

Cyber Pornography And Legal Legislation

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Cyber pornography arises as one of the most controversial issue in related to the internet in recent years. It is simply defined as use of cyberspace to view and download pornographic image and video. Pornography on the internet is available in different forms it consists erotic videos, nude pictures, audio files, and text files. Internet also makes it easy to talking about sex, watch live sexual act and arrange sexual and obscene activities on screen. Pornography are mainly used for satisfaction of sexual desire by watching obscene scene between man and women. The word pornography is derived from Greek language. It is combination of word “porno” which means prostitution and “graphos” means writing about.although Indian Constitution ensure the ²right of freedom speech and expression, it has been held that a law against indecency is constitutional.The principle issue with respect to pornography is that there are specialized issues in banning the porn sites and furthermore fundamental rights to get to the free utilization of web which causing a bad effect on upcoming generation. There are many porn sites available on internet which cause exploitation of both women and child. Due to increase in porn site or porn viewers many females and teenage girls are forcefully sent to porn industry. Pornography also leads to marriage conflicts, addiction, child abuse, inequality and violence against women. Now a days these sites are not only used for watching porn but also for taking revenge. As many cases come into light where husband or boyfriend uploaded intimate and private videos of their partners, this leads to increase in suicide because of humiliation that arises from it. There are no rules for publication of videos on electronic media, anyone can do it in few seconds. Rape incident have also increased due to porn industry so there is a need of a strong rule and regulation which helps in curbing the exploitation of victims. But at the same time a immense argument that arise related to pornography that many women enter willingly in the porn industryfor their survival or making money and at the same time government has no right to decide what one wants to see or read. Different people have different opinion some thought that banning porn sites violate their right. In India merely watching, downloading and possession of porn content is not considered as illegal but publication and transfer of sexual content from electronic media is recognized as unlawful. In the recent survey it has been observed that India has the third largest viewers of porn in the world after US and UK.

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² Article 19(a) of The Constitution of India

Legal Legislation

The Information Technology Act – It was introduced in year 2000 and it was first legislation in the field of technology which contains section for preventing cyber pornography.

1. Section 66E – Punishment for violation of privacy

This section states that whoever, intentionally or knowingly captures, publishes, or transmits the image of a private area of any person without his or her consent, under circumstances violating the privacy of that person, shall be punished with imprisonment which may extend to three years or with fine not exceeding two lakh rupees, or with both.

It can be done by using camera in bedroom, changing room, bathroom without the consent of victim for blackmailing them or for uploading them on pornsites.

2. Section 67 – ³Punishment for publishing or transmitting obscene material in electronic form

Whoever publishes or transmits or causes to be published or transmitted in the electronic form, any material which is lascivious or appeals to be prurient interest or it its effect is such as to tend to deprave, and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it, shall be punished on first conviction with imprisonment of either description for a term which may extend to five years and with fine which may extend to ten lakh rupees.

3. section 67A – Punishment for publishing or transmitting of material containing sexually explicit act, etc. in electronic form.

Whoever publishes or transmits or causes to be published or transmitted in the electronic from any material which contains sexually explicit act or conduct shall be punished on first conviction with imprisonment of either description for a term which may extend to five years and with fine which may extend to ten lakh rupees and in the event of second or subsequent conviction with imprisonment of either description for a term which may extend to seven years and also with fine which may extend to seven years and also with fine which may extend to ten lakh rupees.

³Dr. Prakash vs State Of Tamil Nadu &Ors on 4 October, 2002

4. Section 67B – ⁴Punishment for publishing or transmitting of material depicting children in sexually explicit act in electronic form.

Conclusion

Pornography has very harmful effect on society. Many PIL are filed by right wing society for banning on porn sites but still complete banning on such porn sites are not granted by supreme court. Some PIL are pending and some because of technical complexities. Female and youngsters are exploited at a large scale due to trade of pornography. Internet is a greatest invention of mankind which helps them in educational purpose and advance development but at the same time pornography is the worst use of technology. Government should make laws for the person who are involved in this trade and to prevent the easy access of these pornsites by teenagers. There should also provision for deterrent punishment for those who are involve in illegal trade of pornography. This issues ares very serious in nature so government should take immediate initiative. Parents should also take care of their teenage child as this is the age when there is an excitement for knowing new things and applying them in real.

⁴Avnish Bajaj vs State on 29 May, 2008