

## **PORNOGRAPHY IN INDIA – A FAUX PAS**

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### **Abstract –**

Pornography, the word itself is in India a taboo no one is comfortable talking about. All a layman in India understands about porn is shady videos of men and women in a dark room either captured or published without the consent of the participant in the so-called porn video. Pornography itself is a huge industry in the world and has been successfully recognized by several nations around the world. But in India even watching porn is considered a social crime. The Indian administration has to date banned over 3,500 porn websites in the country. Yet, India ranks third in the world, followed by America and Britain, in terms of consuming pornographic content. An adult at the age of 18 is considered mature enough to choose a government for the nation, is considered mature enough to get into a consensual sexual relationship with a partner but, watching the same act on a screen is illegal and punishable according to the Indian Laws. No doubt criminal minds responsible for publishing videos either captured or published without the consent of the parties involved in the film should be strictly penalized but instead the innocent victim of such publication are victimized and made to face social and legal harassment.

**Keywords-** Pornography, Ban on porn, biggest taboo, Illegal, Youngsters, cyberporn

### **1. INTRODUCTION**

There is an analytical examination of various laws that relates to pornography and the obscenity that is committed and performed in the country by today's youngsters. These laws created some amount of fear among the attempters of the same. It includes the various section and the statutes to govern it in a better way that is The Indian Penal code, 1860 and The Information Technology Act, 2000, etc. Some of the sections of the statutes give the clear-cut idea of the punishments and the act done which crosses the degree of the obscenity and makes the clear violation of privacy and right to life.

Pornography has now become the hobby of the youngsters who start enjoying them and to govern and control those youngster's certain laws would take the certification and should take the Identity proof from the youngsters to get their age confirmed and then allowing them to access the sites. As these are the youngsters who are attracted to pornographic material and creates obscene scenes which are the actual symptoms of the violation in society. Like the USA, there are two types of pornography that receive no First Amendment protection obscenity and child pornography. The First Amendment generally protects pornography that does not include into one of these two categories – for adult viewers. Sometimes, the material is stated as "harmful to minors" even though adults can have the access to the same material (David, 2002).

There is a worldwide revolution in the perception of moral values in recent years, one of them was pornography or porn. Pornography has been defined in the Oxford Dictionary which states "The explicit depiction, in pictures, writing, or other material, of sexual subjects or activity in a manner intended to arouse. It does not include material intended for other educational, artistic or aesthetic purposes."

Moreover, The Webster Dictionary defines pornography as:

1. The Pictures, Writings, etc. which intended primarily to arouse sexual desire.
2. The production of such pictures, writings, etc. in technically pornography has come to the English language from the Greek language 'pornographies' (Porn prostitute + graphic write).

Thus, porn or porno which means prostitution which further implies that visual or the printed material that contains the precise description or the visual of any sexual objects which at most stimulate the person's sexual desire is pornography.

## **2. PORNOGRAPHY - A BIG INDUSTRY**

Distinct the cyber-crimes which threaten the credibility of the Internet platform. The easy, free, and efficient availability of pornographic material leads pornography as a really big and attractive industry. As the youngsters are attracted toward this section of the society which knowingly or unknowingly creates violence due to the enactment of the sexual desire of the minor or the youngster.

Distinct the other cybercrimes which used to threaten the integrity of the internet, nevertheless, Online Pornography promotes the utilization of the internet. The reasons of why pornography has become a much big industry as compared to others:

- The effortless, well organized, anonymous, free, systematic and convenient, access to pornographic material through the internet and there are various free porn sites creates the interest of the youngsters and minors who are more enthusiastic to do such things and such things wake the desire of doing so.
- The factors consist in cyber pornography like confidentiality, globally accessibility, different laws and approach of morality and decency, and different jurisdiction in different countries which have made a decision of the laws and their enforcement as well.

The power of the internet and the affordability of the cyberporn industry fueled each other. Prior, In India, porn material used to be hidden in the corners of the shady books is now not more than three clicks away from anyone of us whoever have the access of internet. Today's youngsters only know about the two things i.e. games and cyber pornography. The wide access of this cyber pornography leads to the development of the porn industry in a much faster way than a decade before.

## **3. HARMS ATTRIBUTED BY PORNOGRAPHY**

The factors that directly attributed to pornography are divided into three types. Firstly, there are some direct harms that caused to the participators of cyber pornographic films and photographs, and a fair proportion of who are coerced into the performance of the act. Secondly, there is prediction that the reason of sex crimes is cyber pornography and that is said that it would not may have been committed if all this is not in existence. Lastly, there is a harm to the society that is not less easily noticeable, as compared with the other two points mentioned above.

Pornography is a difficult and different problem especially due to the difference in the approachable limits of the morality and decency of the individuals in the different countries.

Pornography is to be seen in private but it adversely affects the married life and family life as it disturbs the mindset of the people and made the person think about that obscenity only. It may lead to addiction and involvement in the sexual course with another man with or without consent. Without the consent may make the person criminally liable (Sreeraj, 2016).

## **4. PORNOGRAPHY: MORALLY WRONG**

Pornography seems to be wrong morally and it leads to direct violence against women. It can be violent in many ways, some are these:-

- I. Pornography is violence against women who likely consumes it, and thereby reinforce their ill treatment.
- II. Capitalism is a system of economic coercion that forces women into pornography to make a living.
- III. Women are physically coerced into pornography.
- IV. Women involved in the production of pornography, who have not been physically damaged by patriarchy that they are unable of giving informed or real consent.
- V. Pornography is violence against women, as a lass, who must live into the far because of the atmosphere of the terror it creates in the actual (Verma, 2012, p.181).

## **5. PORNOGRAPHY OR OBSCENITY - A DEBATE**

The meaning of pornography is describing as sexual acts to cause sexual excitement with the help of books, films, internet, etc.; This is itself cannot be termed as crime, and had this been a case, then we would have banned the Kama sutra too and removed Raaslila or Lord Krishna from the course books altogether in india.

Pornography in itself is not inadequate till it obscene and detrimental to decency level. When a medical student is taught the medical reproductive system, the depiction of all the reproductive organs and their functions in great detail for the educational purpose is not indecent and therefore not obscene if it is used to cause any sexual excitement. Pornography in itself cannot become a crime unless it amounts to obscenity and in a particular boundary. (Verma, 2012, p.184)

The word 'obscenity' has been defined as a legal concept used to characterize certain (particularly sexual) material, the state or quality of being obscene, obscene behaviour, language, or images. It is also termed as an extremely offensive word or expression.

Moreover, According to Supreme Court, obscene means 'offensive to modesty, livid, decency, and filthy repulsive'. Thus it can be said that all obscene material is pornographic but vice versa is not true (Rastogi, 2014). The whole catalogue is of the efforts that would lie on understanding the difference between obscenity and pornography, we can say that in simpler terms what it means is the difference between the limit of decency.

The issue of obscenity has always been a topic of debate as it covers other issues like decency and morality. It is very difficult to judge it in isolation using straight principles. This word needs a wider perspective.

For example, presentation of the nude body in an indecent vulgar way in some of the pornography, but for some, it can be an artistic expression that is to be savored by one or other.

## **6. PORNOGRAPHY AND INDIA**

In India, the constitutional protections available to the citizens, is enshrined in Article 19(1) (a) of The Constitution of India that is "respect of their speech and expression" which states:-

"Article 19(1)(a) - Protection of the certain rights regarding freedom of speech, etc.- All citizens shall have a right to freedom of speech and expression."

The Information technology Act, 2000 covers all the aspects of offenses regarding cyber obscenity. It provides punishment for:-

1. Publishing or transmitting obscene material in electronic form.
2. Violation of privacy
3. Publishing or transmitting of material containing sexually explicit act, etc., in electronic form.
4. child pornography.

Thus, this act provides the comprehensive cyber obscenity penal code (Verma, 2012, p.194). Section 67 which states as "A punishment for transmitting or publishing material containing the sexually explicit act, etc. in electronic form".

This section defines the punishment for the person who transmits the material which contains obscenity. The person who publishes or tries to do such things is not acceptable by the society which is made up of the morals and the laws which prevent the right of the people. If anyone tries to do act either he had to be imprisoned up to the extent of five years and the fine which is extended up to rupees ten lakhs. Is society being so enthusiastic about doing such shameful things? If such enthusiasm of youngsters is shown in doing some creative work that will better help the nation than the rubbish activity.

In the case of Nirmal Singh vs the State of Punjab<sup>10</sup> on 17 October 2012. The allegations against the petitioner are very serious. Custodial interrogation of the petitioner is necessary since the recovery of the equipment used for taking porn photographs or for taking sexually explicit images is necessary and it is also necessary to find out at which places such images have been uploaded.

This cannot be verified without the custodial interrogation of the petitioner and also without looking at the electronic equipment used in this regard. Nowadays, such photographs are being used as a business that causes severe damage to the victim. According to the research conducted by a well-known organization in the field of cybercrime, the crimes committed through the internet and the damage they can cause are three times more offensive than the crimes committed physically. So much so, that a victim of cyber-crime in the event of uploading pornographic content, may take the extreme step of committing suicide. In the cyber business, sexually explicit images are sold and circulated widely. Section 292 of the Indian Penal Code defines "A book, pamphlet, paper, writing, drawing, painting, representation, figure or any other object, shall be deemed to be obscene if it is lascivious or appeals to the prurient interest or if its effect (is) such as to tend to deprave and corrupt person". (Gaur, 2013, p.404).

Section 292 talks about the selling of the obscene book. Now, who is there to decide that what limit of the obscenity of the selling of the book is permissible? The selling of the books which cover the Sexual picture is not allowed but you have allowed the Book of "Kamasutra" in the open market to sell-off. On what basis, you had decided the level of obscenity and the degree of the obscenity. There should be some laws or the organization of the government department that describe the limit or the restrictions.

In the case of Samaresh Bose & Anr. Vs Amal Mitra And Anr<sup>12</sup>, concerning Section 292 of IPC the ingredients and scope of obscenity were defined. This was a landmark case in India which adopted a very progressive approach and brought respite to authors for generations to come. It discussed in length what could be considered as obscene writing and thus what could attract the penal provisions of section 292 of the IPC. It distinguished

between Vulgar and Obscene writing. The judgment of the Supreme Court is appreciated. It was necessary reasoning adopted by the court in keeping with the changing times. Any writer cannot possibly cater to the taste of each type of individual in society. If a certain class of people does not wish to read a certain type of literature it is upon their discretion to not do so but a blanket ban just to accommodate a small portion's interest is inherently wrong. Every unconventional thing cannot be said to be unconstitutional. So, it is upon the masses to be more accepting and mature.

The court said that in spite of the fact that in some places in the book of "Kamasutra" may have been an exhibition of vulgar level, but it was up to readers of maturity and experience to draw the necessary inference between the wrong and the right thing. The court also said that it was not sufficient to bring home to adolescents any suggestion that was lascivious or depraving. "We have to bear in mind that the author has written this novel which came to be published in the SarodiyaDesh for all classes of readers and it cannot be right to insist that the standard should always be for the writer to see that the adolescent may not be brought into contact with sex. If a reference to sex by itself in any novel is considered to be obscene and not fit to be read by adolescents, adolescents will not be in a position to read any novel and have to read purely religious books" (Narain,2009). The judgment is more appreciated as the authors now have far more freedom of words and can bring in newer styles of writing for the masses without being penalized or banned (subject to certain conditions). Thus this judgment upholds the validity of Article 19 clause (a) of The Constitution of India.

On a conviction of the section or under the S 292, the court my under sec. 455(1) of the CrPC 1973 which deals with Destruction of libelous and other matters. It orders that in respect of which the conviction of all the copies of the things was had, and which are in the custody of the court or remains in the possession or power of the person convicted (Sarvaria,2008).

## **7. OBSCENITY – VIOLATION OF PRIVACY**

Section 66E also relates to obscenity which is the result of the violation of privacy. Section 66E talks about physical privacy and the projection of any physical part of a person without his or her consent. The section makes it an offense (Fatima, 2016, p.133).

Section 66E deals with the Punishment for violation of privacy it defines the punishment for violating privacy. Article 21 of the Constitution of India gives a Right to Life to everyone. Now there is a person's personal choice which includes the Right to privacy and no other person is allowed to hamper his/her privacy. Every person can see what they want to in private that substitutes the "Right to privacy". This privacy can be of the Man or of the woman or both. If the person violates such laws and hampers the privacy of a person then that person shall be punished with imprisonment which can extend to three years and the fine which extends up to two years or both what the court and the Judge may deem fit by seeing the degree of offensiveness of the case.

In *Sunil @ Pintu Choudhary vs The State of Madhya Pradesh* 16 on 12 May, 2015 The applicant is in custody since 25.11.2014 relating to Crime No.865/14 registered at Police Station Itarsi, District Hoshangabad for the offenses punishable under Sections 376(D), 376(2)(N), 384, 506 of the IPC and Sections 66(E), 67(A) of the I.T. Act. After considering the submissions which was made by learned counsel for the parties and examine the facts and circumstances of the case, without expressing any view on the merits of the case, it appears that there is a grave case alleged against the applicant that not only, he indulged in the gang rape of the prosecutor but also, thereafter the prosecutor was blackmailed and her porn photos were distributed to various persons on the internet. Looking at the gravity of the offense, the author think that it is not a fit case in which the applicant may be granted bail.

It is a Paradox that possibly appears that privacy requires a regime of freedom in the relation to the use and the enjoyment of obscene materials. Obscenity is concerned with the disgusting words, pictures that might be obscene. The issue is, how exactly we can define obscenity and indecency that leads to pornography?

Section 354C of the Indian Penal code, 1860 deals with the violation of women's privacy. Sec 354 C Voyeurism (Gaur,2013,p.404), clearly shows that is the practice of gaining pleasure by anyone from watching others when they are in a naked position or even engaged in any of the sexual activity. It is criminally seen on the basis that a place where one would have a reasonable expectation of privacy. Nowadays "Thus the woman as an icon displayed for the gaze and enjoyment of men, the active controllers of the look". This would make one feel enjoyable and enthusiastic regarding the sexual and obscene acts which try to hamper the women's privacy. There are many things we don't understand that belie common sense and common decency. What the society is doing is becoming the audience of the Voyeurs and doesn't stop even appraising them for their shameful act because till the same condition comes with one's mother and sister till the time one doesn't react as it is an Indian culture going through very past.

## **8. TEST OF OBSCENITY**

At first, the test of the obscenity was laid down by the Regina v. Hicklin<sup>18</sup> as the tendency "to deprave and corrupt those whose mind is open to such immoral influences and into whose hands a publication of this sort may fall", and it was distinctly understood that this test would apply only to isolated passages of work. Those "whose minds are open to such immoral influences primarily it meant the young ones"(Fatima, 2016, p.133).

The test was slightly modified into the U.S v. One Book Entitled "Ulysses"<sup>20</sup>the superior court held that the criterion for the obscenity was not about the content of isolated obscene passages but rather "whether the publication taken as the whole as a libelous effect".

"In Miller v. California, the U.S. supreme court set out a three-prong test of obscenity:

1. Whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by state laws.
2. Whether "the average person", applying contemporary community standards would find the work, taken as a whole, appeals to the prurient interest,
3. Whether the work, taken as a whole, lacks serious literary, artistic, political or scientific value."<sup>21</sup>

The case of Samareesh Bose and another v. Amal Mitra<sup>22</sup> and anr, It was guided as under: "In our opinion, while judging the question of obscenity in the court, the Judge in the first place should try to place himself in the position of the author and from the viewpoint of the author the judge should try to understand what is it that the author seeks to convey and what the author conveys has any literary and artistic value. The Judge should thereafter place himself in the position of a reader of every age group in whose hands the book is likely to fall and should try to appreciate what kind of possible influence the book is likely to have in the minds of the readers.

A Judge should thereafter apply his judicial mind dispassionately to decide whether the book in question can be said to be obscene within the meaning of S.292, Indian Penal Code. by an objective assessment of the book as a whole and also of the passages complained of as obscene separately. Inappropriate cases, the Court to eliminating any subjective element or personal preference which may remain hidden in the subconscious mind and may unconsciously affect a proper objective assessment, may draw upon the evidence on record, and also consider the views expressed by reputed or recognized authors of literature on such questions if there be any for his consideration and satisfaction to enable the Court to discharge the duty of making a proper assessment. "This case came after the case of Ranjit D. Udeshi's case which provided a new look to the judge for judging the degree of the obscenity and deciding upon it.

## **9. LAWS RELATED TO CHILD PORNOGRAPHY IN INDIA**

Child pornography is a very vast topic and there is still not an exact definition of it. According to the UNHRC to child pornography includes any representation of a child engaged in real or simulated explicit sexual practices or representation of sexual parts of a child for primarily sexual purposes.

"Child pornography refers to images or films ( also known as child abuse images) and in some cases writings depicting sexually explicit activities involving a child; as such, child pornography is a record of child sexual abuse" (Verma,2012,p.204).

Even in today's society Worst forms of the Children Labor Convention and also aims at the "protection of society against cybercrime". Thus it has deliberated on the subject of child pornography and under Article 9 (Convention on Cybercrime, 2001). The article defines child pornography as including pornographic material which shows:

1. A minor engaged in a sexual activities.
2. A person shows as a minor and engaged in a sexual activities.
3. "Realistic images" of a minor engaged in a "sexually explicit act".

The definition remarkably upholds gender equality in this respect as it includes within the word "minor" not only females but males as well, as it uses the words "all persons under 18 years of age". Generally speaking, women are the object of physical exploitation or a symbol of sex but child pornography rightly upholds the right to the decency of all children whether male or female, hence, the definition is in the right direction (Fatima, 2016, p. 115).

**Section 67B - Punishment for publishing or transmitting of material depicting children in the sexually explicit act, etc., in electronic form.**

This section defines the punishment for publishing material depicting the children in the sexually explicit act, how the sexual feelings of the person got arise by seeing the child. Is it the society of the monsters who are hampering the values, morality, and the law?

Earlier in *Atkins v. Director of public Prosecutiolls*.<sup>26A</sup> was charged with the possession of an indecent photograph of children, which was found in the computer's cache memory. The U.S v. Aaron Reed Hilton

In *Avnish Bajaj v. State*<sup>27</sup>Dr. Justice S. Muralidhar opined, it was noticed that the listing contained in such a way that it can left any person in doubt that it is lascivious or not. And also the website was easily available and assessable on the internet and that's how it was publicly exhibited by the listing.

So by the virtue of these sections, anyone who commits an offense under this particular section is liable to be punished for the imprisonment of five years and a fine of rupees one lakh for the first conviction.

But the issues are increasing day by day as to how to identify the obscenity online or which is in the electronic form. Just relying on the miller tests and other rational tests of Section 292 of IPC is not self-sufficient. One or the other day new laws have to be brought up for deciding the level of obscenity or a tool obscenity checker.

**Section 293 of Indian Penal Code, 1860**

This section punishes a person who sells, lets to hire, distributes, exhibits, or circulates obscene objects as referred to in the preceding section to young persons. It enhances the punishment where the obscene objects are sold, etc., to persons under the age of 20years (Sarvaria, 2008).

In the final draft of the international conference which was drafted, the convention under which this section was substituted for the original, (Ratanlal& Dhirajlal,2016) it was stated that the conference generally was on the side of opinion that the offense of offering, selling, delivering, or distributing obscene objects must be held to have been aggravated when committed in respect of minors with no exceptions.. The Council of the league also considered that it would be preferable to leave this decision on each state to free to fix the age under which a person should be considered to be a minor for the provision according to them.

"India is such a country where the age for obscenity is defined as "twenty years" (Gaur, 2013, p.410) at which you cannot see the porn materials but is the country where you can vote for the elections in a Lok Sabha i.e. parliament. At the age of 18, even the youngsters are allowed to consume alcohol just like in the state of Goa, Sikkim, etc. Then why till the age of twenty one cannot see the pornographic material."

Further, in the case entitled *C.K. Karodkar v. the State of Maharashtra*<sup>31</sup>, the Supreme Court held that the standards of obscenity would differ from country to country depending on the standards of morals of contemporary society."

The Supreme Court further held in *R.D. Udeshi v. State of Maharashtra*<sup>32</sup> that was obscene would always remain a question to be decided in each case.

The supreme court in the *Bandit Queen Case*<sup>33</sup>, on the issue as to whether the nude scenes in the movies were against decency or morality, held that the film was a serious and sad story of a village-born female child becoming a dreaded dacoit.

The test which should be applied is whether the individual scene of nudity advances the aforesaid message and if they do so, they should be left alone only with the caution of an 'A' certified by the censor board. Further, the Supreme court in *Shankar v. State of Tamil Nadu*<sup>34</sup>the sensor board should step in firmly against obscenity and cruelty.

**10. LEGALITY OF RECENT BAN ON PORNOGRAPHY IN INDIA**

Governments decided to move to ban some definite no. of porn websites that is around 857 from being accessed by anyone in India by 21 July, 2015. After this decision of Indian government many social media and television started criticizing it saying that government does not have authority of power to do such ban of these sites. There is no harm in viewing these sites if it is exercised within the limits of decency. Therefore, it also violates the freedom of choice which is provided by The Constitution of India under article 21. Such a ban would be a violation of Article 21 which "safeguards a person's right to personal liberty". As there is a Right to Life which includes the Right to Privacy which is supposed to be that a person can be based upon his rights view a material whether it is pornographic or obscene within the 4 walls of the room. Banning such websites would not help more as there were more than 40 million websites that provide obscene material for free rather than India. It is also looked into the scope of section 79(3) (b) and said that the intermediaries cannot block online content at their whims and must only do so after orders from the government or court. Moreover, it was concluded that such a ban is almost impossible to execute because there are over 40 million websites on internet that provide access to pornographic content for free all over India. Sexual education would be provided from the hoe itself as

in today's world people look very bad when it is about talking about sex or harassment. If sexual education will become a subject, then people would like to understand its undesirable consequences (Pujitha, 2015).

### **11. PORN AND SEXUAL CRIMES AGAINST WOMEN IN INDIA**

According to an analytical study on data about Crime in India as published in an annual publication of the National Crime Records Bureau, Ministry of Home Affairs, Government of India conducted by a team of learned research scholars, Biju Viswanath, Ami Sebastian Maroky, Naveen C. Kumar, Suresh Bada Math, Anish V. Cherian, and Maria Christine Nirmala in their paper name "Sexual Crime in India: Is it Influenced by Pornography?" which covers the aspects of a Total number of reported rape cases, the natural growth rate of population, and growth rate of cognizable crimes under the Indian Penal Code across four decades (India adopted liberalization policy in 1992), and the number of crime against women cases reported and the total number of internet users across 15 years (1995-2008) show that:

1. "There has been a slow and steady rise in the number of rapes and the total number of cognizable offenses under Indian penal code (IPC) over the last four decades. Comparison of growth of rape rates between pre-liberalization and post-liberalization era was non-significant.
2. In the preceding decade and a half, the overall percentage of crimes showed an increase ranging from 3% to 9.4%. There was also evidence to show that various forms of crimes against women were also increasing, viz.: Rape, sexual harassment, total crime against women, and the percentage of total crime which is directed against women. Data says that there was also a clear rise in the number of internet users from 1998 onwards.

The purpose leads to posing the view of pornography as a right or the wrong thing with the different views of the person. Thus testing the hypothesis that an increase in consumption of pornography is related to increased sexual crime, in the Indian scenario (Math, 2014). "It is a comparison of pre-liberalization and post-liberalization growth of rape rates was not significant. Though there were statistically significant positive correlations between the number of internet users and sexual crime rates, the association was non-significant after controlling for the effects of population growth using regression analysis (Math, 2014). "The results from this study suggest that easy access to pornography did not have a significant impact on rape rates and crime rate against women."

### **12. CONCLUSION**

Porn, listening to this word the first thing which comes to one's mind is the character sketch of the people involved in it or watching it, which irrespective of, you know them or not is of a criminal. It is presumed that the person involved is an anti-social creature that should be thrown out of society as the infected fish from the pond is thrown out as it may infect the other fishes too. When a person is caught by his/her parents watching porn, the first thing they do is to give a tight slap on the face and tag them as social criminals. The person then asks the reason for this reaction and rage; they are answered with words similar to the following "We live in a society where watching things like these is a social crime. What if someone gets to know about your act? No one any longer is going to respect us. No one used to even think of anything like this in our times. This generation is a total mess as they are highly infected by the western culture and do not have any respect to their own culture and customs."

We are in the fast-forward-styled 21st century where everyone is in the search of their existence. India today is at its new level of development. Not only in technology but almost every field we are modernized. Is this statement true? In the present time of extreme competition, every parent wants his son or daughter to become an engineer, doctor, lawyer, banker, or something equivalent to these professions. Hence, the overburdened and highly ambitious youngsters do not prefer to get married unless they get settled and do not achieve their goals, which in most cases

stretch to 25 to 27 years or even more. This is indeed the right decision as by this age they get the sense of commitment towards their better halves and are in a position to give a bright future to their children with their properly planned lives.

The situation almost 25-30 years back was not as stringent as it is today. This was the era when our parents got married. The average age of marriage observed in those days was approximately 18 and 21 years for the girls and boys respectively.

By the above difference, the reason is easily understood. In that era, physical or in better words sexual needs were fulfilled by their spouse itself which was both legally and socially acceptable. But the problem with today's generation is that they could not get their bodily needs satisfied due to the shift in the age of marriage. If a person consensually after attaining the age of 20 years watch any pornographic material which involves majors (above the age of 20) and no children, does not contain any type of sexual violence, does not contain any type of

physical violence, has been captured and published with the consent of the parties involved in it. Should not outrage the modesty of the parties involved in it, is both biologically and legally valid, and the so-called modern and stereotypical social beings of our country needs to understand that it's just sex, the world will not end if they do it the right way at the right time. The person is unconditionally accused and an ex-parte judgment is passed against them making them social criminals without considering his arguments. It's time for us to understand and remove the cloth of superstitious customs and traditions from our eyes. If it is a person's physical need so either by hook or crook with the knowledge or without knowing they are going to fulfill it. Viewing cyber pornography is not illegal in India, and its mere download does not amount to any offense. The only difference is that at your time you socially could fulfill it and in your children's case, they are barred by the so-called and unnecessary social norms.

Viewing cyber pornography is not illegal and to do its mere downloading does not constitute an offense. That's the big problem of the pornographic industry that even the children aged less than 18 were also able to watch them and even try to do the same by fulfilling their sexual satisfaction which sometimes leads to violence. But the person is publishing the video or the photo of the person then it is termed to be an offense and is illegal according to section 66E of IT Act (Information Technology Act), 2008 which leads to the punishment of violation of privacy. Possession of pornographic material is also allowed as per Indian rules and laws. This possession of the unethical videos tends to be distributed among the individuals which in turn became a cause of the violent nature of the person which is used for mental and the sexual satisfaction of the person. Transmission of pornographic material is unlawful as per the various statutes and acts. If such transmission is allowed then it may be violent, destructive for the other person or mainly the person who is going to be the victim of such obscenity and the physical force for sexual satisfaction. Easy access to pornography didn't have a significant impact on rape rates and the crime rate against women (Sreeraj, 2016).

There are few suggestions which are proposed after the study and the paper as a conclusion:

1. There should be constituted a Censor Board for Obscene material in India to monitor, licensing, certification, penalizing to regulate the websites and the material published on them. The pornography-related laws which provide the section for the voyeurism i.e. Section 254 C of IPC which regulates the Violation of the privacy of the women which constitutes the outraging the modesty of the women which is self-criminal in nature and can be liable criminally under the IPC which leads to the imprisonment extended to 10 years and the fine extended to the 10 lakhs and above.
2. Certification or Licensing of Websites & Material uploaded on the websites. There is a need to be a law to undertake the classification of the above-discussed things and to be made illegal or legal & making the laws to govern, monitor, certify, license, and penalized by the sanctions as the punishments and the huge fines.
3. There needs to be a criterion set to Classify any material uploaded on the domain registered and governed under the above constituted Board

The material should be classified as Illegal and banned material as to that–

- a. Involve children/minors.
- b. Involve any type of Sexual violence
- c. Involve any type of physical violence
- d. Has been captured without the consent of the parties seen in it.
- e. Has been published without the consent of the parties seen in it.
- f. Outrages the modesty of the parties involved in it.

This leads us to a category that can be legalized by the above-explained board as licensed or certified.

This category needs to fulfill the following needs to be published and be available on the government regulated internet domains–

- a. Involve majors (above the age of 20)
- b. Should not contain any type of Sexual violence
- c. Should not contain any type of physical violence
- d. That has been captured with the consent of the parties involved in it.
- e. Has been published with the consent of the parties involved in it.
- f. Should not outrage the modesty of the parties involved in it.

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