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Child Pornography in India During the Lockdown: Are Our Children Safe?

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ABSTRACT

The problem of child pornography on the internet and social media has increased during the pandemic. Nowadays child pornography is a vital crime as per internet is concerned. During the global pandemic hour and countries being in lockdown, people including both children and adults are spending more time online and excessive. By pornography we generally mean the depiction of any content, whether printed or visual, that contains manifest narration, demonstration or display of sexual activities, sexual organs or any other obscene material with an intention to trigger the sexual excitement of the viewers. We call it child pornography when children are included in the said activity. Although, merely a prefix has been added to the term 'pornography' in this case, but this little prefix increases the dreadfulness of this term horrendously. The words 'child' and 'sexual activity' together already sound so wicked, and then displaying it to people who are watching it to arouse their sexual desires only make it worse. Consequently, such deeds provoke the exploitation, trafficking and violence towards children. This is the reason that child pornography is considered so heinous.

The child is treated as equal to God. In current generation most of the people are harassing and making some videos likes pornography, by using the innocent child.

Keywords: *Child pornography, internet, sexually.*

I. INTRODUCTION

As per the child pornography is concerned there are many negative impacts on such activity. This kind of child pornography may lead to some kind of mental disorder on children and may also lead to some other vulnerability on child. As per article 21A of the Indian constitution is concerned "Every child between the age of 6 to 14 year should be provided with free and compulsory education. 51 A (k) also explain about the compulsory education for the children, .this kind of child pornography is violating the .the article 21 and 51 A (k) .includes a virtual images, film and movie of a child in the form of pornography.

The Child Pornography Prevention Act explains the definition of child pornography. The first

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definition explains about the prohibition of any visual depiction, including photography, video photo film, or computer or a computer generated picture” "The act also prohibits a minor engaged in any sexual activities. This pornography includes an virtual images, film and movie of a child in the form of pornography. The child pornography prohibition, Act prohibits image that was advertised, promoted, presented, described, or distributed and also the minor who engaged in sexuality. Most people consider pornography images are consenting with adults. However, there are many child pornography and also our society consists of many people who has sexual interest towards children. This child pornography is commonly called as “kiddish porn”. Some children are forced by their own surrounding to engage in such kind of activities. Which may cause some harm to the children. Pedophilia is consider to be an important disorder which causes a sudden sexual disorder on an individual. The child pornography is divided into two types. Erotic and pornography. The child pornography is consider to be an illegal as per Indian litigation.

(A) Objectives

1. To know about the child pornography and the regarding legislation for prohibiting child pornography
2. To know the effect of child pornography and children and these related harmful diseases.
3. To analyze about the offenders of child pornography and investigating regarding the famous case laws in India.
4. To create awareness among the masses to proper sexual education.

II. DEFINING CHILD PORNOGRAPHY

In India, the term ‘child pornography’ has been defined under the Protection of Children from Sexual Offences Act, 2012 (POCSO). According to section 2(da) of the POCSO Act, child pornography is any kind of visual display of overt sexual activity that engages a child. Such content may be an image, a video or any computer-generated picture which cannot easily be differentiated from a real child. It includes all those images which show a child to be involved in such activities whether it is created, adapted or modified.

To be very specific, section 2(d) of the POCSO Act defines a ‘child’ to be any person who has not attained the age of eighteen years.

III. REASONS OF INCREASING CHILD PORNOGRAPHY

There has been a rapid increase in the sharing of child porn over the years all around the world. The reasons for high demand of child porn are different for different age groups. The primary

viewers among the adolescents are those who are nearly 18 to 21 years of age and have sexual dysfunction which means they have difficulty in maintaining erections and achieving orgasms. On the other hand, many children or adolescents watch it merely to fulfill their curiosities or fantasies.

However, in case of older people, the majority of the persons watching child porn are either paedophiles or hebephiles or ephhebophiles. These are the people attracted or sexually oriented or interested towards children or mid to late adolescents. It is surprising to know that in the view of many of them, it is their love towards those children. Other than these, there are also many sadists who just take pleasure in watching those children in pain while they are being molested.

All these rising demands of child porn from these people would be ineffective if there was no means to fulfill them in the first place. Here comes the role of the internet which has become the nucleus of sharing such materials making them more popular. The advancement of digital technology and internet expansion has contributed a lot in shooting up of the child pornography market. The videos are easily available, easily affordable and they even conceal the identity of the viewer, hence increasing the number of people watching the same.

IV. IMPACT OF CHILD PORNOGRAPHY

It is quite rare that sexual activity in child porn is consensual. So, if any image, video or any other content showing sexually explicit conduct involving a child is created, it is very likely that real sexual abuse or harassment was caused while making such material. Also, there are high possibilities that such abuse has been done more than just once. More the demand for child porn increases, more such content is created, and hence, more crimes against children increases.

This not only deteriorates the child victim's mental and physical well-being, but also leaves a grave impact on society. When such an abuse or molestation is committed with a child, he/she goes through a huge trauma and it takes a lot to come out of it, but the act of pornography, i.e., posting or distributing that recording online aggravates the situation and makes it impossible for that child to move on ever. Fear, humiliation, helplessness, lack of confidence is some of the things that would follow that child forever because he/she knows that somewhere on the internet those pictures or videos are circulating.

Child pornography is considered to be a vulnerable crime in the eye of law. Pedophilia means. A person who has sexual attraction toward a preadolescence, the female will attain their puberty between 10 to 11 and the male will attain the puberty between the age of 11 to 12. This

pedophilia is caused due to dialogical and statistical mental disorder on a person. This kind of disorder may urge a particular person and increase their sexual hormonality on them. This disorder may also increase mental pressure on these people and make them vigorous. Many children are mentally affected and lead to depression due to child pornography, children are harassed by their own father and family because of their own sexual needs and satisfaction. The reason for such pedophilia disorder is not yet discovered by the scientist, but these disorders are caused due to the harmonic disorder on a people. This kind of sexual disorder may happen to both men and women. Most of the people considers child pornography is considered with adults. Child pornography is a pornography which is made by using a child which is familiar as "kiddish porn". Most of the children are harassed by their own family and relatives. This type of child pornography is considered to be illegal in India. This child should be protected under certain provisions under law.

The child pornography is of two types mainly erotic and pornography. Erotic is something which involves some sexual instrument and pornography are those which contain a sexual behavior and sexual intercourse of a children.

There are many symptoms of child pornography which are given below:-

(A) Injuries

Many children may suffer from injuries due to such vigorous sexual activities. The children who are between the age of 10 to 16 are suffering from such harassment by most of the people. Many people are behavior vulgarly towards their own daughters and relatives in some circumstances male child also suffer from such sexual abuse which was considered to be less than the suffering of the male child. The pornographic videos are mostly caused by the outsiders.

(B) Change in Behavior

The child pornography may also cause enormous changes in an individual such changes may cause them a fear towards their surroundings. The suffered child may undergo some kind of mental stress and disorder which called as "Diagnosis and statistical mental disorder" This type of changes cannot be plainly considered as a mental disorder which also contain a part of sexual disorder on a children.

(C) Fear of Home

The child pornography may also cause fear of home on an individual this kind of fear may feel them guilty and lonely which may cause mental depression on them which may also

result in various dangerous and also cause harmful result. In present generation may child are treated and blackmailed by the pornography which may cause some mental pressure on them.

(D) Sexual Behavior

This child pornography may cause some sexual behavior on a child which may lead to female masturbation such kind behavior may lead to violent activities on a children and may cause urge on a children for sex and may increases to some sexual behavior and foreplay on a children. The article 66A doesn't clearly explain about the child pornography separately. But prohibits child pornography. These types of crimes may create psychological depression on the minds of the children.

V. OFFENDERS

The child pornography is consider to be an vital crime and the child pornography not only includes pornographic videos but also include photos etc. The offenders of pornography include.

(A) Producers

The producers are consider to be an important offender as per child pornography is concerned. This pornography includes the production of such videos, who intended to sell such videos for they own profit. These kinds of producers will be prosecuted under Indian law. Some children are kidnapped by various people for the purpose of taking such pornographic videos which is punishable under section 363 of Indian Penal Code. And the person who kidnapped child will be imprisoned for not less than 2 years and also may liable for fine.

(B) Distributers

The distributers are those who intended to sell such kind of child pornography to various deals and people. Some kind of child porn will also be released in online and may be circulated among various people. Such kind of video may spoil may of the youngster and may develop an intension of sexuality among them. This distributer may also sell these videos, photo and various enormous child pornography among various people.

(C) Users

The users are those who get pleasure in using those videos, photos, these people can commonly know as pedophilars. such kind of people have an enjoyment in using such pornographic videos , photos , games etc. There are many pornographic games which attract those pedophilars towards such games and create addiction on them. Sexting of such video is consider to be a criminal offence. The following are the people who are consider to be a offenders for using child pornography

1. Youth who are possessing or accessing towards pornographic video.
2. Youth who are transmitting , sexting of such pornographic videos,photos,film and also animegenerated games
3. Criminal harassment, extortion, voyeurism are also consider to be an offensive one.

VI. CASE LAW

New York v. Ferber² held that the government could take necessary steps and should restrict the distribution of child pornography to protect children from the sexual abuse which was consider to be an harm for the children and which may cause mental depression on them.

In the famous case Osborne v. Ohio³, in the Ferber case the court insisted in banning the child pornography.

VII. EFFECT OF COVID LOCKDOWN ON CHILD PORNOGRAPHY MARKET

The India Child Protection Fund (ICPF) report outed in April 2020 reported that there has been an escalation of 95% in consumption of child pornography material in India. This data has been cited from 'Pornhub', which is one of the biggest pornography websites all over the world.

In the period of lockdown due to the spread of COVID-19, almost all schools, colleges and offices were closed down. All the works and studies were being conducted online due to which the number of hour's people spent on the internet increased to a large extent. There is no doubt that apart from the usage of the internet for academic purposes, children would get exposed to all the aspects of this advanced digital technology if they spend so much time on it. But while exploring the internet, these innocent children have no idea about the sexual predators who are roaming out there to hunt them. And the reason these people are targeting children is none other than the rising demand of child porn as we have already discussed. In the lockdown period, all

² S.C.458 U.S. 747 (1982)

³ 495 U.S. 103 (1990)

kinds of people including paedophiles, child molesters, child rapists, etc. spent their time browsing the internet way more than they usually do. It is evident from the fact that there has been a shoot up in searching of words such as 'teen sex', 'sexy child', etc. in this period according to the ICPF report. Such actions lead to the increase in demand of child sexual abuse content, and in order to fulfill the same the controllers of child pornography network go to any extent to provide updated material to their customers and fill their pockets with billions. This demand encourages the masters of pornography market to do child sexual abuse, child molestation, child trafficking, etc., hence, giving rise to more and more crimes.

Moreover, a recent Childline India Helpline's report revealed that they had received more than ninety thousand calls regarding the request to protect children from abuse during the national lockdown. This fact clearly indicates that the risk of child abuse in this lockdown had been much higher and is expected to increase further.

VIII. SUGGESTIONS

1. Awareness Program

An awareness program should be conducted to create awareness among the public regarding child pornography. The program should elaborately explain about the child pornography and its harmful effects on children. The school should take proper initiative in creating awareness among children regarding the child pornography. Most of the people are taking pornographic video by using the school children so the awareness should be created among the children regarding such type of pornography. The children should be encouraged by the parents to share all matters with them. Hiding of such matter may create harm not only to the parents but also to the child future life.

2. Counseling

As the pedophilia is consider to be a sexual disorder. It should be given counseling for the treatment of such disorder As the sexual education is consider to be an important which should be thought during the days of schooling. The pedophilias should be given proper counseling to overcome such of disorder.

3. Sexual Education

The sexual education should be given and the awareness should be given to the children regarding such child pornography Most of the children who below to rural areas are not aware of sexual education. So all the school should give sexual education to the children.

IX. CONCLUSION

Thus child pornography is considered to be a vital crime. The child pornography is now a day's child pornography is accessed through electronic devices. The child pornography is also banned in all porn sites. Government should take necessary steps to the ban of the child pornography. Strigent imprisonment should be given for the violation of such laws regarding the child pornography. So the child should be free in the environment without any sexual abuse from the people including its family members. Thus for the proper development of the child and for the safety society the child should be protected from all types of barriers.

In the fight against Child Pornography issues and challenges all have to play an important and crucial role. Need to be organizing camps for children educating them how to keep safe online should be promoted as part of governmental policy with stress on online child safety measures. Law cannot be the only instrument to take care of all problems; the above mentioned forces should also work hand in hand to prevent Child Pornography issues. For protecting children from Online Pornography Government should ban all Online pornsites and prevent the publication or proliferation of pornography from all Cyber Cafes. "Many cases go unreported as parents fear stigma and taboo. Internet penetration is quite high these days. This offense can't be prevented by police alone and parents and family members need extra care."

It has also been found that in a significant number of cases of child sexual abuse, the children know their offenders; they might be relatives, family friends, teachers, etc. Such types of cases are even more disheartening because here the child would have trusted that person and would never have expected it to happen. What could be more disappointing than the fact that the children are not safe even in their own homes?

One of the major problems in such crimes is that they get unnoticed because they are not talked about. So maybe, it is high time that we start talking about it, make our children aware about the things that they might come across with, and when they do they come to talk to us without any hesitation. It is very important to provide proper sex education to each and every individual so that they do not get incomplete learning from outside and move towards some foolish path

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