

Report Summary

The alarming issue of pornography on social media and its effect on children and society as a whole

- The Adhoc Committee of the Rajya Sabha constituted to study the alarming issue of pornography on social media and its effect on children and society as a whole (Chair: Mr. Jairam Ramesh) submitted its report on January 25, 2020. Key recommendations of the Committee include:
 - **Definitions:** The Protection of Children from Sexual Offences Act, 2012 defines child pornography as any visual depiction (such as photographs or videos) of sexually explicit conduct involving a child, or appearing to depict a child. The Committee recommended that the definition of child pornography should be expanded to include written material and audio recordings that advocate for or depict sexual activity with a minor. It also recommended that the term ‘sexually explicit’ should be defined in the Act.
 - The International Labour Organisation defines ‘grooming’ as the process of building a relationship with a child (online or offline) to facilitate sexual contact with the minor. The Committee recommended that a similar definition of grooming should be adopted in the Protection of Children from Sexual Offences Act, 2012. Further, it should be considered a form of sexual harassment.
 - **Exceptions for possessing child pornography:** The Committee recommended that minors should not be prosecuted for taking, storing, or exchanging indecent pictures of themselves if the image under certain conditions.
 - Further, the Committee recommended two exceptions for adults in possession of child pornography: (i) for the purpose of reporting it to authorities, and (ii) for use in investigations.
 - **Offences:** The Committee recommended that using a misleading domain name to deceive a minor into viewing obscene material should be considered an offence. Further, penalties should be included in the Information Technology Act, 2000 for those who give children access to pornography and those who access, produce or transmit child sexual abuse material (CSAM).
 - **Responsibilities of intermediaries:** The Committee recommended that responsibilities of intermediaries (such as internet service providers and search engines) should be clearly outlined in the Information Technology Act (Intermediaries Guidelines) Rules, 2011. These responsibilities include: (i) proactively reporting, identifying and removing CSAM, and (ii) reporting identities of persons accessing child porn or CSAM. The Committee also recommended that a non-negotiable timeframe for reporting and taking down of CSAM should be instituted. Violations of the timeframe should be punishable.
 - **Social Media:** The Committee recommended certain measures that social media sites and apps may take to protect minors and, to regulate and remove CSAM-related content. These include: (i) age restrictions at the stage of account creation, (ii) banning of users posting child exploitation, and (iii) providing information on illegal content to users in multiple languages.
 - **Awareness and training:** The Committee recommended that awareness campaigns should be initiated such as; (i) a campaign for parents on early signs of child abuse, and (iii) a nationwide campaign on cyber bullying. The Committee also recommended training for (i) responders in child abuse investigations, and (ii) media persons reporting on child exploitation.
 - **Authorities:** The Committee recommended that an upgraded National Commission on Protection of Child Rights should be designated to deal with issues related to child pornography. Further, State Commissions on Protection of Child Rights should be constituted in each state. States may also appoint e-safety commissioners to ensure, (i) implementation of social media guidelines, (ii) flagging of content, and (iii) age verification.
 - **International cooperation:** The Committee recommended that India should sign agreements with other countries for sharing information in dark web investigations. Further, India should employ liaisons in priority countries who can fast-track requests for the take down of online content under the Mutual Legal Assistance Treaty.
 - **Research:** The Committee recommended that the National Crime Records Bureau must mandatorily record and report all cases of child pornography.

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