

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:3638
ANSWERED ON:05.08.2014
CASES OF CHILD PORNOGRAPHY
Gandhi Shri Feroze Varun

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether the cases of child pornography have reportedly increased in the country;
- (b) if so, the details thereof along with the total number of such cases reported and the action taken against the guilty during each of the last three years and the current year, State-wise; and
- (c) the corrective steps taken/being taken by the Government in this regard?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI KIREN RIJU)

(a) and (b) Data on cases of child pornography are not maintained centrally. However data on State/UT wise cases registered and persons arrested under obscene publication / transmission in electronic form under Information Technology Act during 2011 – 2013 is given at Annexure.

(c) The Information Technology Act 2000 together with the Indian Penal Code 1860 provides adequate legal framework for countering pornographic sites including child pornography. Sections 67, 67A and 67B of the Information Technology Act provides stringent punishment and fine for publishing or transmission of pornography in electronic form as well as hosting on website any information which is lascivious, or contains sexually explicit act or conduct, or depicts children engaged in sexually explicit act. Section 67 provides imprisonment up to three years and fine up to five lakh rupees for first conviction and imprisonment up to five years and fine up to ten lakh rupees for subsequent convictions. Section 67A and section 67B provides punishment up to five years and fine up to ten lakh rupees for first conviction and imprisonment up to seven years and fine up to ten lakh rupees for subsequent convictions.

Further, the Information Technology (Intermediary Guidelines) Rules 2011 under Section 79 of the Information Technology Act requires that the Intermediaries shall observe due diligence while discharging their duties and shall inform the users of Computer resources not to host, display, upload, modify, publish, transmit, update or share any information that is harmful, objectionable, affect minors and unlawful in any way. The said rules also require the intermediaries to appoint Grievance Officers to address the grievances received from users and affected individuals / organizations as and when received by them.

An Advisory was issued on August 17, 2012 under Section 69A and Sub-Section 3 (B) under Section 79 of Information Technology Act 2000 and Rules therein to all intermediaries asking them to take necessary action to disable inflammatory and hateful content hosted on their website on priority basis.