to strengthen the mechanism to deal with such cybercrimes in a coordinated manner, the Central Government, in exercise of powers conferred by the IT Act, has made the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021. These rules cast specific obligation on intermediaries, including social media intermediaries, to observe due diligence and provide that if they fail to observe such due diligence, they shall no longer be exempt from their liability under law for third-party information or data or communication link hosted by them. Such due diligence includes the following:

- (i) To make reasonable efforts to cause the users not to host, display, upload, modify, publish, transmit, store, update or share, among others, information which, *inter alia*,

- is obscene, or is invasive of another's bodily privacy, or is harmful to child, or impersonates another person, or violates any law;
- (ii) Upon receipt of an order from a lawfully authorised government agency, to provide information or assistance for prevention, detection, investigation or prosecution under law, or for cyber security incidents;
 - (iii) To have in place a grievance redressal machinery, and resolve complaints of violation of the rules within 72 hours of being reported and, in case of a complaint by an individual or her/his authorised representative, remove within 24 hours any content which *prima facie* exposes the private area of such individual, shows such individual in full or partial nudity or shows or depicts such individual in any sexual act or conduct, or is in the nature of impersonation in an electronic form, including artificially morphed images of such individual;
 - (iv) In case an intermediary is a significant social media intermediary (*i.e.*, an intermediary having more than 50 lakh registered users in India), to additionally observe due diligence in terms of appointing a Chief Compliance Officer, a nodal contact person for 24x7 coordination with law enforcement agencies and a Resident Grievance Officer.

To further strengthen the mechanism to deal with such cybercrimes in a coordinated manner, the Government has also taken several other measures, including the following:

- (i) Government has time to time blocked websites containing child sexual abuse material (CSAM), based on lists from Interpol received through the Central Bureau of Investigation, India's national nodal agency for Interpol.
- (ii) Government has issued an order to Internet Service Providers, directing them to implement Internet Watch Foundation, UK or Project Arachnid, Canada list of CSAM websites/webpages on a dynamic basis and block access to such webpages or websites.
- (iii) A memorandum of understanding has been signed between India's National Crime Records Bureau and the National Center for Missing and Exploited Children of the United States of America, for sharing of tipline reports on online child explicit material and child sexual exploitation contents from the said Center. The tip lines, as received from the Center, are shared online with States and Union territories through the National Cybercrime Reporting Portal for further action.
- (iv) In 2018, Government directed Internet Service Providers to block 827 websites that hosted pornographic content, following an order by the Uttarakhand High Court.

With regard to adult films, it is informed that the Central Board of Film Certification, a statutory body under the Ministry of Information and Broadcasting, regulates public exhibition of films, including adult films, under the provisions of the Cinematograph Act, 1952 and the Cinematograph (Certification) Rules, 1983, to ensure good and healthy entertainment. According to the guidelines issued by the Board, films that are considered unsuitable for exhibition to non-adults shall be certified for exhibition to adult audiences only.

The Ministry of Electronics and Information Technology does not collect details of Internet traffic or maintain information in this regard.
