



INTERNATIONAL LAW
JOURNAL

**WHITE BLACK
LEGAL LAW
JOURNAL
ISSN: 2581-
8503**

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

WWW.WHITEBLACKLEGAL.CO.IN

DISCLAIMER

No part of this publication may be reproduced, stored, transmitted, translated, or distributed in any form or by any means—whether electronic, mechanical, photocopying, recording, scanning, or otherwise—without the prior written permission of the Editor-in-Chief of *White Black Legal – The Law Journal*.

All copyrights in the articles published in this journal vest with *White Black Legal – The Law Journal*, unless otherwise expressly stated. Authors are solely responsible for the originality, authenticity, accuracy, and legality of the content submitted and published.

The views, opinions, interpretations, and conclusions expressed in the articles are exclusively those of the respective authors. They do not represent or reflect the views of the Editorial Board, Editors, Reviewers, Advisors, Publisher, or Management of *White Black Legal*.

While reasonable efforts are made to ensure academic quality and accuracy through editorial and peer-review processes, *White Black Legal* makes no representations or warranties, express or implied, regarding the completeness, accuracy, reliability, or suitability of the content published. The journal shall not be liable for any errors, omissions, inaccuracies, or consequences arising from the use, interpretation, or reliance upon the information contained in this publication.

The content published in this journal is intended solely for academic and informational purposes and shall not be construed as legal advice, professional advice, or legal opinion. *White Black Legal* expressly disclaims all liability for any loss, damage, claim, or legal consequence arising directly or indirectly from the use of any material published herein.

ABOUT WHITE BLACK LEGAL

White Black Legal – The Law Journal is an open-access, peer-reviewed, and refereed legal journal established to provide a scholarly platform for the examination and discussion of contemporary legal issues. The journal is dedicated to encouraging rigorous legal research, critical analysis, and informed academic discourse across diverse fields of law.

The journal invites contributions from law students, researchers, academicians, legal practitioners, and policy scholars. By facilitating engagement between emerging scholars and experienced legal professionals, *White Black Legal* seeks to bridge theoretical legal research with practical, institutional, and societal perspectives.

In a rapidly evolving social, economic, and technological environment, the journal endeavours to examine the changing role of law and its impact on governance, justice systems, and society. *White Black Legal* remains committed to academic integrity, ethical research practices, and the dissemination of accessible legal scholarship to a global readership.

AIM & SCOPE

The aim of *White Black Legal – The Law Journal* is to promote excellence in legal research and to provide a credible academic forum for the analysis, discussion, and advancement of contemporary legal issues. The journal encourages original, analytical, and well-researched contributions that add substantive value to legal scholarship.

The journal publishes scholarly works examining doctrinal, theoretical, empirical, and interdisciplinary perspectives of law. Submissions are welcomed from academicians, legal professionals, researchers, scholars, and students who demonstrate intellectual rigour, analytical clarity, and relevance to current legal and policy developments.

The scope of the journal includes, but is not limited to:

- Constitutional and Administrative Law
- Criminal Law and Criminal Justice
- Corporate, Commercial, and Business Laws
- Intellectual Property and Technology Law
- International Law and Human Rights
- Environmental and Sustainable Development Law
- Cyber Law, Artificial Intelligence, and Emerging Technologies
- Family Law, Labour Law, and Social Justice Studies

The journal accepts original research articles, case comments, legislative and policy analyses, book reviews, and interdisciplinary studies addressing legal issues at national and international levels. All submissions are subject to a rigorous double-blind peer-review process to ensure academic quality, originality, and relevance.

Through its publications, *White Black Legal – The Law Journal* seeks to foster critical legal thinking and contribute to the development of law as an instrument of justice, governance, and social progress, while expressly disclaiming responsibility for the application or misuse of published content.

LEGAL CHALLENGES IN ENFORCING PORNOGRAPHY LAWS IN INDIA WITH SPECIAL FOCUS ON DEEP FAKE.

AUTHORED BY - REETAMBHAR KUMAR DAS

Abstract

Obscenity is nowhere defined under any statutes but had taken a shape of a definition by the Indian Courts through various precedents from time immemorial. Circulating obscene material is a punishable offense under IPC, 1860 as well as Information Technology Act, 2000. In addition, the cinematography Act, and the indecent representation of woman (Prohibition) Act also acts as a tool for preventing circulation of off-scene materials in public. The fact behind imposing restrictions on circulation of pornography contents is that it might corrupt the mind of the young generations and they might commit crimes after having free access to it. But when it comes to the matter of pornography, the Court have remained silent as to either to ban it or completely legalise it. Although child pornography is banned yet no laws regarding the banning of adult pornography has been implemented. The Author has tried to focus over here the laws prevailing in USA & UK and have compared it with that of India. Furthermore, the author has tried to analyse the reasons why the government have not taken any fruitful action on banning pornographic contents from the internet. The research does not end here and it has reached to another level of analysing the role of Artificial Intelligence (AI). AI have been a great invention in 21st century where information, data can be analysed within seconds on the darker side AI is being misused for making fake pornography pictures of girls and uploading it in social media. The question comes that although we have reasonable restriction under Art 19(2) of the Indian Constitution yet for public morality and decency why such laws are not banned till today and furthermore coming out with a better solution to the research problem.

Keywords: Obscenity, AI, Revenge pornography, Indian Constitution

HISTORICAL BACKGROUND OF PORNOGRAPHY LAWS IN INDIA

Humans have been crafting explicit images for ages for expressing their desires and wishes in matters of sexuality.¹ One of the best examples lies in the concept of “Kamasutra” which deals with sex guides. Engravings and paintings in historical areas also give us the clear picture of the way of sexuality and create a general picture of their openness towards sexuality at that societal time. A complex mix of cultural, societal, and legal variables has shaped India's history of pornography laws throughout history. With a focus on upholding traditional values and social norms, India has a long history of policing sexual material and obscenity. Here is a synopsis of India's history in regard to its pornographic laws:

- 1. Ancient India:** India has a long legacy of sensual literature and art, including ancient works like the Kamasutra. They were regarded as a part of the larger cultural tradition and celebrated human sexuality.
- 2. Colonial Period:** India acquired the Victorian-era British obscenity laws during British colonial administration. The 1860 Indian Penal Code, which is still in force today, had rules governing obscene content and behaviour. Obscenity was defined by law in a way that was ambiguous and susceptible to interpretation.
- 3. Post-Independence:** India upheld the colonial-era obscenity laws after it attained independence in 1947. The representation of sexuality in movies, commercials, and other media has been subject to additional regulation since the Cinematograph Act of 1952 and the Indecent Representation of Women (Prohibition) Act of 1986 were passed.
- 4. Legal Modifications:** The Information Technology Act, which was passed in 2000, was created to solve problems involving the internet and computer-based communication. This law contains measures to stop child pornography and online obscenity.
- 5. Recent Developments:** Concerns about child exploitation and the effects of such content on society have sparked a rising debate over how to regulate online pornography and explicit content in India in recent years. Concerns about addiction and its effects on social behaviour have prompted several Indian governments to take action to prohibit or restrict access to pornographic websites.

¹ Vallishree Chandra & Gayathri Ramachandran, “THE RIGHT TO PORNOGRAPHY IN INDIA: AN ANALYSIS IN LIGHT OF INDIVIDUAL LIBERTY AND PUBLIC MORALITY” NUJS Law Review Pg. 1 <http://docs.manupatra.in/newsline/articles/Upload/AD469423-96F8-4A5F-AC67-B9EBE7A5E6E5.pdf>.

Understanding The Concept Of Pornography With Comparison to Obscenity Laws

In India we do not have any definition of obscenity. Obscenity is a touchy topic that frequently pushes the limits of morality and freedom of expression. Obscenity laws in India serve as crucial for sustaining community values, preserving public order, and safeguarding people from offensive content. Obscenity is any explicit or offensive material that has the power to corrupt or degrade people morally. However, defining what is offensive and what is not depends on the culture and society in question². Obscenity is typically classified in India depending on local standards, prevalent societal norms, and the effect the content has on the general population. When determining whether something is obscene, the motivation for its creation and dissemination is equally crucial. Dealing with obscenity started in the year 1868 in England, where in the landmark case of *Regina v. Hicklin*³ the Court came up with the Hicklin test to narrow down the concept of obscenity. It was held that a piece of work is considered obscene if any part of it is proven to "deprave and corrupt whose minds are susceptible to such influences." The same test was applied in India in the landmark case of *Ranjit D udeshi v. State of Maharashtra*⁴ where Ranjit Udeshi, a partner in a bookshop in Bombay, was charged for violating Section 292 of the Penal Code by selling and having copies of D.H. Lawrence's *Lady Chatterley's Lover*, which is considered obscene under Indian obscenity legislation. He was found guilty and fined 20 rupees, or one week in jail. In this case, Hidayatullah, J. modified the Hicklin test three times:

- a) Sex and nudity in art and literature alone cannot be evidence of obscenity
- b) The work must be evaluated as a whole, considering both obscene and non-obscene parts
- c) Publication for the public good can be a defence against the charge of obscenity

However, in *Aveek Sarkar v. State of West Bengal*⁵ the Supreme Court rejected the Hicklin Test and instead applied the community standard test to determine what constituted obscenity. According to the community standard test, art or any gesture or material is obscene only if the primary topic as a whole is contrary to present community norms. Obscenity laws are critical in India for keeping public order and protecting societal norms. Their use, however, must be carefully weighed with the ideals of free expression and the changing moral landscape. Now it

² Huzaiifa Malik "An Analysis of Laws Relating to Obscenity: Problems & Prospects" Vol 2, Issue 2 Pg. 5 <https://www.ijilr.org/wp-content/uploads/An-Analysis-of-Laws-Relating-to-Obscenity.pdf>.

³ 11 Cox C.C. 19 (1868).

⁴ 1965 SCR (1) 65.

⁵ *Aveek Sarkar v. State of West Bengal* (2014) 4 SCC 257.

is clear in the mind of the readers that obscenity is punishable under Indian Penal Code, 1860, Information Technology Act, 2000 and the Indecent Representation of woman (prohibition) Act, 1986.

IT LAWS VIS-A-VIS PORNOGRAPHY

But let's now discuss what pornography is. In simple term it means any representation of sexual subject matter for the sole aim of evoking sexual desire is considered pornography. It might be found in a variety of media, including books, periodicals, photographs, postcards, sound recordings, movies, videos, and video games. The Information Technology Act, 2000 and the Information Technology (Intermediary Guidelines) Rules, 2011, both exist in India and are used to examine various elements of the subject. The major difference between obscenity and pornography is that obscenity is a specific type of pornography that violates current societal standards and has no literary, artistic, political, or scientific value but on the other hand, pornography is the material of a sexual nature that arouses many readers and viewers and is constitutionally protected for adults. The law is required to prohibit it in its broad sense or on a legitimate basis.⁶ Only the word "obscenity" can be used in law to classify pornography. Pornography, on the other hand, has a very broad scope. The videos, films, porn movies, porn talking, and porn articles cannot all be branded with the word obscenity. The term "pornography" is derived from the Greek word "pornographos," which literally means "writing about prostitutes, in modern times, "pornography" is defined as sexually explicit material (verbal or photographic) that is primarily intended to elicit sexual excitement in viewers. The Court has ceaselessly stated that the freedom of speech and expression guaranteed by Article 19 of the Indian Constitution is subject to reasonable restrictions based on public interest considerations such as public decency and morality, and thus Sec 292 of IPC, 1860, which promote public decency and morality cannot be deemed unconstitutional. When deciding on obscenity, the judge is expected to first put himself in the shoes of the author/producer to see if the author/producer has conveyed anything of literary and artistic value, and then to put himself in the shoes of the reader/viewer of all age groups into whose hands the material in question is likely to fall so that he can understand the possible influence the material can have on its reader/viewer. According to Nussbaum's theory, *the feelings of is gust obscure and do*

⁶ Sankarshanan V. V & *Vaisakh M. "Chandra, Laws on Pornography and obscenity in India", Vol 4, <http://www.penacclaims.com/wp-content/uploads/2018/12/Sankarshanan.pdf>.

⁷ Kieran, Matthew. "On Obscenity: The Thrill and Repulsion of the Morally Prohibited." *Philosophy and Phenomenological Research* 64, no. 1 (2002): 31–55. <http://www.jstor.org/stable/3071018>.

not allow us to completely register that is devoted to equality for women should object to porn not on the basis of obscenity but on the basis of how it is humiliating and degrading to women. The basic claim is that society is justified in interfering with mentally competent persons' ability to speak and do whatever they want only when their actions will cause harm to others. This is known as the 'liberty principle' or 'damage principle,' and it is the foundation of the traditional liberal defence of individual liberty. The key question in this entire argument is simply: Why should a legal system prevent censoring of pornographic material? The obvious answer is Mill's appealing theory about the general value of free expression: society has the best chance of discovering the truth, not only in science but also about the best conditions for human flourishing, if it tolerates a free market place of ideas. This concept was expanded upon in the Report of the Committee on Obscenity and Film Censorship (commonly known as the "Williams Report")⁸, which was presented in the United Kingdom in 1979 to explore the rules governing censorship of obscene and indecent material. According to the Report, because human beings aspire to be conscious of their history, the development of human individuals, societies, and humanity in general is a process that is properly constituted in part by free expression and the exchange of human communication. Aside from the intrinsic value of free speech, another justification for protecting pornographic material is the inherent value of such material itself. According to some feminists, pornography is an important form of sexual expression that does not hurt women and may even benefit them by freeing women and women's sexuality from the oppressive shackles of tradition and sexual conservatism. Having a system that completely bans all pornographic material plainly undermines the efficacy of these arguments, and it is even more puzzling whether these reasons have ever been examined in the Indian context. When dealing with the issue of pornography, courts should ideally consider two issues: whether pornography should be construed as speech intended to communicate ideas, and whether the freedom of speech and expression of persons engaging with pornographic material should be weighed against other rights and interests.

Pornography Laws And Legal Regulations Relating To Social Media And OTT Platforms.

With advancement of technology social media have taken a significant part in our daily lives, and with that on the other hand we have become anti-social also. Along with that OTT (Over

⁸ Anthony Skillen, "Offences Ranked: The Williams Report on Obscenity" Vol. 57, No. 220 (Apr., 1982), pp. 237-245.

the Top) platforms have also taken a significant place making the cinema hall seats goes vacant. Social media and OTT platforms have varying laws and regulations regarding pornography. Age restrictions are common, requiring platforms to implement age verification mechanisms to prevent minors from accessing explicit content. Content filtering and moderation are also mandated, with robust reporting mechanisms for users to flag inappropriate content. Privacy and consent are crucial, with violations leading to legal consequences. Producers and distributors must maintain detailed records of performers' ages and consent, subject to inspection by authorities. Advertising restrictions are often imposed on explicit content, with strict rules regarding placement and targeting. Child pornography is prohibited, with severe penalties for its creation, distribution, or possession. Platforms may have a legal obligation to monitor and remove explicit user-generated content promptly, with failure to do so resulting in legal liabilities. Compliance with local laws and regulations is essential for a safe and responsible online environment. These laws are constantly evolving to address technology challenges and changing societal norms, making it crucial for platforms to adapt their policies accordingly. In recent time the new concept of AI has come up which is another phase of technological development. But as every coin have two sides similarly the use of AI on one hand had made things easier and easily accessible but on the other hand equally made it complicated as because users are using AI as a tool to create fake images of women and using it in for the purpose of pornography. The *Deep Fake porn* app is one of its which have now become a threat to the dignity of women.⁹ People post pictures in social media but they are least aware that the same picture can be used for pornography purpose too by some person behind the screen. This training data is utilized to create deepfakes for video and image applications. These deepfakes can be applied in various ways, including face swapping, attribute editing, face re-enactment, and fully synthetic material. Face swap involves transferring the face of one person to that of the person in the video, while attribute editing alters the characteristics of the person in the video, such as hair style or colour. Face re-enactment transfers facial expressions from one person to the person in the target video, while fully synthetic material uses real material to train the person's appearance, but the resulting image is entirely made up. These techniques allow for the creation of realistic and realistic images. The relationship between artificial intelligence (AI) and pornography in India is a complex issue with significant implications for society, ethics, and the law. AI has facilitated

⁹ Hailey Reissman “What is deepfake porn and why is it thriving in the age of AI?” Penn, last visited on July 25, 2025.

the creation and distribution of explicit content and offered potential solutions for content moderation.¹⁰ Deepfake technology, where AI algorithms superimpose faces of unsuspecting individuals onto explicit videos without their consent, poses serious threats to privacy, consent, and personal security. This raises the urgent need for comprehensive legislation to combat deep-fake pornography and protect individuals from cyber exploitation. However, AI can also play a crucial role in content filtering and moderation, as the sheer volume of online pornography makes manual moderation nearly impossible. AI algorithms can be trained to identify and remove illegal and harmful content more efficiently, protecting minors from accessing explicit material and maintaining community standards. Regulating AI in the context of pornography is a delicate task in India due to diverse cultural norms, a commitment to free speech, and a complex legal landscape. Policymakers must continually update and adapt laws to address emerging challenges posed by AI-generated content and deepfakes. India should focus on raising awareness about the risks and consequences of deep fake pornography and invest in research and development to create AI tools capable of detecting and mitigating such content effectively. Collaborative efforts between government agencies, technology companies, and civil society are essential to ensure that AI's influence on pornography aligns with India's societal values and legal frameworks.

New concept of Revenge porn and the role of judiciary

With the recent growth of mobile phones and online media, text messaging, photograph making and dissemination, and the usage of webcams in communication have become popular, particularly among young adults. International statistics shows, 18-68% of young adults (18-24 years old) use this technology to send and receive sexual messages and photographs¹¹. In England and Wales, the Criminal Justice and Crime Act (2015) makes it an offense to share "photographs or films that show people engaged in sexual activity, or depicted in a sexual way, or what is shown would not normally be seen in public."

According to Henry and Powell (2016), revenge pornography is defined as "the non-consensual distribution of sexually explicit or intimate images of another person without their consent."

¹⁰ Bahar Uddin Mahmud, Afsana Sharmin, "Deep Insights of Deepfake Technology": A Review, <https://arxiv.org/ftp/arxiv/papers/2105/2105.00192.pdf>.

¹¹ Adrian J. Scott, Revenge pornography: 'The influence of perpetrator-victim sex, observer sex and observer sexting experience on perceptions of seriousness and responsibility', [https://research.gold.ac.uk/id/eprint/20922/6/2017%20Scott%20&%20Gavin%20\(JCP\).pdf](https://research.gold.ac.uk/id/eprint/20922/6/2017%20Scott%20&%20Gavin%20(JCP).pdf).

With the recent advent of revenge pornography and the non-consensual distribution of private sexual media, there has been an increase in the amount of conversation and literature published on these themes. However, one of the major obstacles in assembling this knowledge is the wide range of language used in this field. The broadest definitions of sexting pertain to the use of technology to create, send, and receive sexually explicit texts, photos, or video messages.¹² Some legislation, such as the California Penal Code goes so far as to require that the perpetrator have the criminal intent (i.e. mens rea), to really cause substantial emotional distress, and that the person represented suffers serious emotional distress. When analysing crimes, we must constantly identify the unique interests that the criminal law protects with a particular act. Legally protected interests, often known as virtues, are socially accepted ideals and objectives that are protected by criminal law. Life, body, and limb, sexual integrity and identity, privacy, personal data, property, national security, a country's monetary system, or health system are all examples of private or public interests. Revenge pornography, on the other hand, frequently merely exploits mistrust and consists of the broadcast of photographs that the victim consented to create, so compromising the victim's personal integrity without really physically or sexually assaulting the victim. As a result, the unequal legal treatment of child pornography and revenge pornography appears justified. The interests that legislators seek to protect and safeguard with revenge pornography laws, whether sexual integrity and sexual identity; personal integrity; or the individual's privacy and good name, will have a dominant effect on how the criminal offence is classified in the country's criminal code - as a sexual crime or only a privacy violation crime - and how seriously the police and state prosecutor's office treat the offence.

The purpose of protection of revenge pornography, according to traditional continental criminal law thought, is the individual's right to privacy, through which his or her sexual identity should also be safeguarded. According to this brief comparative research, continental criminal codes describe revenge pornography as a violation of privacy, without even requiring the content to be sexually explicit. The focus of continental criminal law systems is thus on invasion of privacy - rather than on the individual's sexual integrity (which is protected by "true" sexual offenses). Although most European countries ban revenge pornography, it is clear that it is not considered as a separate offence requiring independent incrimination (exceptions include Slovenia, Italy, and France), but rather as part of a more standard privacy violation

¹² Miha Šepec "Revenge Pornography or Non-Consensual Dissemination of Sexually Explicit Material as a Sexual Offence or as a Privacy Violation Offence" Pg. 3.

offence. Recently, new forms of image-based sexual assault called as 'Parasite Porn' and 'morph' have emerged. 'Pornography' is back on the scene. In these cases, harmless social images of victims are stolen, copied, and uploaded to pornography sites, which is referred to as 'parasitic porn'.

'Morph porn'¹³ is when a victim's face is duplicated, cropped, and pasted onto the body of another person who is participating in explicit sexual behaviours. It is critical to highlight that vengeance is not always the perpetrator's main motivation. In most cases, the spreading of intimate photographs is done as a form of domestic violence by either the current or former spouse. Researchers have investigated the mental machinery behind vengeance and conclude that it can be either depending on who you are and where you are. For example, if you are a powerful person, revenge can serve to remind people that you are not to be trifled with; if you live in a society where the rule of law is weak, revenge might serve to maintain order. Research indicates that vengeful individuals are motivated by authority, power, and status. Revenge can ignite anger due to ruminations, as it keeps wounds open and fresh, rather than providing closure when we don't get it. Researchers use behavioural, neurological, and pharmacological techniques to show that the human serotonin system manipulates punishment decisions, with individuals with depleted serotonin more likely to punish unfairly. Neuroimaging data shows ventral and dorsal striatum activations related to fairness and punishment¹⁴. Depletion reduces fairness responses and increases serotonin, leading to specific retaliation.

Revenge porn involves ex-partners uploading naked photos from romantic relationships via electronic means, with committed and romantic individuals more likely to share sext. Sharing intimate photos or videos without consent causes harm to victims, and the law should reflect this. Research shows revenge isn't the only motive, but hacking phones for nude photos can also occur. Non-consensual pornography often leads to women deleting their social media accounts, causing anxiety and self-harm. Research shows victims suffer long-term anxiety and may even resort to suicide due to shared intimate images. This is unacceptable and not the victim's fault. Research shows that revenge pornography often occurs during relationship breakdowns, where one person uploads explicit sexual images online, causing distress to the victim.

¹³ Stacey Steinberg, "CHANGING FACES: MORPHED CHILD PORNOGRAPHY IMAGES AND THE FIRST AMENDMENT", Vol 68 Issue 5. Pg 43.

¹⁴ Molly J. Crockett & Anneliese Apergis-Schoute, "Serotonin Modulates Striatal Responses to Fairness and Retaliation in Humans", [https://www.scn.ucla.edu/pdf/Crockett\(2013\)JNeuro.pdf](https://www.scn.ucla.edu/pdf/Crockett(2013)JNeuro.pdf)

Legal Hurdles And Challenges In Enforcing Stringent Laws In India

Recently, the Kerala High Court has ruled that watching pornographic content in private without showing it to other is not an offence in India.¹⁵ High Court contented that if a person watches pornographic contents without showing it to anyone and inclusion of it would include violation of individual's right to privacy. The UP government on February 2021¹⁶, had come up with a new program whenever a person searches for pornographic content on the internet, a message is sent to him via the U.P. Police's "Women Power Line 1090" program, which is a helpline to prevent crimes against women and report incidences of molestations and harassment of women. When an individual looks for pornographic content, the police team will receive an alert, and such people's personal information will be retained with the police. This action is reportedly intended to assist police in reducing women-related crimes; however, there is a significant lack of transparency about the initiative. After analysing the USA, UK and Indian laws we understood that there is no stringent law in India and thus punishment is only restricted to child pornography only. The enforcement of pornography laws in India faces several challenges, including a lack of a comprehensive legal framework, cultural attitudes and societal norms, the widespread availability of pornography through the internet and digital platforms, inadequate resources and training for law enforcement agencies, international cooperation, and social stigma surrounding victims of revenge porn or non-consensual dissemination of explicit content. The Information Technology Act, 2000, is one of the primary pieces of legislation used to combat online pornography, but it does not adequately define what constitutes explicit content. This ambiguity can lead to inconsistent enforcement and legal challenges. Striking a balance between freedoms of expression and curbing explicit content is crucial, as the Indian Constitution guarantees freedom of speech and expression as a fundamental right. Cultural attitudes and societal norms also pose a significant hurdle in enforcing pornography laws in India. Some segments of society view explicit content as immoral and against their cultural values, while others believe in a more liberal approach to sexual expression. Striking a balance that respects these cultural differences while upholding the law is a challenge. The rapid evolution of technology also means that new platforms and methods for sharing explicit content are constantly emerging, outpacing law enforcement efforts. International cooperation is essential in tackling the global nature of pornography, as explicit content is often hosted on servers

¹⁵ Times of India, watching porn privately is not an offense says Kerla HC, <https://timesofindia.indiatimes.com/india/watching-porn-privately-is-not-an-offense-says-kerala-hc/articleshow/103619540.cms?from=mdr>.

¹⁶ India Today, <https://www.indiatoday.in/technology/news/story/searching-porn-on-google-in-up-govt-will-now-monitor-and-send-messages-to-internet-users-1769699-2021-02-16>.

located in different countries, making it difficult to enforce Indian laws against foreign entities. To overcome these hurdles and improve the enforcement of pornography laws in India, several measures can be taken, including comprehensive and updated legislation, increased investment in law enforcement training and technology, public awareness campaigns, strengthening international cooperation and agreements with other countries, and developing mechanisms for extradition and cooperation in investigations.

Conclusion and suggestions

According to the IT Act of 2000, viewing cyber pornography is not a crime. The act of just downloading and watching such content is not illegal. The question of legality comes when the content is circulated through online medium. However, storing internet pornographic material is not a crime. However, sending cyber pornography by instant messaging, emails or any other means is illegal. As a result, it is evident that the laws are inconsistent, which leads to an increase in crime. In India, viewing cyber pornography is legal. Simply downloading and watching such stuff is not an offense. India has strict laws regulating the production, distribution, and consumption of pornography, aiming to balance individual freedoms with societal values and morals. The Indian Penal Code (IPC) and the Information Technology Act (IT Act) govern the legal framework for pornography in India, criminalizing the production and distribution of obscene material and online pornography. The BNS criminalizes explicit pornography that goes against community standards, while the IT Act prohibits publishing or transmitting sexually explicit content that can be offensive or harmful. These laws are subject to interpretation and evolving societal norms, with debates surrounding their scope and enforcement. Some argue for a more liberal approach, while others advocate for stricter regulations. In conclusion, India's pornography laws reflect the delicate balance between individual freedom of expression and societal values, aiming to regulate explicit content that may be considered obscene or harmful. As mentioned above many sexual crimes have taken place and it has been proved that the students had access to pornographic contents. As the courts have time immemorial tried to focus that viewing pornographic contents in private is not an offense but it becomes an offence if the person circulates it to other either through electronic mode or in paper form. The question still lies then why are pornographic contents still accessible easily through one click on the computers? Why the government is silent regarding it?