

Ministry of Women and Child Development

Controlling Child-Porn Related Crimes

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As per information provided by Ministry of Home Affairs, Police and Public Order are State subjects under the Seventh Schedule to the Constitution of India. The responsibility to maintain law and order, protection of life and property of the citizens including children, rests primarily with the respective State Governments and UT Administration. The State/UT Governments are competent to deal with such offences including cyber-crime, offences under the extant provisions of law.

As per information provided by National Commission for Protection of Child Rights (NCPCR), complaints have been received pertaining to cybercrime violations with regard to child pornographic content.

The Information Technology (IT) Act, 2000 has adequate provisions to deal with prevailing cybercrimes. Section 67B of the Act specifically provides stringent punishment for publishing, browsing or transmitting child pornography in electronic form. Section 79 of the IT Act and The Information Technology (Intermediary Guidelines) Rules 2011 require that the intermediaries shall observe due diligence while discharging their duties and shall inform the users of computer resources to act accordingly. Further, sections 354A and 354D of Indian Penal Code provide punishment for cyber bullying and cyber stalking against women.

Government has taken a number of steps to be implemented by Internet Service Providers (ISPs) to protect children from sexual abuse online. These, inter-alia include:

- Government blocks the websites containing extreme Child sexual Abuse Material (CSAM) based on INTERPOL's "Worst-of-list" shared periodically by Central Bureau of Investigation (CBI) which is the National Nodal Agency for Interpol. The list is shared with Department of Telecommunications (DoT), who then directs major ISPs to block such websites.
- Government ordered major ISPs in India to adopt and disable/remove the online CSAM dynamically based on Internet Watch Foundation (IWF), UK list.
- Ministry of Electronics and Information Technology (Meity) is implementing a major programme on Information Security Education and Awareness (ISEA). A dedicated website for information security awareness has also been set up.

As per information provided by National Crime Records Bureau (NCRB), during the year 2016, the maximum number of cases registered under Section 14 and Section 15 of the POCSO Act, 2012 was in the State of Jharkhand.

Under Section 14 of the POCSO Act, 2012 whoever uses a child or children for pornographic purposes shall be punished with imprisonment of either description which may extend to five years and shall be liable to fine. Further under Section 15 any person who stores, for commercial purposes any pornographic material in any form involving a child shall be punished with imprisonment of either description which may extend to three years or with fine or with both.

Further the Government has proposed amendment to POCSO Act, 2012 to introduce definition of Child pornography and punishment for storing, transmitting or using child pornography for commercial purposes inter-alia, so as to curb the trend of child pornography through online medium. The Protection of children from sexual offence (amendment) Bill is presently under consideration of the Parliament.

This information was given by the Minister of Women and Child Development, SmritiZubinIrani, in a written reply in the Rajya Sabha today.

MM/SB

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