

## CENTRE REDEFINES CHILD PORN, MOOTS STIFF PENALTIES UNDER POCSO

Relevant for: Developmental Issues | Topic: Rights & Welfare of Children - Schemes & their Performance, Mechanisms, Laws Institutions and Bodies

Watching, possessing or circulating animations or cartoons that depict a minor engaging in a sexually explicit conduct could land you in jail.

The Cabinet has approved a new definition for child pornography in its amendments to the POCSO Act, which is likely to be introduced in Parliament next week.

The new definition reads, “Any visual depiction of sexually explicit conduct involving a child which include photographs, video, digital or computer generated image indistinguishable from an actual child and an image created, adapted or modified but appear to depict a child.”

Neither Section 67 of the IT Act nor Section 293 of the Indian Penal Code define child pornography. Its definition derived from what constitutes pornography, which is defined as “any material which is lascivious or appeals to the prurient interests or if its effect is such as to tend to deprave or corrupt the minds of those who are likely to see, read and hear the same.”

According to the spokesperson of the Women and Child Development Ministry, the amended law will also apply to pornographic content where adults or young adults pretend to be children. “It is the WCD Minister's (Smriti Irani's) initiative that from now there will be zero tolerance for child pornography and for that reason the definition of child pornography was essential as definition leads to setting the context of the crime. Only prescribing punishment leads to possibility that the case may get entangled in inconclusive legal battles,” the Ministry spokesperson said.

The Cabinet has also enhanced the fine for possessing child porn but not deleting or reporting it to Rs. 5,000 from the earlier proposal of Rs. 1,000. If a person stores such content for distributing it further, except for when presenting it in court as evidence, he could face a punishment of upto three years.

Some of these provisions were also contained in the Protection of Children from Sexual Offences (POCSO) Amendment Bill, 2019, but it lapsed.

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