

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
LOK SABHA
STARRED QUESTION NO.*320
TO BE ANSWERED ON: 22.3.2023

ACCESS OF CHILDREN TO OBSCENE WEBSITES

***320+. SHRI VIJAY BAGHEL:**

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

- (a) the measures being taken by the Government to check the easy access to obscene websites through mobile phones and computers throughout the country;
- (b) the percentage of children watching such obscene websites and videos;
- (c) whether any survey has been conducted by the Government to understand the adverse effects thereof due to the said activities by the children;
- (d) if so, the details thereof and if not, the reasons therefor; and
- (e) whether the Government proposes to initiate any stringent measures to put a check on such websites and if so, the details thereof?

ANSWER

MINISTER FOR ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI ASHWINI VAISHNAW)

- (a) to (e): A Statement is laid on the Table of the House.

**STATEMENT REFERRED TO IN THE REPLY TO LOK SABHA STARRED
QUESTION
NO. *320 FOR 22.3.2023 REGARDING ACCESS OF CHILDREN TO OBSCENE
WEBSITES**

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(a) to (e): 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 access to and watching of obscene websites and stringent measures to check the same, it is informed that the Information Technology Act, 2000 ("IT Act") has stringent penalties for 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), which are punishable with imprisonment for a period that may extend to three and five years respectively and which, as per section 77B, 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 offences through State police departments, which take preventive and penal action as per law, including in respect of the said offences.

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) An intermediary shall make reasonable efforts to cause its user not to host, display, upload, publish, transmit, store or share, information which is obscene, paedophilic or pornographic, or invasive of another's bodily privacy, or harmful to child or violates any law.
- (ii) The intermediary shall not host, store or publish unlawful information prohibited under law for the time being in force, on a voluntary basis on violation of the above, and on actual knowledge upon receipt of a grievance or court order or notice from the appropriate government or its agency.
- (iii) The intermediary shall provide, upon receipt of an order from a lawfully authorised government agency, information or assistance for prevention, detection, investigation or prosecution under law.
- (iv) 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;
- (v) In case an intermediary is a significant social media intermediary (*i.e.*, a social media 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, and to endeavour to deploy technology-based measures, including automated tools or other mechanisms, to proactively identify information that depicts any act or simulation in any form depicting child sexual abuse or conduct.

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, from 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, United Kingdom or Project Arachnid, Canada list of CSAM websites/webpages on a dynamic basis and block access to such web pages 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 the percentage of children watching obscene websites and videos, it is informed that no data in this regard is maintained with the Government.

With regard to understanding the adverse effect of such watching and the Government conducting any survey to understand the same, it is informed that the Government is cognizant of issues in the cyberspace, including those affecting children, and no proposal for any such survey is under consideration of the Ministry of Electronics and Information Technology.
