

Child Pornography-A Potential Threat To Globe

Running Title: -Child Pornography

Ms. Shweta Joshi¹ , Dr. Namita Jain^{2*}

¹PhD Research Scholar School of Law JECRC University, Rajasthan Email-id:
joshishweta794@gmail.com

²Associate Professor & HOD JECRC University, Rajasthan.

***Corresponding Author: -Ms. Shweta Joshi**

Associate Professor & HOD JECRC University, Rajasthan.

ABSTRACT

The kids and teens of today will become adults tomorrow. People often say that having children is God's greatest gift to them. India is where the most young people live. Because this country is so different in terms of money, culture, and location, its children have many different needs. When the government makes a plan to protect kids from the effects of heterogeneity, it should take this diversity into account. Children must be kept from being different from each other. Even though sexual abuse of children is one of the worst crimes that can be imagined, the country we live in is in the hands of children. Even though the internet and digital technology have progressed to the point where they are now seen as essential and helpful parts of modern life, a key part of how children who were born in the digital age learn and grow socially continues to raise concerns about how they might be exploited in the modern world. Even though children are often seen as a country's most important resource for its economic future, the abuse of children has reached a point where most people can't even understand it. There has never been a perfect time to be a kid. With the number of crimes against children and violent crimes against them on the rise, it is important to look at the laws that are already in place to see if they protect kids well enough from becoming victims of crime. As kids get older, they are more likely to be victims of crimes like prostitution, forced labour and sexual exploitation of kids. Pornography aimed at children is also becoming more common.

Key Words-Prostitution,Heterogeneity,SexualExploitation,Pornography,SexualAbuse.

INTRODUCTION

"I think it quite likely that there is no such thing as good pornography, if it is good, then it's not pornography" Vincent Canby

The word "pornography" stems from the Greek word "pornographos," which translates directly to "writing about prostitutes." The English word "pornography" was derived from this Greek word. This is the original term that the English word "pornography" was derived from when it was first written down. "Pornography" is defined by the Oxford Dictionary as "the explicit portrayal or exposition of sexual subjects or activity in literature, paintings, films, or other media in a manner calculated to stimulate sensual rather than artistic sensibilities." This definition can be found in the "Explicit Portrayal of Sexual Subjects or Activity in Literature, Paintings, Films, or Other Media" section. The topic at hand is incorporated into the aforementioned definition. The act of sexually exploiting children is a form of child pornography, and each image depicts in vivid detail the sexual assault that was committed on a specific child. Every single youngster who works on the creation of an artistic work is put at risk of being exploited sexually in some way, and this danger is present throughout the entire process. On the other hand, the phrase "child pornography" is incapable of effectively depicting the genuine terror that a significant number of young people confront each and every year. This is because of the nature of the subject matter. The production of pornographic material that features children helps to perpetuate a child's history of being sexually abused. The youngsters have been exposed to nonstop harassment as a direct result of the purported photographs being published to the internet and shared across a number of different social media platforms. The harassment has been going on for quite some time. The children who were sexually abused and are seen in these images are being made to face the reality that a record of their abuse may continue to be easily accessible for a very long time. These children are being forced to come to terms with the fact that a record of their abuse may remain easily available for a very long time. The youngster will typically

suffer long-term psychological damage as a consequence of this, including changes to the child's sexual development, self-image, and future capacity to make trustworthy connections with other people.

CHILDPORNOGRAPHY

The sexual exploitation of minors is becoming an increasingly prevalent issue in contemporary culture. Child pornographers have developed a straightforward mechanism, made feasible by technological advancements, for sharing horrible images of children and images of youngsters participating in sexually abusive behavior. Both adults and children today have easy access to pornography, and its use is ubiquitous throughout both age groups. While drafting an ordinance for the city of Minneapolis, MacKinnon-Dworkin attempted to offer a definition of pornography. Their notion of what constitutes pornography is predicated on the enslavement of women. However, it also includes the subjugation of youngsters (both male and female) and adult male sex workers.

Article 9(2) of the 2001 Council of Europe Convention on Cyber Crime defines child pornography as "pornographic material that visually depicts: a juvenile engaging in sexually explicit conduct and a person pretending to be a minor engaging in sexually explicit conduct." Article 9 of the Convention details the penalties for child pornography. Due to the added complexity involved, pornography aimed towards children is distinguished from that aimed at adults. Not only are children hurt during the making of child pornography, but they are also harmed as a result of its publication on the internet or in any other medium. It casts a shadow on the future of children by depicting them in a negative light and defining them on social networking platforms utilized by children under 18 years of age. The distribution of nude photos of kids has a negative effect on their chances of growth and mental health, regardless of whether they give permission for the publication.

While speaking at the First World Congress Against the Commercial Sexual Exploitation of Children, Healy brought up the difficulty of categorizing child pornography. "The topic of precisely what constitutes child pornography is extremely difficult to answer. Each community's or nation's norms are highly subjective and based on diverse moral, cultural, sexual, social, and religious ideas that do not simply translate into law. These ideas might differ considerably from nation to nation and civilization to society. Even if we restrict ourselves to a legal definition of child pornography, the concept is impossible to define down. The definitions of child and child pornography can vary considerably throughout legal systems around the world and even within the same country.

THE EFFECTIVENESS OF LEGISLATIVE SCHEME:

The term "pornography" is not defined in any law. According to a handful of statutes, the term "obscene" is defined. It appears that trying to resist today's sophisticated crimes by referring to the first code, which describes almost all criminal activity, is useless. It is illegal to sell, rent, publicly display, or otherwise disseminate obscene objects in any form with the intent of depraving or corrupting people's minds, even if the code does not attempt to define the term "pornography". Obscene objects, in any form, are also prohibited from being distributed to kids under the age of twenty-one. It's important to note, however, that the legislation doesn't attempt to define the term "pornography."

INFORMATION TECHNOLOGY ACT, 2000

As part of the purpose of passing legislation to regulate electronic commerce, the legislation attempted to prohibit the publication or transmission of any goods that were obscene or had the potential to pollute a person's mind from being published or transmitted. The purpose of this statute was to regulate e-commerce. There is no definition of the term "publish" in this piece of legislation. On the other hand, the Supreme Court of India held that "publish" includes "dissemination and circulation" in *Bennett Coleman & Co. v. Union of India*. In fact, the Information Technology Act of 2000's primary purpose was adherence to the "Electronic Commerce" model law that the government had selected. Electronic communication and document storage was a goal of this transition, so this was done. The sole purpose of this legislation is to give "Electronic Commerce" the legal status it deserves. Additionally, this Act is unable to properly combat crimes committed online, especially those involving pornographic content that is accessible online. As a result of its numerous loopholes, offenders may be able to avoid the consequences of their actions. India's president signed the Information Technology Bill, 2008 into law on February 5, 2009, after it cleared both chambers of parliament in December 2008. Amendment Act seeks to radically modify India's legal framework for online activities. One of these enhancements is the addition of electronic signatures, which will allow electronic records to be authenticated using any method that qualifies as an electronic signature. The scope of the Information Technology Act of 2000 has been broadened to include

more cybercrimes with the addition of new express clauses. Data privacy and protection, as well as a clause to fight terrorism through electronic and digital methods, are addressed in the newly added amendment. Additionally, the new amendment prohibits the utilization of encryption technologies. As a result of the Amendment, the parent Act now contains Sections 67A through 67C. Topics covered by the clauses include child pornography, the publication or transmission of sexually explicit content in electronic form, and the need of intermediaries to keep and retain any data necessary by the central government. Posting sexually explicit content is now punishable by up to 10 lakh rupees and five years in prison according to the introduction of Section 67A of the Indian Penal Code. Defending against MMS and video voyeurism attacks necessitated this strategy. Section 67B of the Information Technology Act of 2008 specifically addresses concerns regarding child pornography. In this section, you'll find anything from promoting or advertising obscene or indecent material to displaying youngsters committing sexually explicit acts. Helping children who are being mistreated online or encouraging them to form relationships with other youngsters online are both included in this category. Five years in prison and a fine of ten lakh rupees is the maximum sentence for a first crime. Seven years in prison and ten lakh rupees for a second violation; and ten lakh rupees for a third offense. A requirement of Section 67C is that all intermediaries must save and preserve any designated information as the Central Government may determine for a time period and in a specific manner. In this case, the intermediaries are to blame. If the criminal does not cooperate, he or she faces a fine or a three-year prison sentence.

PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012

In 2012, the Parliament approved a law that clearly declared that the goal of the Act was to protect minors from offenses involving sexual assault, sexual harassment, and pornography. The purpose of this Act was clearly specified in the act. The sanctions for child pornography are described in Sections 13 to 15 of this Act. Other sections target the storage of pornographic materials containing children. The law regulates the production and distribution of pornographic material utilizing information and communication technologies. A number of essential rules must also be followed if a sexual offense against a child has been committed, as specified by the statute. The State Government, the Child Welfare Committee, the Police, the Special Courts, and all other government personnel and NGOs must adhere to these values.

In Court on its own motion v. State of Punjab, It was determined that the POSCO Act's provisions pertaining to the protection of children from sexual assault, sexual harassment, and pornographic offenses would be effectively enforced. These laws protect children from sexual assault and harassment. As a result of this act, a number of national and state commissions have been established to ensure its correct implementation and advancement of development. This was done so that commissions might begin carrying out their responsibilities under this law more effectively.

UNIVERSAL DECLARATION OF HUMAN RIGHTS, 1948

When it comes to the international treaties that member nations have signed to protect human rights and dignity, they were first written down in the Universal Declaration of Human Rights, which was ratified by most of the member states. "All people are born free and equal in dignity and rights," says the Declaration of Human Rights. They have been given the gifts of reason and conscience, which they should use in a brotherly way with each other. The statement also says, "No one shall be tortured or treated or punished in a cruel, brutal, or degrading way." It also says, "No one should be held in slavery or servitude; slavery and the slave trade must end in all their forms." Also, "no one shall be held in slavery or servitude; slavery and the slave trade should be banned in all forms." Despite the UN Declaration on the Elimination of All Forms of Racial Discrimination, the slave trade is still going on around the world (UDHR). It's almost real, either in the way it is now or in another way. The slave trade comes in many different forms. Two of these are pornography and sexual exploitation. People who have been victims of pornography or sexual exploitation and are in jail often get cruel, inhuman, or humiliating treatment. This goes against Article 5 of the Universal Declaration of Human Rights and Article 21 of the Indian Constitution, which say that people have the right to be treated with modesty. One way to sell people as slaves is through slave trades. Both the Geneva Declaration on the Rights of the Child and the Universal Declaration of Human Rights say that a child has the right to special care and protection throughout his or her life, both before and after birth. This is because a child's body or mind is not fully developed. The Geneva Declaration on the Rights of the Child also recognized these rights, which were reaffirmed and made clearer in the Declaration of the Rights of the Child from 1959. These Declarations told the national government, local governments, people as a whole, and parents that they had to respect the rights of children and act in ways that were in line with the principles in these Declarations. The Declaration of the Rights of the Child said that these steps had to be taken. After looking at all of the current laws that have something to do with the fact that obscene books can't be published, sold, or

advertised in any way, or that they can't be found in public markets, we found a number of different legal limits. Because the disseminator uses multiple international servers to send the obscene images in pieces to get around the laws, the state was unable to control the circulation of the obscene materials and therefore failed to control the spreading of the obscene materials, even though the legislature passed laws to stop this from happening. There are now a lot of pornographic videos and sexually explicit stories on the internet and in books and magazines that can be bought from many places around the world. The Bombay High Court has also said that watching pornographic videos on your own is not a crime that can get you locked up. But sharing pornographic content is illegal and could lead to criminal charges. The bad thing about this is that people who distribute pornographic materials will do anything to avoid breaking the law and getting in trouble.

END CHILD PROSTITUTION, CHILD PORNOGRAPHY AND TRAFFICKING OF CHILDREN FOR SEXUAL PURPOSES

According to end child prostitution, child pornography and trafficking of children for sexual purposes (ECPAT), child pornography records a crime as it is committed, and the children in the pictures are subjected to various horrific sexual acts like beatings; burnings etc. there cannot be any pornographic picture of a child which has been produced without the suffering of a child.

There are several legislations made by the government to reduce pornography like:

CHILD PROTECTION ACT, 2012

This law, which was passed in 1998, keeps children from being sexually abused, harassed, or shown pornographic material. This Act has a part that says using children for pornographic purposes is a crime that can get you up to five years in prison. If you do it again, you could get up to seven years in prison..

CONVENTION ON RIGHTS OF CHILD

In addition to the Convention on the Rights of the Child, three more optional protocols have been developed and made available. The protocols are as follows.

- A protocol to the convention on the rights of the child that addresses the sale of children, the use of children as prostitutes, and the production of kid-centric pornography.
- A voluntary, non-binding protocol to the convention on the rights of the child that addresses the participation of children in armed conflict.
- A protocol to the Convention on the Rights of the Child that establishes a communication protocol and is optional

The primary emphasis of the researcher's work is the third protocol, an optional annex to the convention on the rights of the child that addresses concerns related to the sale of children, their prostitution, and pornographic photographs of children. The Protocol was passed by the United Nations General Assembly in 2000, and it entered into force on January 18, 2002. As of April 2011, 142 states were already parties to the agreement, while 24 countries had signed but not yet ratified it.

Article 1 of the protocol requires nations to defend the rights and interests of children who have been victims of child labor, including the most severe types of child labor, child trafficking, child prostitution, and child pornography. Victims of child labor are recovered in this. The parties to this protocol are required to have a strong concern for the protection of children who are more prone to be sexually exploited and to take all reasonable means to ensure that victims of such crimes receive the necessary assistance. In addition to the victims' complete bodily and mental recovery, this assistance must also include their complete social reintegration.

Child pornography, child prostitution, and child trafficking can only be eradicated by the stringent enforcement of criminal laws. A state that seeks to counteract these heinous crimes must adopt specialized prevention strategies and programs, as well as give careful consideration to these strategies. The Special Report on the Sale of Children, Child Prostitution, and Child Pornography investigates issues pertaining to the sale of children, child prostitution, and child pornography.

MODEL CRIMINAL CODE

Pornography aimed at children If a person manufactures, offers, distributes, disseminates, transmits, imports, exports, offers, or sells child pornography, they are guilty of the offense of child pornography under the United States Code. The definition of child pornography includes the offense of generating child pornography with the goal of distributing it over a computer system providing, creating, disseminating, disseminating,

and transmitting child pornography over a computer network; and for oneself or for someone else, obtaining child pornography through the use of a computer is a form of child pornography acquisition.

Article 117's purpose is as follows:

- A) A person who appears to be a minor engaged in sexually explicit conduct or depicts a child engaged in sexually explicit conduct is considered to be engaged in child pornography; a person who appears to be an adult engaged in child pornography is considered an adult engaged in child pornography; and child pornography includes a person who appears to be a minor engaged in child pornography.
- B) A computer system can be any device or combination of connected devices that can perform automated data processing in accordance with a software.
- C) Standard legislation is used in many states to address the issue of child pornography. All pornographic content is not addressed by the MCC unless when it involves the sexual exploitation of children.

The Penalty is the subject of Article 117.2.

It's possible to be sentenced to three to fifteen years in jail for the criminal act of making child pornography. Possessing obscene materials for children. Child pornography possession is a criminal violation, and anyone found to be in possession of child pornography is guilty of this act. To have child pornography on a computer or a data storage medium is a criminal offense. The offence of possessing child pornography includes this in its definition.

Article 118's stated purpose is:

- A) Any depiction of a child in real or simulated sexual activity or any depiction of a child's sexual parts for primarily sexual purposes is considered "child pornography." "Child pornography" also refers to an appearance of a minor engaging in sexually explicit behavior or realistic images representing a child engaging in sexually explicit behavior.
- B) A computer system can be any device or combination of connected devices that can perform automated data processing in accordance with a software. (C)

Article 118.2's Penalty Provision

If convicted of the crime of having child pornography, you could face up to five years in prison as a penalty. Everywhere, including India, the protection of minors from internet criminal activities is seen as a top priority. Legislators have had to adjust to new concerns as child pornography offenses have evolved legislatively, thus the penal code as a whole is only being applied gradually at the moment. Law No. 66/1996, which was named "Provisions Against Sexual Assault," was an example of this. Articles 609-bis and 609-decies of the penal code contained these provisions, which were classified as offences against personal liberty. It was then that Law No. 269 was enacted, which dealt with crimes against persons and included provisions describing child pornography and child prostitution. Legislators respond to the latter case by imposing penalties and recommending preventative measures. There are offenses that can be punished based on this statute, including aiding and abetting prostitution and exploiting prostitution of minors under the age of 18. Additionally, these crimes can be prosecuted under this part of the law if the intention is to make or distribute pornographic material or information targeted at exploiting kids, or to provide child prostitution for sex tourism. To combat both those who make and distribute child pornography, as well as those who seek out this content in order to satisfy a specific sexual need, the new rules were drafted.

Further legislative action, dubbed Law No. 38/2006, "Provisions on the fight against child sex exploitation and child pornography, also via the internet," meets the stated purpose of fine-tuning. According to all of these provisions, legislators also included a new provision dealing to sexual exploitation and sexual assault against children, which the researcher may argue is a result of all of these laws. Every one of the aforementioned clauses can be used to demonstrate this point.

CHILD PORNOGRAPHY AND FREEDOM OF SPEECH AND EXPRESSION

Many people think that it should be against the law to stop the distribution of any kind of pornographic material in order to stop cyber pornography. The Constitution of India grants several fundamental rights to the Indian people, but these rights are not absolute and must be evaluated using the touchstone of what constitutes a reasonable restriction. According to paragraph two of

Article 19 of the Constitution, the restriction of this freedom is justified on the basis of maintaining a decent and moral society. The pornographic material is unacceptable according to the criteria of decency, but it can be considered morally acceptable. Because of this, morality is judged by the Constitution and not by the standards of random people, whose opinions can vary from person to person, because morality is judged by the Constitution. But it's important to remember that the right to freedom of speech and expression is the most important right, and it's the state's job to protect and expand it. People's right to freedom of speech and expression doesn't just mean they can say what they think or get and share information through different forms of electronic media. It means and includes the right to speak things to which nobody is willing to listen, where even the most obnoxious ideas are ready to be discussed.

When the government banned pornographic websites not too long ago, sales of pornographic movies on the black market went up by a lot. People were willing to pay an additional three times the amount for a copy of it. Even though our government doesn't want to admit it, the numbers show that India has passed Canada and moved into third place, after the US and UK, when it comes to access to the largest adult online porn hub.

In the case of State of A.P. v. Mangali

The Hyderabad High Court was hearing Yadagiri's case, which involved the rape and subsequent photographing of a 14-year-old girl from a socially and economically disadvantaged neighborhood. She was also informed that if she complained, the perpetrators would go public, preventing her from registering a formal complaint for a period of time. The case was submitted to the High Court with the directive that it be considered by the POCSO special court.

In a case of P. Shanmugavel Raju v. State of Orissa

This was a petition for Criminal Revision disputing the trial commitment for a case involving the rape of a 13-year-old girl. Currently, the case was being heard in the session court; however, the High Court of Madras issued an order ordering that the case be transferred to the special court so that it may be tried in line with the conditions of the statute, which required the establishment of the special court. The Special Prosecutor matter was also brought before the court, which agreed with the earlier conclusion.

In the case of Hector Firdaus Kothavalav v. State of Maharashtra

The matter at hand was anticipatory bail for a POCSO-related violation. In this awful crime, the father of two children made sexual advances on them. The fact that the children, who were only 4 and 6 years old at the time, did not have a greater understanding about the same subject is the reason why it was not revealed, but her wife found the heinous crime and filed a lawsuit. The court granted the defendant bail in anticipation of trial.

In the case of Shashi and Ors. v. The State of Karnataka

Where the facts are that some friends of the victim's father came to their home and then asked her to collect firewood from the jungle, where after the perpetrators went and draped her and also made a video of the ridiculous act.

Justice Bhagwati in National Textile Workers Union v. PRR Ramakrishna

The past is already dead, as stated in the phrase "we cannot allow the dead hand of the past to block the advancement of the live present." The law cannot be static; rather, it must change to reflect the evolving social ideals and ambitions. A tree's protective bark will either suffocate it or, if the tree is still alive, it will shed the bark and grow new, living bark for itself if it cannot grow and expand at the same rate as the tree. Similar to this, if the law does not change to fit the needs of a society that is always evolving, it will either impede that society's development or, if it is strong enough, it will expel the law that is impeding it from expanding. The law must continually change in order to ensure that it does not fall behind the rapidly evolving society.

In Keshvanand Bharti case

The Supreme Court of India observed that no generation has a monopoly on wisdom and that no generation has the right to place fetters on future generations in order to mold the machinery of government to their needs. This was stated as "while restricting the present generation not to fetter the future generation by their wisdom." This was expressed as the current generation was warned not to constrain the next generation with their knowledge. The people would have to use extra-constitutional means, such as a revolution, to change the constitution if there was no provision included in the document for such a change. As a result, the body of law must keep growing.

It has been shown that technical developments enlarge national borders, and laws are passed to strengthen these borders by maintaining public safety, establishing a balance between the conflicting interests of individuals and groups, and not being unduly restrictive. Because of this, the issue of websites that are overflowing with child pornography needs to be

addressed, and legislation need to be implemented as effectively as possible. In order to promote social cohesion within society and strike a balance between the numerous competing interests that exist within the community, the rule of law should be used as a weapon.

In the judgment of Shreya Singhal v. Union of India

The Information Technology Act, 2000's Section 66A was found to be illegal by the court, however Sections 69A and 79, which outline the procedure for blocking websites in conformity with the Act, were upheld as constitutional. There is a very slim chance that the government made similar efforts for each of the 857 websites. However, the restriction has issues on both a substantive and procedural level. The Department of Transportation's directive claimed that the websites' blocking was appropriate because they "relate to morals and decency as stipulated in Article 19(2) of the Constitution."

In Avinash Bajaj v. State (N.C.T. of Delhi)

The difficulty of controlling internet use to prevent the spread of pornographic material is beyond the capacity of our legal system. It may be beneficial to examine the legislative reactions of other common law jurisdictions. The United States has passed three laws regarding the banning of pornographic content on the Internet: the Child Online Protection Act of 1998 (COPA), the Communications Decency Act (CDA), and the Children Internet Protection Act of 2003 (CIPA). The CDA was included under the 1996 Telecommunications Act. (CIPA). The CDA tried to prohibit the use of interactive computer services to send or display, to anyone under the age of 18, any message that depicts or exhibits sexual or genital activity in an obviously objectionable manner.

The Criminal Justice and Public Order Act of 1994 (CJPOA) in the United Kingdom extended the Obscene Publications Act of 1959 to include the transmission of electronically stored data in order to address the unique issue of internet pornography. It holds service providers liable for content posted online by third parties, requiring them to screen information for offensive material. Moreover, the CJPOA of 1994 amended the Protection of Children Act of 1978 to include photos in electronic data format. To prevent the online distribution of child pornographic content, India may desire to develop a new regulatory paradigm to regulate internet usage. Nonetheless, the undertaking merits the highest priority.

CONCLUSION

According to the study's findings, the only viable strategy to reduce child sex abuse in India is to abolish all pornographic websites. This is the first move we could take since it would give us time to think about and plan new ways to eradicate child pornography in India. This is the first step we can take. Under Indian law, the representation of juveniles, both actual and virtual, as well as adults posing as minors, in electronic child pornography should be illegal. This contains both juvenile and adult depictions. Stringent measures will need to be enacted in order to effectively combat such heinous crimes. The creation of comprehensive legislation to protect children from sexual offenses committed against them is the first step toward abolishing all forms of sexual offenses done against children. This would be a significant step toward strengthening child jurisprudence in the country. There has been substantial development in the country's effective law enforcement and criminal justice system as a result of the implementation of a number of child exploitation prevention initiatives; nonetheless, there is still significant space for improvement.

India is one of the world's youngest countries, and as a result, it has a substantial child population that must be tallied. In this regard, laws should be enacted in accordance with and for the benefit of children, as children are the future of this country. The proliferation of pornography is currently the most serious issue that can be linked to the internet. The English word "pornography" is derived from the Greek words "porni," which means prostitute, and "graphein," which means to write. When the term "pornography" was originally used, it applied to any creative or literary work that depicted the daily activities of prostitutes. The term "pornography" refers to any depiction of sexual behavior in books, photographs, statues, or other kinds of media that is intended to arouse sexual desire in its audience. Pornography can be found in a variety of ways in today's society. Furthermore, it contains explicit sexual content that has the ability to dehumanize and humiliate people, particularly children and women, through sexual means. Fear and moral panic have permeated society, including the government and law enforcement institutions. Because of the addictive nature of its content, pornography has the ability to influence the lives of hundreds of millions of people, as well as have disastrous effects on individuals, families, and society as a whole. When it comes to child pornography, people are more concerned than usual.

According to recent research, the sex industry, which includes pornography, is one of the most profitable and prevalent

businesses on the planet. Pornography is a much larger industry than any of the most successful technological companies, including Microsoft, Google, and Amazon, among others. Every second, a large amount of money is spent on pornography around the world, and a new pornographic video is created. Both of these practices involve the exploitation of children and other people. Every day, many children use their computers or mobile phones to access pornographic websites. These children pose a risk to society. Children are being exploited in any way that can be ascribed to the impact that technology has had on them.

Recent advancements in computer technology and the internet have had a tremendous impact on the spread of child pornography, which has a long-term impact. Because of the enormous availability of the internet, child pornography may now be quickly, effectively, and widely circulated around the world. Child pornography is available around the clock to anyone with sufficient understanding in the relevant field of technology via the World Wide Web or numerous news groups. If an image or video of a child is shared on social media in any way, shape, or form, it invites further copying and keeps the content alive permanently. Pornography is an issue that has been exacerbated by the spread of pornographic content on the internet, which has enhanced both the speed and ease with which it may be transmitted and accessed. Because the internet allows individuals to access pornographic materials, it has also made identifying and preventing the spread of pornographic material more challenging. Some argue that controlling pornography on the internet is problematic since it is impossible to establish who or where the content originated, how many people access the information, or whether the content crosses international borders.

The development of the internet has shown to be advantageous to the general population by allowing people to access education and services regardless of their location. At the same time, it has prepared the ground for criminals to perpetrate violent acts against children and continues to exploit them. The use of violence against children by offenders is always developing, and law enforcement agencies are struggling to stay up. Consuming pornography, especially the most severe and violent versions of the medium, can be harmful not only to the individual but also to society as a whole. Repeated exposure to pornography can lead to psychological addiction, which has been demonstrated to have a negative influence on quality of life, interpersonal relationships, and cultural expectations of sexual behavior. Pornographic media consumption poses a serious harm to both public health and individual well-being. Pornography is classified into three types, with child pornography being commonly viewed as the most heinous.

Child pornography is a very real issue that must be handled at the local, national, and international levels. Children are vulnerable to harm, and as a result, they require protection from potential hazards in order to avoid injury. Child pornography refers to photos and films that depict children participating in sexually explicit activities. This category includes sexual activity, masturbation, and public display of genitalia. Child pornography is one of the most horrific forms of child exploitation, distinguishing it from other forms of criminal action. Children who are used in this manner are compelled to see or engage in heinous actions, which can have long-term consequences for their identity as adults. Every pornographic image depicting a child in suffering is inappropriate. The children are shocked all over again when the other person sees the disgusting images. As a result, child pornography victims' right to privacy and human dignity are infringed.

REFERENCES

1. Shreya Singhal v. Union of India AIR 2015 SC 1523
2. Section 66A of Information Technology Act, 2008 states Punishment for sending offensive messages through communication service, etc.
3. Section 69A - Power to issue direction for blocking for public access of any information through any computer resource
4. Section 79 - Exemption from liability of Intermediary in certain cases
5. Avinash Bajaj v. State (N.C.T. of Delhi) [2005] 79 DRJ 576
6. Hector Firdaus Kothavalav v. State of Maharashtra Cr. Bail application No. 712 of 2013
7. Shashi and Ors. v. State of Karnataka [2000] Cri. LJ 4808
8. National Textile Workers Union v. PRRamakrishna [1983] AIR 750
9. Keshvanand Bharti v. State of Kerala, [1973] 4 SCC 225
10. Naz Foundation v. Government of NCT of Delhi and others, writ petition no. 7455/2001
11. Secretary, Ministry I & B v. Cricket Association of Bengal, AIR 1995 SC.
12. Porn DVD sales up, prices hit the roof, Times of India (5 August 2015)
13. <https://timesofindia.indiatimes.com/india/Porn-DVD-sales-up-prices-hit-the-roof/articleshow/48352621.cms> accessed on 04/07/22
14. Ban or no ban India, India watching more porn than ever: Survey, NDTV (12 Jan 2016) <https://www.ndtv.com/india-news/ban-or-no-ban-india-watching-more-porn-than-ever-survey-1264719> accessed on 02/07/22

15. StateofA.P.vMangaliYadagiri,Cr.RevisionNo.1596of2014
16. P.ShanmugavelRajvStateandOrs,Cr.revisionNo.743of2013