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**AN ANALYTICAL STUDY ON THE IMPACT OF
PORNOGRAPHY AMONG TEENAGERS ON THE ACTS OF
SEXUAL VIOLENCE AND RAPE CASES UNDER SECTION
19(1) OF POCSO ACT, SECTION 293 & 354A OF INDIAN
PENAL CODE AND SECTION 67A OF INFORMATION
TECHNOLOGY ACT, 2000**

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ABSTRACT

The aim of this research study is to examine the correlation between teenage pornography addiction and rise of sexual violence and rape cases in India, alongside the influence of societal taboos and lack of comprehensive sex education. Utilizing a **Doctrinal Research Methodology**, the study investigates legal frameworks including **IT Act, IPC & POCSO Act** and examines the case studies highlighting the impact of pornography among teenagers. The hypothesis posits that pornography addiction among teenagers contributes to the cases of sexual violence and rape, exacerbated by inadequate sex education and societal taboos which further develops the dependency among the teenagers on the sexually explicit content to seek false information regarding their sexual health and well being . Findings suggest that ease internet access, media influence etc. drive teenagers to seek information from pornography, leading to distorted sexual norms and increased aggression. Additionally, the prevalence of societal taboos as well as the lack of comprehensive sex education in homes and schools create the aspect of dependency among teenagers on sexually explicit content to seek false information regarding their sexual health. Key recommendations under this research study include promoting sex education, implementing parental controls, establishing stricter censorship etc.

1. INTRODUCTION

The term '**Pornography**' refers to the idea of production, dissemination or possession of sexually explicit content through pictures, writings and mostly through electronic media. It perpetuates the sexual exploitation and abuse of victims. The Pornography is becoming increasingly prevalent in today's society and also becoming more and more common in today's culture. The possessors of such content are responsible for the purposeful victimization of the innocent youth. It has also

become easily accessible in India as a result of the swift development of the Internet and technology. Attempts have been made worldwide by governments and other governmental bodies to restrict the pornographic content available on the Internet. Hence, the researcher aims to find out or the purpose of conducting this research is to derive the answer for whether or not the addiction to pornography correlate with the increase in the cases of sexual violence and rape and also whether or not the societal taboos as well as the lack of comprehensive sex education in schools/home contribute to the increase in reliance upon such online sexual content and subsequent rise in the cases of sexual violence and rape?

1.1 Significance of this Research Study

Studying the impact of pornography among teenagers on sexual violence and rape cases in India is crucial for law enforcement, public safety, mental health, and youth protection. Exposure to pornography can normalize sexual attraction, encourage illegal intent, and cause psychological trauma. Understanding these impacts can lead to better policy formation, support services, technological solutions, and international support for combating crimes. Investigating this relationship might lead to the creation of such policies which could target both the producer and distributor of such obscene content

2. LEGAL FRAMEWORKS

This research study will further delve into the idea of describing various legal frameworks which are surrounding the topic of Pornography. In other words what all laws are prevailing in India for combating Pornography.

- For instance, According to **Section 67A of IT Act, 2000** states that **Punishment for publishing or transmitting of material containing sexually explicit act, etc., in electronic form**—Whoever publishes or transmits or causes to be published or transmitted in the electronic form any material which contains sexually explicit act or conduct shall be punished on first conviction with imprisonment of either description for a term which may extend to five years and with fine which may extend to ten lakh rupees and in the event of second or subsequent conviction with imprisonment of either description for a term which may extend to seven years and also with fine which may extend to ten lakh rupees.¹ This section deals with providing punishments for publishing any electronically stores sexual explicit content

¹ The Information Technology Act 2000, s 67A.

where a person can be put behind the bars maximum for seven years. The parliament passed the IT Act, 2000 to legalize electronic trade. This Act included clauses on electronic signatures, cybercrimes and hacking. In 2008, this act was amended, adding new sections and expanding its scope. The inclusion of Section 67A, which dealt with pornography and sexually explicit online content, Severe penalties were introduced to deter content based offenses. The amendments focused on cybersecurity protocols, safeguarding information etc.²

- According to **Section 293 of IPC (1860)**, states that **Sale, etc., of obscene objects to young person-** Whoever sells, lets to hire, distributes, exhibits or circulates to any person under the age of twenty years any such obscene object as is referred to in the last preceding section, or offers or attempts so to do, shall be punished on first conviction with imprisonment of either description for a term which may extend to three years, and with fine which may extend to two thousand rupees, and, in the event of a second or subsequent conviction, with imprisonment of either description for a term which may extend to seven years, and also with fine which may extend to five thousand rupees.³ **Sexual harassment is defined in Section 354A of the IPC (1860)**, According to this provision, a man committing any of the following acts is guilty of the offense of sexual harassment: **(i) Physical contact and advances involving unwelcome and explicit sexual overtures, (ii) A demand or request for sexual favors, (iii) Showing pornography against the will of a woman (iv) Making sexually colored remarks.**⁴ These provisions aim to protect adolescents from harmful exposure to pornographic material, provide legal protection for women and promote a respectful environment while also combating sexual harassment. The IPC was the main criminal code in India enacted during colonial era. Regulations pertaining to pornographic publications were part of initial legislation. The IPC witnessed **Criminal Law (Amendment) Act, of 2013** which added section 354A to the IPC following the Nirbhaya gang rape case of 2012. This act increased the protections against sexual harassment, resulting in increased awareness and documentation of instances of sexual harassment.⁵
- According to **Section 19(1) of POCSO Act**, states that any person (including the child), who has apprehension that an offence under this Act is likely to be committed or has knowledge

² The Information Technology (Amendment) Act 2008, s 67A.

³ The Indian Penal Code 1860, s 293.

⁴ The Indian Penal Code 1860, s 354A.

⁵ Raman Devgan, 'IPC Section 354A - Sexual Harassment and Punishment for Sexual Harassment' (A Lawyers Reference, 31 Oct 2022) <<https://devgan.in/ipc/section/354A/>> accessed 7 June 2024.

that such an offence has been committed, he shall provide such information to,— (a) **the Special Juvenile Police Unit; or (b) the local police.** The POCSO ACT in india mandated the immediate reporting of child sexual abuse events, ensuring immediate intervention and child safety. This Act was introduced in 2012 replacing IPC which lacked provisions for minors. The **2019 POCSO Amendment Act**, included the introduction to death penalty for sexual assault, raising the minimum sentences for various offenses and introducing fines for those who fail to report the cases of child sexual abuse.⁶

2.1 Factors contributing to incidents of Sexual Violence and Rape

Contrary to the above mentioned legal frameworks this research study will mainly cover the factors related to addiction to pornography among teenagers and societal taboos as well as lack of comprehensive sex education contributing to the cases of sexual violence and rape. Some studies for instance Wright (2016) found that exposure to violent pornography was associated with increased sexual aggression, both as perpetrators and victims.⁷ Societal taboos and inadequate sex education can lead to teenagers relying on online sexual content, resulting in misinformation. This in turn can lead to problematic behaviors like sexual violence and rape due to distorted views of sexual norms.

1.1.1 Causes of Addiction to Pornography among teenagers in India :-

- **Easier Access to Internet:** Advancing technology has made it easy for the people to access any number of porn materials online on computers and mobiles etc. Such explicit material can also be uploaded on the pornographic sites. The expansion of the internet has provided the greatest access up to date to sexually explicit images accessed by both adults and children. The proliferation of cellphones have facilitated teenagers' access to pornography. Ineffective parental controls and supervision may be a factor in uncontrolled access. Due to this, in the contemporary society, not only the adults but juveniles are also found to be involved in crimes involving dissemination of pornography or committing sexual abuse against another person. **In 2013, Kamlesh Vaswani v. Union Of India filed a PIL with the Supreme Court to ban pornography online and block certain sites.** He argued that pornography would harm society and addicts, and suggested bringing those responsible under the **IPC and POCSO Act.** However, the Supreme Court rejected the request, stating it was an adult's right to read

⁶ The Protection of Children from Sexual Offences (Amendment) Act 2019, s 19(1).

⁷ Wright, P. J., Tokunaga, R. S., & Bae S., *Pornography consumption, sexual experiences, lifestyles, and self-rated health among male US college students* (Journal of Sex Research, 2016) 53.

pornography in their privacy. Further a prohibition on such right is a **violation of the right of personal liberty granted under Article 21 of the Constitution**.⁸ In **September, 2018, the High Court of Uttarakhand** in **In Re v. State of Uttarakhand** held that the order of the Department of Telecommunication, notified on 31st July, 2015, asking Internet Service Providers to disable 857 websites hoarding pornographic content, be strictly complied with. This decision draws our attention on two counts.⁹

- **Influence of Media:** The portrayal of sexual content through media like TV shows, online platforms, movies etc. can normalize the consumption of pornographic content among teenagers. It can try to create a perception that such consumption is acceptable behavior. This normalization can influence their attitudes toward sex potentially contributing to unhealthy expectations about relationships. In the case of **Aveek Sarkar v. State of West Bengal (2014)**: Although this case primarily dealt with obscenity in a published photograph. The judgment stressed that media portrayal should be handled responsibly to avoid contributing to the normalization of explicit content among vulnerable groups such as teenagers.¹⁰ In **K.A. Abbas v. Union of India** the Supreme Court was asked to rule on the constitutionality of pre-censorship of films, etc. in the backdrop of **Article 19(1)(a) and 19(2)**. Article 19(2), it may be noted, specifically lists public order, decency and morality as the basic interests on the basis of which reasonable restrictions can be imposed on the freedom of a person. The court further held that: films can be classified according to its content and censorship restriction can be imposed in the interest of morality and decency. It is the duty of censor board to decide the suitability of a film for unrestricted viewership. In the contemporary society, the transmission of obscene photos via social media platforms like WhatsApp, Instagram, Facebook Messenger etc. has become very easy and convenient for culprits. The **section 67 and 67-A** penalize transmitting sexually explicit or obscene materials. As such, photos are very well covered under the ambit of **IT Act, 2000**. So, transmitting sexually explicit photos via these social media platforms is a punishable offence.¹¹

⁸ Sushma, 'Pornography as an expression of erotic sex behaviour impinging upon the realm of morality a socio legal critique of law in India' (2022) INFLIBNET https://shodhganga.inflibnet.ac.in/bitstream/10603/472744/3/03_chapter1.pdf accessed on 2 June 2024.

⁹ Casemine, 'Sachendra Singh Rawat v. State Of Uttarakhand' (casemine.com, 8 Aug 2023) <https://www.casemine.com/judgement/in/654c348f1457ac47a2331ed2> accessed 3 June 2024.

¹⁰ Srivastava S and others, 'Exposure to Pornographic Content Among Indian Adolescents and Young Adults and Its Associated Risks: Evidence from UDAYA Survey in Bihar and Uttar Pradesh' (2022) 52 Archives of Sexual Behavior <https://doi.org/10.1007/s10508-022-02411-7> accessed on 1 June 2024.

¹¹ Sushma, 'Pornography : A crime against morality but not law' (2022) INFLIBNET https://shodhganga.inflibnet.ac.in/bitstream/10603/472744/3/03_chapter3.pdf accessed on 2 June 2024.

- **Lack of Sex education in Home & Schools:** In Indian culture, the topic of sex is often considered inappropriate or even sinful, further perpetuating the reluctance to openly address it. Schools and families alike shy away from discussing topics related to sex and sexuality, fearing that such conversations may expose children to inappropriate influences. As a result, discussions about private body parts, sexual harassment, cyber crimes, etc. are often brushed aside. Parents and educators may believe that by avoiding discussions about sex, they are protecting young minds from exposure to potentially harmful information. However, this approach fails to recognize the critical role that comprehensive sex education plays in empowering individuals to make informed decisions about their sexual health and well-being. People are forced to handle complicated sex and relationship-related difficulties on their own when they lack access to reliable information and assistance, frequently relying on false information and often develop reliance on online sexual content further contributing to the cases of sexual violence. In the case of **Samaresh Bose v. Amal Mitra (1985)**: This case involved the publication of allegedly obscene bengali literature called ‘**Prajapati**’. The **Supreme Court** discussed the potential impact of explicit content on impressionable minds and the broader society. The judgment acknowledged that exposure to explicit and potentially harmful content could influence behavior, and that reliance on pornographic content due to lack of sex education can contribute to harmful sexual behaviors.¹²
- **Societal taboos:** In many parts of India discussions regarding sex is considered inappropriate. The stigma attached to it prevents teenagers from seeking guidance or asking questions from adults regarding their sexual health. Fear of being scolded or being judged further silences their concerns, Yacking or expressing about one’s own sexuality is given the tag of vulgarity and shamefulness. The lack of accurate information drives the teenagers to seek out pornography as a primary source of sexual knowledge where they encounter misinformation and can also lead to normalization of attitudes that are not reflective of the healthy sexual relationships. Their inquisitiveness can prove harmful when they try to get their answers through the internet and social media. Online content houses devious facts which can be misleading as they do no good by creating insatiable fantasies. In 2007, sex education was introduced by the **National Council for Education, Research and Training** in the curriculum and not as a separate subject. However, sex education was widely opposed and removed in states like Gujarat, Maharashtra, Madhya Pradesh and Goa. In May 2007, Madhya

¹² Casemine, ‘Samaresh Bose And Another v. Amal Mitra And Another’ (casemine.com, 24 Sept 1985) <<https://www.casemine.com/search/in/samaresh%2Bbose>> accessed 3 June 2024.

Pradesh chief minister Shivraj Singh Chouhan removed sex education from the curriculum on the advice of Dinanath Batra of Rashtriya Swayemsevak Sangh (RSS).¹³

1.1.2 Impact of Addiction to Pornography & lack of sex education among teenagers in India:-

The teenagers are also affected by the vice of excessive watching of pornographic material. It may affect the perceptions about sexuality and they tend to develop distorted notions about healthy sexual practices and sexual life. Thus such exposure at a quite young age may affect them in a number of ways like proper sexual development, it may cause stress and conflict in their mind¹⁴ which may further contribute to the cases of sexual violence and rape. In the present case of, **District Dehradun. v. State of Uttarakhand**, seniors watching pornographic material resulted in the gang rape of the girl student in the school. In this case, pornography resulted in the lack of morality where a girl child is gang-raped by her seniors in school; this will be a negative influence on the students as well as the other people.¹⁵ A survey by **Rescue Research and Training Charity Trust** found that watching porn could lead to rapes. The survey revealed that 76% of respondents agreed that porn leads to the desire to rape. The study also found that 83% of students felt watching porn led to sexual activities and 74% said it would attract them to visit prostitutes.¹⁶ There is a well-known 'Feminist Dictum' which says that **"Pornography is the theory, rape is the practice"**.¹⁷ Pornography can reinforce negative attitudes towards sex and gender and it may also intersect with the existing cultural narratives as well as the societal norms. To effectively combat sexual violence, it is necessary to address not just the individual behaviors but also the larger societal problems that lead to it, such as gender inequality, limited access to resources and education, and inefficient judicial systems. India like many other societies also faces issues about objectification of women, gender inequality and unethical attitudes towards consent. All these factors significantly contribute to the higher risks of sexual violence.

The case of the **Airforce Bal Bharti School Case**, is a very important case in relation to the **I.T.**

¹³ Dhruv Krishna, 'Sex Education: Still a Taboo in India?' (Times of India Blog, 15 July 2020) <<https://timesofindia.indiatimes.com/readersblog/dhruvslexicon/sex-education-still-a-taboo-in-india-2-23171/>> accessed 4 June 2024.

¹⁴ Sushma, 'Effects of Pornography' (2022) INFLIBNET <https://shodhganga.inflibnet.ac.in/bitstream/10603/472744/3/03_chapter5.pdf> accessed on 2 June 2024.

¹⁵ Sushma, 'Pornography : A crime against morality but not law' (2022) INFLIBNET <https://shodhganga.inflibnet.ac.in/bitstream/10603/472744/3/03_chapter3.pdf> accessed on 2 June 2024.

¹⁶ About the Author, 'Watching Porn could lead to rapes' (Deccan Chronicle, 9 Mar 2016) <<https://www.deccanchronicle.com/nation/current-affairs/090316/watching-porn-could-lead-to-rapes-study.html>> accessed 13 June 2024.

¹⁷ Suresh Bada Math, Biju Viswanath, Ami Sebastian Maroky, Naveen C. Kumar, Anish V. Cherian and Maria Christine Nirmala, 'Sexual Crime In India: Is it Influenced by Pornography' (PubMed Central, 26 Mar 2024), <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4031582/>> accessed 11 June 2024.

Act. In this case the accused was a juvenile and was a student of class 12th. He was accused for creating a porn website. On the website developed by 37 him, he had posted porn images of girls from his own class and of his teachers with derogatory remarks. The case was filed in the **Juvenile Court of Delhi** and he was charged under sections **67, 67A, 67B of IT Act, 2000**. He was also charged under **Sections 292, 293 and 294 of the IPC** and also under Indecent Representation of Women Act.¹⁸ In another case of Uttar Pradesh wherein a nineteen-year-old brother Sanju, has been arrested for the alleged rape and killing of his minor sister in Kasganj after watching pornographic content on his mobile phone on the night of February 3, 2024. Presumably, he sexually assaulted his sister and strangled her to death fearing that she would reveal his wrongful act to their parents.¹⁹ In another case of Raipur, a 16-year-old boy allegedly raped his 5-year-old neighbour. The parents of the rape survivor found their daughter lying injured. The juvenile was arrested under POCSO Act, (2012)²⁰, wherein the accused confessed that he was addicted to pornographic videos.²¹ Over the past few decades, an immense industry for the production and consumption of pornography has grown, with the increasing use of home video and the Internet, as well as the emergence of social attitudes more tolerant of sexual portrayals.²² Essentially, the unwillingness to have an honest and open conversation about sex education is a reflection of a larger cultural unease. A determined effort to question outmoded beliefs and advance a more transparent and inclusive approach to sex education is necessary to dismantle these obstacles. By fostering a culture of openness we can create spaces where individuals feel empowered to seek out information and make informed choices about their sexual health and well-being.

2.2 Recommendations and Suggestions

In **Jayesh S. Thakkar v. State of Maharashtra** the Division Bench was very much concerned with the issue that children needs to be protected from obscene and pornographic material over the internet. **The Bench comprising of B.P. Singh, C.J and D.Y. Chandrachud J.** thus issued an order for the appointment of a committee to deliberate upon and devise suggest preventive measures to protect the tender minds from exposure to obscene and pornographic material on the

¹⁸ Guleria , Vishal, 'Concept and Evolution of Cyber Pornographic Crimes' (2021) INFLIBNET <<https://shodhganga.inflibnet.ac.in/bitstream/10603/401099/6/ch-2.pdf>> accessed on 1 June 2024.

¹⁹ Analiza Pathak, 'SHOCKING: Teen Brother Rapes And Murders Minor Sister After Watching Porn In UP's Kasganj' (India.Com, 6 Feb 2024) <<https://www.india.com/uttar-pradesh/shocking-teen-brother-rapes-and-murders-minor-sister-after-watching-porn-in-ups-kasganj-6706739/>> accessed 5 June 2024.

²⁰ The Protection of Children from Sexual Offences Act 2012.

²¹ Times Of India, 'Addicted to porn, juvenile rapes 5-year-old in Raipur' (Times of India, 30 Sept 2023) <<https://timesofindia.indiatimes.com/city/raipur/addicted-to-porn-juvenile-rapes-5-year-old/articleshow/104056964.cms>>.

²² Sushma, 'Pornography : A crime against morality but not law' (2022) INFLIBNET <https://shodhganga.inflibnet.ac.in/bitstream/10603/472744/3/05_chapter3.pdf> accessed on 2 June 2024.

internet.²³ Hence here are certain measures to deal with the problem of addiction to pornography among teenagers which contributes to the acts of sexual violence and rape cases.

- Conducting awareness campaigns about the negative effects of watching pornographic material
- To minimize the effects of pornography is to promote sex education in schools and colleges in order to prevent the development of wrong notions regarding sexuality among adolescents.
- It must be made mandatory in schools to have classes of psychiatrists and they may also call the people to share their stories of addiction and how they recovered it.²⁴
- Government can try to set up a censorship board at the central level which would exclusively look into the matters of sexually explicit material which are against the existing Indian Laws.
- Initiation of a proposal at international level to make it compulsory for all pornography owners to issue a warning, in every video or photograph which they publish, as well as a disclaimer in violent pornography videos to the effect that ***women doesn't like to be assaulted or raped or mistreated in any kind of sexual intimacy or in real life***²⁵
- In order to regulate access to pornographic websites, the use of certain identity proof documents can be made compulsory with view to verify the age of user. For instance, digital certificates can be used for age verification. This would be helpful in protecting children from the ill effects of watching porn.²⁶
- Parental control must be exercised in order to prevent a minor to access any obscene material. They can make use of child lock on computers or mobiles.

3. CONCLUSION

In conclusion, the research study would like to claim following facts with evidence that the addiction of pornography among teenagers does contribute to the acts of sexual violence and rape. Additionally, the prevalence of societal taboos as well as the lack of comprehensive sex education in homes and schools create the aspect of dependency among teenagers on sexually explicit

²³ Guleria , Vishal, 'Concept and Evolution of Cyber Pornographic Crimes' (2021) INFLIBNET <<https://shodhganga.inflibnet.ac.in/bitstream/10603/401099/6/ch-2.pdf>> accessed on 1 June 2024.

²⁴ Sushma, 'Pornography as an expression of erotic sex behaviour impinging upon the realm of morality a socio legal critique of law in India' (2022) INFLIBNET <https://shodhganga.inflibnet.ac.in/bitstream/10603/472744/10/10_chapter8.pdf> accessed on 2 June 2024.

²⁵ Sushma, 'Pornography as an expression of erotic sex behaviour impinging upon the realm of morality a socio legal critique of law in India' (2022) INFLIBNET <https://shodhganga.inflibnet.ac.in/bitstream/10603/472744/10/10_chapter8.pdf> accessed on 2 June 2024.

²⁶ Sushma, 'Forms of Pornography In India' (2022) INFLIBNET <https://shodhganga.inflibnet.ac.in/bitstream/10603/472744/6/06_chapter4.pdf> accessed on 7 June 2024.

content to seek false information regarding their sexual health.

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