



## PORNOGRAPHY, LAW, AND THE MIND: ADDRESSING THE PSYCHOLOGICAL AND LEGAL RAMIFICATIONS OF UNREGULATED DIGITAL CONTENT

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Maaya V\* Lakshitha S\*

### ABSTRACT

*In India, there's been a big surge in digital content. This has revealed that existing laws to regulate pornography and protect kids aren't strong enough. The Indian Penal Code, Information Technology Act, and Protection of Children from Sexual Offences (POCSO) Act try to stop improper content, but the struggle continues because the internet is so complicated. This study looks at the serious problem of easy access to adult material, including the harmful spread of Child Sexual Abuse Material (CSAM), showing the urgent need for stronger laws. New dangers like deepfake pornography, revenge porn, and secret content-sharing make it even harder for laws to keep up, so innovative solutions are necessary. Also, being exposed to pornography early on can harm mental health, change how people see relationships, and increase cybercrimes. To tackle these problems, this research proposes the Digital Obscenity and Protection of Minors Act, 2025. This forward-thinking law focuses on using AI to watch over content, strict age verification, and tougher penalties for those who break the law. By advocating for stronger digital rules and launching public awareness campaigns, the goal is to encourage responsible online behavior and effectively reduce digital harm.*

**Keywords:** Pornography Laws, Revenge Porn, Online Safety, Age Verification, Deepfake Pornography, India.

### INTRODUCTION

Pornography refers to material that depicts sexual content designed to stimulate sexual excitement. In India, managing pornography presents a range of complex legal and societal challenges. While the law does not provide a clear definition of pornography, it is primarily governed by obscenity laws and child protection regulations. A crucial distinction must be

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\*BA LLB, FIRST YEAR, MS RAMAIAH UNIVERSITY OF APPLIED SCIENCES.

\*BA LLB, FIRST YEAR, MS RAMAIAH UNIVERSITY OF APPLIED SCIENCES.

made between adult consensual pornography, where all participants are adults and agree to be involved, and child sexual abuse material (CSAM), which is strictly illegal.

While legal adult pornography involves consenting individuals, issues arise when people encounter such content without understanding what they are viewing or when there are insufficient protections in place. A significant concern is the early exposure of young people to pornography, which complicates the ability to distinguish between content that is appropriate for adults and content that is harmful or exploitative of minors. This blurred line highlights the urgent need for clear guidelines and protections to safeguard both adults and minors in the digital space.

Why This Problem Needs to Be Addressed According to activists, counselors, and college students, the report should be viewed with caution because the NGO's conclusions were too shocking and unlikely. According to the data, for example, 70% of the pupils polled had been watching porn since they were ten years old. Furthermore, 31% of the boys surveyed reported watching violent porn, 93% acknowledged that pornography was just as addictive as drugs, and 86% acknowledged that pornography does encourage sexual activity.<sup>1</sup>This raises critical legal and social questions:

1. Are existing laws sufficient to prevent underage access to pornography?
2. Should policy interventions be strengthened to address the growing concerns of compulsive consumption, violent content, and its impact on neurodevelopment?

This paper delves into the various issues surrounding pornography, examining the gaps in current legal frameworks, its potential impact on mental health, and the challenges in creating and enforcing appropriate regulations. It highlights the pressing need for modernized policies that address these concerns, improved systems for monitoring digital content, and the establishment of clear ethical standards to determine what types of content should be permitted. The paper stresses the importance of a comprehensive approach to managing pornography in a way that protects individuals and upholds societal values.

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<sup>1</sup> Survey: 70% of boys began watching porn at 10 years, The Times of India (1 August 2015) [https://timesofindia.indiatimes.com/city/coimbatore/survey-70-of-boys-began-watching-porn-at-10-years/articleshow/48209402.cmsutm\\_source=contentofinterest&utm\\_medium=text&utm\\_campaign=cppst](https://timesofindia.indiatimes.com/city/coimbatore/survey-70-of-boys-began-watching-porn-at-10-years/articleshow/48209402.cmsutm_source=contentofinterest&utm_medium=text&utm_campaign=cppst) [19th march, 2025].

## PORNOGRAPHY AND THE LAW: NAVIGATING LOOPHOLES, REFORMS AND SOCIAL IMPACT

### 1. INDIAN PENAL CODE (IPC), 1860

- (a) **Section 292: *Pornography and Obscenity*** Penalizes the sale, distribution, and public exhibition of obscene material, including pornography.<sup>2</sup>

**Loophole 1:** No Definition of Private Consumption: While the legislation makes it illegal to distribute pornography, it makes no mention of private consumption. This raises questions about whether it is lawful or unlawful to possess pornographic content.

**Loophole 2:** Vague "Public Good" Exception: To avoid legal action, content producers may argue that explicit content is necessary for literary, artistic, or educational objectives.<sup>3</sup>

- (b) **Section 293: *Sale of Obscene Content to Minors*** Punishes those who disseminate or sell pornographic material to people under the age of 20.<sup>4</sup>

**Loophole 1:** Digital Access to Pornography: Children can readily access pornography online without making a direct purchase, even though the law only makes the "sale" of pornographic items illegal.

**Loophole 2:** Online Platforms Are Not Enforced Minors can easily access pornographic content thanks to the proliferation of messaging applications, social media, and cloud storage, but authorities find it difficult to adequately regulate it.<sup>5</sup>

- (c) **Section 294 - *Obscene Acts in Public*** Criminalizes anyone who performs obscene acts or sings obscene songs in public.<sup>6</sup>

**Loophole 1:** No Specific Mention of Cyber Obscenity – The law does not address obscene acts occurring in virtual spaces, such as video calls or live streaming platforms.<sup>7</sup>

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<sup>2</sup> India Kanoon, <https://indiankanoon.org/doc/1704109/> ( 22 March ,2025)

<sup>3</sup> Copp & Wendell,2007 , <https://www.taylorfrancis.com/chapters/mono/10.4324/9780203300640-17/pornography-censorship-catriona-mckinnon> (22 March 2025)

<sup>4</sup> India Kanoon , <https://indiankanoon.org/doc/601866/>( 22 March 2025)

<sup>5</sup> AdvocateKhoj,<https://www.advocatekhoj.com/library/bareacts/indianpenalcode/292.php?Title=Indian%20Penal%20Code,%201860&STitle=Sale,%20etc.,%20of%20obscene%20books,%20etc> , ( 22 March 2025)

<sup>6</sup>India Kanoon, <https://indiankanoon.org/doc/1198799/> ( 22 March 2025)

<sup>7</sup> Stepka, 1997 , <https://scholarship.law.cornell.edu/cgi/viewcontent.cgi?article=2688&context=clr> , ( 22 March 2025)

**Loophole 2:** No Definition of Private Consumption- It only addresses public conduct; it does not address the private dissemination of pornographic material, such as through WhatsApp, Telegram, Snapchat, or any other virtual network.

## HOW THESE LOOPHOLES ARE AFFECTING SOCIETY

Addiction, skewed attitudes about sex, and irrational expectations in young people are all being exacerbated by uncontrolled access to pornography. Excessive consumption of porn can cause desensitization, which leads consumers to seek out more severe content, according to studies. Increased rates of child exploitation, sexual offenses, and early exposure to explicit material are all associated with minors having easy access to pornographic information.<sup>8</sup> Teenagers are more likely to engage in cyberbullying, sexting, and revenge porn since sharing pornographic content is not strictly regulated. Since the existing laws do not effectively regulate online platforms, pornography has become a tool for blackmail, extortion, revenge porn, and deepfake pornography. Sexual harassment cases involving morphed images and non-consensual sharing of intimate content have surged, with no clear legal protection for victims. The current laws are not doing a good job of regulating online platform so pornography is now being used as a tool of blackmail, extortion and also revenge porn and deep fake pornography. Reports of sexual harassment throughout the creation and distribution of morphed images and/or images becoming publicly available without consent have continued to increase without protections in place.<sup>9</sup>

## PROPOSED AMENDMENT & ITS PROBABLE IMPACT

**Proposed Amendment:** A new Digital Obscenity and Protection of Minors Act 2025 would propose to update sections 292, 293, and 294 IPC with:

Clarify that extreme pornographic content (non-consensual, violent, or exploitative) would make you liable. Implement digital age verification to have access to adult content, which minors could not easily circumvent. Hold pornography distributors accountable with warning adult content and restricting access via AI-based monitoring and strict banning of IP access to the adult site. Amendments to section 292 would criminalize digitally distributing pornography

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<sup>8</sup> [Michael Flood](https://onlinelibrary.wiley.com/doi/10.1002/car.1092), The harms of pornography exposure among children and young people, Wiley online library , (22 March 2025) , <https://onlinelibrary.wiley.com/doi/10.1002/car.1092>

<sup>9</sup> Robert J. Rhee , On Entityness and Takeovers, (22 March 2025), <https://law.vanderbilt.edu/publications/vanderbilt-law-review/>

indirectly to minors, like through social media, cloud storage, and/or texting apps. Amend section 294 IPC specifically includes cyber obscenity (beyond specifications in current laws), covering live streaming of obscene acts, online exploitation and creation of deepfake porn. Revenge Porn and non-consensual pornographic content becomes its offense with more strict penalties.<sup>10</sup>

**Potential Reach of Amendment: Protection of Minors-** A structured age verification scheme would limit minor exposure to pornography to avoid the negative psychological adaptation to exposure. **Decrease in Cyber-crimes-** Criminalizing online obscenity, revenge porn, and deep fake pornography will reduce access and statutory protections for victims on revenge porn. **Accountability for Digital Platforms-** Websites, apps, and ISPs would be legally liable for restricting access to pornographic content, thus limiting sites' distribution of obscene content. **Better times for our kids education** as we did not have to flounder around an unknown content matter. **Enhanced Social Awareness and Control:** More stringent legislation should help suppress the normalization of extreme pornography, allowing for better social behaviour and preventing desensitization to extreme pornography.<sup>11</sup>

## 2. INFORMATION TECHNOLOGY (IT) ACT, 2000

(a) **Section 67: Publishing Obscene Material Online** This section makes it illegal to publish or electronically transmit obscene material.<sup>12</sup>

**Loopholes:** Many pornographic websites use offshore servers to circumvent enforcement and make it difficult for Indian authorities to shut them down. Banned websites may still be accessed through Virtual Private Networks (VPNs) and mirror websites. Although it is illegal to publish obscene content, there is currently no punishment for individuals consuming pornography (except in the case of child pornography)<sup>13</sup>. **Case Law:** *Avnish Bajaj v. State (NCT of Delhi)* (2005)<sup>14</sup>—The CEO of a website was arrested for obscene content that was published on the website but was later granted bail, which illustrates enforcement loopholes.

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<sup>10</sup> Kanooniyat, <https://kanooniyat.com/2021/01/obscenity-section-292-294-of-ipc/>, (22 March 2025)

<sup>11</sup> Om Shetlat, Analysis of Provision Related to Cybercrime under Indian Penal Code, (22 March 2025), <https://cclnusr1.wordpress.com/2022/11/01/analysis-of-provision-related-to-cybercrime-under-indian-penal-codeom-shelet/>

<sup>12</sup> India Kanoon, <https://indiankanoon.org/doc/1318767/>, (22 March 2025)

<sup>13</sup> The Hindu, <https://www.thehindu.com/society/the-politics-of-porn/article26743883.ece>, (22 March 2025)

<sup>14</sup> Avnish Bajaj v. State (NCT of Delhi), AIR 2005 DLT 427

(b) **Section 67A - Disseminating Sexually Explicit Material** This section imposes sentencing if anyone publishes or transmits sexually explicit materials (in most cases more serious than section 67).<sup>15</sup>

**Loophole:** Although the maximum penalty is five years in prison, courts typically merely impose fines, which has little deterrent effect. Due to inadequate investigation and lax laws governing digital evidence, offenders frequently get away with modest punishments. Neither deepfakes nor nonconsensual intimate videos are specifically made illegal by the IT Act.<sup>16</sup>

**Case Law:** *Ramesh Tanna v. State of Maharashtra (2019)*: The court determined that "intent to distribute" was not demonstrated; thus, the accused just received a fine for sharing sexually explicit movies online.

(c) **Section 67B - Child Pornography** This section prohibits the publication, viewing, assumption, sharing, storage, and consumption of child pornography under section 67B<sup>17</sup>

**Loophole:** Child pornography is widely circulated on Telegram, WhatsApp, and the dark web because these platforms use end-to-end encryption, making law enforcement ineffective.

Deepfake child pornography is not explicitly covered under current IT laws, allowing criminals to evade legal consequences.<sup>18</sup>

**Case Law & Reports:** NCRB (2022) reported a 40% increase in child sexual exploitation cases, with Telegram and dark web forums being major distribution channels.<sup>19</sup>

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<sup>15</sup> India Kanoon, <https://indiankanoon.org/doc/15057582/#:~:text=Punishment%20for%20publishing%20or%20transmitting,etc.%2C%20in%20electronic%20form>, ( 22 March 2025)

<sup>16</sup> Doi Foundation , <https://doi.org/10.48550/arXiv.2012> , ( 22 March 2025)

<sup>17</sup> India Kanoon, <https://indiankanoon.org/doc/176300164/>, ( 22 March 2025)

<sup>18</sup> Digital Commons , <https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1082&context=research> , ( 22 March 2025)

<sup>19</sup> NCRB , <https://www.ncrb.gov.in/uploads/nationalcrimerecordsbureau/custom/1701607577CrimeinIndia2022Book1.pdf> , ( 22 March 2025)

(d) **Section 69A - Blocking Websites** This section allows the government to block access to those publishing and disseminating pornographic materials online.<sup>20</sup>

**Loopholes:** Easy to Bypass with VPNs & Mirror Websites Users bypass bans without much trouble with VPNs, proxies, and mirror websites that are hosted outside of India. No Penalty for Accessing Prohibited Websites In other places, such as China and the UAE, the law penalizes users who access blocked porn sites. Indian law does not.<sup>21</sup> Case Law: *Shreya Singhal v. Union of India (2015)*<sup>22</sup> – Supreme Court upheld website blocking under Section 69A but did not prescribe penalties for users who circumvented the block.

### SOCIETAL EFFECT OF THESE LOOPHOLES

One in three children are exposed to pornography before the age of twelve, according to the UNICEF India Report (2021)<sup>23</sup>. Online child sex exploitation has increased by 40%, according to the National Crime Records Bureau (NCRB, 2022)<sup>24</sup>. Eighty percent of cybercrimes targeting women involve revenge porn or phony intimate recordings, according to the Indian Cyber Crime Coordination Centre (I4C, 2023).

Because there are no laws specifically targeting deepfake pornography, violators can avoid harsh penalties. According to a National Institute of Mental Health and Neurosciences (NIMHANS, 2022) study, teenage users who use excessive amounts of pornography become more aggressive and addicted. Delhi University, 2018 According to research, 70% of college students often watch porn, which can result in inflated expectations and toxic relationships. India is one of the top five nations with the greatest distribution of child sexual abuse material (CSAM) via dark web platforms, according to an Interpol report from 2023.

Monitoring and identifying offenders becomes particularly difficult when there is a lack of cooperation between law enforcement agencies and information technology companies. Without effective collaboration, it becomes harder to track illegal activities.

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<sup>20</sup> India Kanoon,

<https://indiankanoon.org/doc/10190353/#:~:text=Power%20to%20issue%20directions%20for,information%20throug%20any%20computer%20resource>, ( 22 March 2025)

<sup>21</sup> Cornell University , <https://arxiv.org/abs/1906.10379> , ( 22 March 2025)

<sup>22</sup> *Shreya Singhal v. Union of India (2015)*, AIR 2015 SC 1523.

<sup>23</sup> UNICEF , <https://www.unicef.org/india/media/8436/file/Annual%20Report%20India%202021.pdf> , (21 March 2025 )

<sup>24</sup> NCRB

<https://www.ncrb.gov.in/uploads/nationalcrimerecordsbureau/custom/1701607577CrimeinIndia2022Book1.pdf> , (22 March 2025)



## **PROPOSED AMENDMENT - DIGITAL OBSCENITY AND PROTECTION OF MINORS ACT, 2025.**

Key Provisions of the Proposed Legislation: Examples of preventive measures exist, such as the UK Online Safety Bill (2023) and the Protecting Minors from Online Pornography Act (2022) from the U.S., which require strict age verification before moving to a site containing adult content<sup>25</sup>. An age verification process to provide access to areas of adult sites should be developed and implemented by the Government of India, which could utilize AI or similar technology. Revenge porn is explicitly criminalized and deeper pornography "technology" should be considered in criminal matters with almost a mandatory minimum sentence of 7 years. Time-based compensatory damages for the victims and/or fees would continue the punishment/enforcement of the criminal activity. There should be some form of fine/penalty for users who access the sites and those who access the sites through VPNs/proxies. Potential Civil Liability for Failing to Remove Child Pornography from Encrypted Messaging Platforms Platforms like Telegram or WhatsApp have civil liability for failing to remove child pornography produced with the encrypted messaging platform. AI tools should be developed by request of the Government of India for detection and actions allowing tracking of CSAM from encrypted platforms (Telegram) and social media sites (such as Twitter).<sup>26</sup>

### **PROBABLE IMPACT OF THE AMENDMENT**

Decrease in the Consumption of Underage Pornography Strict age verification would lead to a decrease in minors' sustained exposure to sexually explicit content. Greater Deterrence Against Revenge Porn & Deepfake Crimes Stricter penalties, coupled with swifter proceedings, mitigate the increasing incidents of non-consensual pornographic material. Restrict Access to Proscribed Pornographic Content The threat of penalties for VPN usage mitigates access to blocked source websites. Increased Accountability of Technology Companies WhatsApp, Telegram, and dark web forums will be required to take action against child pornographic content expeditiously.<sup>27</sup>

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<sup>25</sup> Lawrence Siry, Extreme Pornography regulations in Uk, Recent Developments, <file:///C:/Users/User/Downloads/2610-Article%20Text-3274-1-10-20150105.pdf>, (23 March 2025)

<sup>26</sup> Anirudh Burman, Considering India's Encryption Policy Dilemma, <https://carnegieendowment.org/research/2023/11/considering-indias-encryption-policy-dilemma?lang=en>, (23 March 2025)

<sup>27</sup> Saurabh Pandey, Blocking Mechanism of Porn Websites in India: Claim and Truth, <https://arxiv.org/abs/1906.10379>, (23 March 2025)



### 3. THE INDECENT REPRESENTATION OF WOMEN (PROHIBITION) ACT, 1986

Prohibits the indecent representation of women for advertisement, books, and painting<sup>28</sup>

**Loopholes:** Limitations of the Concept of "Indecent Representation" Only print media, ads, and paintings are covered by the Act; social media, OTT material, digital platforms, and deepfake pornography are not. For instance, the Act does not apply to deepfake pornography of celebrities. Section 6's maximum penalty of two years in prison or a fine of ₹2,000 is too light of a penalty to discourage violators. Absence of Deepfake and Revenge Porn Provisions the Act does not apply to more recent types of digital exploitation, like revenge porn, deepfake pornography, and sexual content produced by artificial intelligence.<sup>29</sup> Case Law: State of Maharashtra v. Ranjit Udeshi (1964)<sup>30</sup> Although the judgment did not address contemporary digital materials, the Supreme Court maintained limitations on pornographic material. Aavek Sarkar v. State of West Bengal (2014)<sup>31</sup> – SC ruled that nudity is not always obscene, showing ambiguity in legal interpretation.

### 4. PROTECTION OF CHILDREN FROM SEXUAL OFFENCES (POCSO) ACT, 2012

Sections 13, 14, 15 - Child pornography prohibits the production, possession, and dissemination of child pornographic material.

**Loopholes:** Even while child pornography is illegal under rigorous laws, enforcement is lax because of encrypted networks like WhatsApp, Telegram, and the dark web. For instance, the NCRB (2022)<sup>32</sup> noted a 40% increase in incidents of child sexual abuse material (CSAM). POCSO does not specifically penalize the creation of false child sexual content by AI techniques. This makes it illegal to distribute or possess child pornography, but it makes no mention of situations of sextortion or internet grooming. The Supreme Court ordered the government to restrict CSAM content in Prajwala v. Union of India (2018), although the implementation is still lacking. In Kamlesh Vaswani v. Union of India (2013)<sup>33</sup>,

<sup>28</sup> India Code ,

[https://www.indiacode.nic.in/bitstream/123456789/15350/1/indecnt\\_representation\\_of\\_women\\_%28prohibitio n%29\\_act%2C\\_1986.pdf](https://www.indiacode.nic.in/bitstream/123456789/15350/1/indecnt_representation_of_women_%28prohibitio n%29_act%2C_1986.pdf) , (23 March 2025)

<sup>29</sup> Approva Bhangla and Jahanvi Tuli , Study on Cyber Crime and Leal Framework in India , <https://ijlmh.com/paper/a-study-on-cyber-crime-and-its-legal-framework-in-india/> , (23 March 2025 )

<sup>30</sup>State of Maharashtra v. Ranjit Udeshi, 1965 AIR 881

<sup>31</sup> Aavek Sarkar v. State of West Bengal , AIR 2014 SC 1495

<sup>32</sup> NCRB

<https://www.ncrb.gov.in/uploads/nationalcrimerecordsbureau/custom/1701607577CrimeinIndia2022Book1.pdf> , (22 March 2025)

<sup>33</sup> Prajwala v. Union of India (2018), Writ Petition (Civil) No.177/2013

the Supreme Court decided that only child porn should be tightly regulated, despite a PIL seeking a total ban on porn.

## **SOCIETAL IMPACT OF THESE LOOPHOLES**

### **1. The 1986 Act on Indecent Representation of Women**

Sharing altered and explicit photographs of women is made simple by social media, OTT platforms, and AI techniques. Example: Without facing any legal repercussions, deepfake pornographic movies of female celebrities go viral on social media. The absence of robust digital regulations has led to an increase in revenge porn cases, cyber flashing, and the unconsented sharing of personal photos. The Act does not recognize deepfake pornography, artificial intelligence-generated fake nuditities, or changed photos, which leaves criminals with legal loopholes.<sup>34</sup>

### **2. The 2012 POCSO Act**

According to NCRB (2022), encrypted apps and dark web platforms are to blame for a 40% rise in child pornography cases.<sup>35</sup> For instance, groups on WhatsApp and Telegram covertly distribute CSAM content, but it's hard to detect. Enforcement is ineffectual due to the absence of AI-based tracking tools and data-sharing agreements with social media behemoths. Social media is a common tool used by predators to trick children into posting graphic content. For instance, according to the Interpol Report (2023), India is one of the top five nations for cases of online child exploitation.<sup>36</sup>

## **PROPOSED AMENDMENT:**

The Indecent Representation of Women (Prohibition) Act, 1986, needs to be expanded to address modern digital threats, including AI-generated content and online platforms. Social media, OTT platforms, deepfake technology, and revenge porn should be specifically covered under the law to ensure comprehensive protection. To combat cyberbullying more effectively, stricter penalties should be imposed. Offenses such as retaliation porn and deepfake misuse

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<sup>34</sup> The Hindu , <https://www.thehindu.com/news/national/regulating-deepfakes-generative-ai-in-india-explained/article67591640.ece> , (23 March 2025)

<sup>35</sup> Down to Earth , <https://www.downtoearth.org.in/governance/over-1-800-cases-of-cybercrimes-against-children-registered-in-2022-higher-than-last-year-ncrb-93236> , (22 March 2025 )

<sup>36</sup> The Hindu , <https://www.thehindu.com/news/national/telangana/circulation-of-child-sexual-abuse-material-rampant-on-telegram/article67536516.ece> , (22 March 2025 )

should carry a minimum sentence of five years in prison along with a fine of ₹10 lakh. Furthermore, deepfake pornography should be recognized as a criminal offense, and AI-driven techniques should be employed to track and identify offenders. Regarding Sections 13–15 of the POCSO Act, 2012, stricter regulations are needed for encrypted platforms and social media to curb child sexual abuse material (CSAM). Cloud service providers, messaging platforms like Telegram and WhatsApp, and other digital communication services must be mandated to monitor, identify, and report child pornographic content. Advanced tracking technologies such as blockchain and AI-based detection tools should be utilized to locate and eliminate CSAM effectively. Additionally, AI-generated child pornography, online grooming, and sextortion should be explicitly criminalized to strengthen legal measures against such offenses and enhance child protection.<sup>37</sup>

### **PROBABLE IMPACT OF THE AMENDMENT**

Stricter penalties and better enforcement will reduce online exploitation of women and children, especially by lowering incidents involving deepfakes and retribution porn. Fighting these problems will also require greater accountability for social media and technology firms. The spread of Child Sexual Abuse Material (CSAM) can be considerably reduced by enforcing reporting requirements and putting AI-driven tracking into place.<sup>38</sup> The detection of deepfake pornography and CSAM content will be facilitated by developments in AI-powered law enforcement and monitoring, guaranteeing prompt response. Furthermore, stricter laws against online grooming and sextortion would improve children's safety in digital environments by better shielding them from predators.<sup>39</sup>

### **5. THE CINEMATOGRAPH ACT, 1952**

The Central Board of Film Certification (CBFC) has the authority to prohibit or censor pornographic material in movies, thanks to the Cinematograph Act of 1952.<sup>40</sup>

**Loopholes:** Doesn't Cover OTT and Digital Platforms -Only theatrical releases are subject to CBFC regulation; explicit content on OTT platforms (Netflix, Prime, YouTube, etc.) is exempt

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<sup>37</sup> OneIndia , <https://www.oneindia.com/india/nhrc-recommends-changes-pocso-act-protection-children-gen-3669605.html> , (23 March 2025)

<sup>38</sup> Medianama , <https://www.medianama.com/2024/02/223-european-commission-child-sexual-abuse-material-deepfakes-2/> , (23 March 2025)

<sup>39</sup> Support the Guardian , <https://www.theguardian.com/uk-news/2025/mar/25/online-gangs-teenage-boys-sharing-extreme-material-emerging-threat-uk> , (23 March 2025)

<sup>40</sup> India Code , [https://www.indiacode.nic.in/handle/123456789/2170?view\\_type=browse](https://www.indiacode.nic.in/handle/123456789/2170?view_type=browse) , (22 March 2025)

from censorship. Descriptive Analysis of "Obscenity" -The ambiguity of terms like "obscene" and "against public morality" causes censorship choices to be contradictory. Age Ratings Flaw Softcore pornography is present in many adult-rated films, but youngsters can simply access them by using phony age verification. The Supreme Court supported cinema censorship in KA Abbas v. Union of India (1970)<sup>41</sup>, but it did not provide clarification on obscenity standards. The 1997 Uphar Cinema Tragedy Case brought to light the lax enforcement of cinema regulations.<sup>42</sup>

## 6. SECTION 11 - CUSTOMS ACT, 1962

Prohibits the import/export of obscene and pornographic materials.<sup>43</sup>

**Loopholes:** Although the Act forbids the physical importation of pornographic material, it does not adequately control the streaming, cloud storage, or digital transfers of pornographic material. It is simple to import and export pornographic material digitally without being discovered, thanks to dark web transactions, encrypted payments, and VPN use. For instance, when Indian officials raided a child pornography ring in 2019, the majority of the criminals evaded discovery by using VPNs.<sup>44</sup>

### PROPOSED AMENDMENT

To control graphic material on contemporary digital platforms, the Cinematograph Act of 1952 ought to be reinforced. To ensure more stringent content supervision, the Central Board of Film Certification's (CBFC) authority should be expanded beyond traditional theatres to encompass over-the-top (OTT) services like Netflix, Amazon Prime, YouTube, and social media.<sup>45</sup>. Aadhaar-based authentication and AI-based facial recognition should be used to restrict underage access, and obligatory digital age verification should be implemented for accessing pornographic content. A strong prohibition should be put in place to combat the growing menace of AI-generated pornography, with harsh penalties of five to ten years in prison and a fine of ₹20 lakh for producing, disseminating, or owning such material. Additionally, the Customs Act of 1962 needs to be changed to control online transactions, including

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<sup>41</sup> KA Abbas v. Union of India (1970) , AIR 481 SCC (2) 780

<sup>42</sup> Vlex , <https://vlex.in/> , (23 March 2025)

<sup>43</sup> India code , [https://www.indiacode.nic.in/bitstream/123456789/15359/1/the\\_customs\\_act%2C\\_1962.pdf](https://www.indiacode.nic.in/bitstream/123456789/15359/1/the_customs_act%2C_1962.pdf) , (23 March 2025 )

<sup>44</sup> iPleaders , <https://blog.iPLEaders.in/laws-relating-dark-web-india/> , (23 March 2025)

<sup>45</sup> Shrikrishna Upadhyaya , A lost Opportunity to Reform the censor Board ,( 23 March 2025) , <https://takshashila.org.in/research/reform-censor-board>

pornography. Bitcoin transactions on the dark web and other encrypted payments should be rigorously watched to identify and punish those who illegally purchase sexual content.

Additionally, to identify and stop the illicit import and export of pornographic digital content via file-sharing and cloud storage platforms, AI-based content monitoring systems ought to be put into place.<sup>46</sup> Stricter rules governing Internet service providers (ISPs) and virtual private network (VPN) providers are necessary to enforce government prohibitions and policies by requiring mandatory compliance in limiting access to prohibited websites. Making it illegal to get around these prohibitions is crucial; the suggested punishments for using a VPN to access pornographic websites include a fine of ₹5 lakh and a maximum sentence of three years in jail. To improve digital safety and law enforcement activities, blockchain technology should also be used to deploy AI-driven tracking and takedown systems that identify and remove revenge porn and child sexual abuse material (CSAM).<sup>47</sup>

### **PROBABLE IMPACT OF THE AMENDMENT**

Better regulation of digital media will result from extending the Central Board of Film Certification's (CBFC) jurisdiction to OTT platforms, which will guarantee the controlled consumption of adult content. Women and children will be better protected from online exploitation if legal protections are strengthened against deepfake pornography and internet sextortion crimes. Stricter bans and age verification regulations would also aid in keeping kids away from explicit content, which will lessen the number of young people who become addicted to pornography. A safer online environment will also be ensured by improved law enforcement tools like blockchain tracking and AI-based surveillance, which will enable authorities to efficiently identify and eliminate illegal information.<sup>48</sup>

### **SOCIAL MEDIA AS A TOOL FOR REGULATION**

These days, many people use social media to find and watch adult content. Friends might suggest or encourage others to view more of this material. Popular sites like Twitter, Reddit, and Telegram make it difficult to control who sees porn because they are so widely used, which

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<sup>46</sup> The Times of India , [https://timesofindia.indiatimes.com/gadgets-news/ban-on-porn-websites-this-is-governments-reply-in-lok-sabha/articleshow/96123961.cms?utm\\_source=chatgpt.com](https://timesofindia.indiatimes.com/gadgets-news/ban-on-porn-websites-this-is-governments-reply-in-lok-sabha/articleshow/96123961.cms?utm_source=chatgpt.com) , (24 March 2025)

<sup>47</sup> Hindustan Times , <https://www.hindustantimes.com/india-news/rs-panel-calls-for-mandatory-monitoring-apps-on-all-devices-to-curb-child-pornography/story-Br1O9RJ2AlbjJ8fdNov7LM.html> , (24 March 2025)

<sup>48</sup> Legal Vidhiya , <https://legalvidhiya.com/assessing-the-legal-framework-for-regulating-emerging-forms-of-online-expression-such-as-deep-fakes-and-revenge-porn/> , (23 March 2025 )

is a big concern for teenagers. These platforms push people to look for approval with likes and shares and invite them to join in group chats and discussions. This behavior can lead to watching too much porn and other issues like sending explicit texts or pictures, known as sexting, or sharing private images without permission, known as revenge porn.

**Changing the Approach: From Reacting to Being Prepared** In the past, governments acted on issues with explicit content and pornography on digital platforms only after the problems became clear. Once these issues were noticed, they restricted certain websites and punished those who violated the laws. They also relied on people to report harmful content for removal. However, with digital content spreading rapidly and the use of encrypted messaging, this method isn't effective anymore. To better protect young people from exposure to pornography, there's a need to be more prepared. This involves establishing rules and taking steps to prevent harm before it happens, rather than only responding after problems arise. We need to take steps to prevent problems and set clear rules for using social media. It's crucial to make social media companies responsible for what they show. By combining technology, company responsibilities, and government rules, we can keep adult content away from young viewers.

### **PSYCHOLOGICAL IMPACT AND LEGAL GAPS**

These days, more teenagers can easily access pornography, and many end up seeing it too early without any guidance or understanding. This early exposure without proper information or support can harm their mental and emotional development, affecting how they grow and understand relationships as they get older. When people watch pornography, it changes how the brain works because it releases dopamine. Dopamine is a brain chemical responsible for feelings of pleasure and reward. Watching pornography frequently causes the brain's pleasure system to work overtime, disrupting how dopamine is balanced. Overusing pornography can harm the brain's natural ability to produce normal levels of these chemicals, leading to issues with emotions and thinking processes. Adding to this, Pornography can be especially harmful to teenagers because their brains are still growing and changing. At this age, their brains are very flexible, meaning early exposure to pornography can shape how their brain develops. This can have long-lasting effects on their behavior and mind. They may face different mental health

problems, changes in how they act, misunderstand how to think clearly, and struggle with their self-image and self-worth.<sup>49</sup>

### **MENTAL HEALTH ISSUES**

Watching unrealistic body and sexual content in media can harm mental health. It can lead to feeling more sad or depressed. These Feelings can make someone feel inadequate or hopeless about life, and over time, this sadness might grow into depression. This habit can also make it tough to build real social connections. When people spend a lot of time in digital or fantasy worlds, they might struggle to connect with others in real life because they have unrealistic expectations about relationships. It can also affect emotional bonds with family and partners. If a person becomes used to not expressing or seeing real emotions, connecting deeply with a partner can be challenging. They may have a hard time showing empathy or understanding their partner's feelings. For instance, frequent exposure to sexual content without emotional context can make it difficult to form real emotional bonds in life.

### **BEHAVIOURAL AND COGNITIVE DISTORTIONS**

Becoming less sensitive to emotions and sexual experiences can happen when someone watches too much intense or unrealistic content. Regular experiences might start to feel boring, just like if you ate very spicy food all the time and other foods started to taste bland. Unrealistic ideas about sex can also form from seeing exaggerated or impossible situations. People might start expecting real-life sex and relationships to be as thrilling and perfect as what is shown online, but that doesn't often happen. There can be a loss of control over actions, leading to aggressive behavior and treating people like objects. Certain content can make individuals see others as objects rather than people, which might encourage disrespectful actions. Continuous exposure to this type of content might influence someone to start similarly treating others. Lastly, there's a higher chance of taking sexual risks, like starting sexual activity.<sup>50</sup>

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<sup>49</sup> Culture Reframed, 'Adolescents, Porn, and Mental Health: Understanding the Dangerous Effects of Porn on Developing Minds' <https://culturereframed.org/adolescents-porn-and-mental-health-understanding-the-dangerous-effects-of-porn-on-developing-minds/#:~:text=Decades%20of%20research%20show%20that,pathways%20for%20years%20to%20come> [19<sup>th</sup> march,2025].

<sup>50</sup> Matthias Brand and Kimberly S Young, 'Pathological Internet Use and Its Relationship to Impulse Control' (2021) 2 Current Opinion in Psychology <https://www.sciencedirect.com/science/article/pii/S2352853221000080#:~:text=This%20model%20proposes%20the%20concept,Wegmann%20&%20Brand%2C%202020> [18<sup>th</sup> march, 2025].



## IMPACT ON IDENTITY AND SELF-ESTEEM

Gender stereotypes in relationships can be harmful. When you see content that shows traditional male and female roles, it can make people believe that men should always be tough and women should be submissive. This kind of thinking can hurt how we understand and act in relationships. Body image issues are common when people see images of perfect bodies. These images can make people unhappy with their looks, leading to low self-esteem and even more plastic surgery. It's like comparing yourself to edited photos of models and feeling bad about how you naturally look. There's also a connection between feeling self-centered and having compulsive sexual behaviors. Studies suggest that watching a lot of pornography might lead people to become more selfish and treat others as objects, focusing only on their pleasure and ignoring their partner's feelings and needs.<sup>51</sup>

The way we watch and interact with media can change our ideas of what is normal in society. Seeing different types of relationships, like open relationships, in media might make us question traditional values such as monogamy and fidelity. Over time, these non-traditional lifestyles might appear more normal to us. Media can also worsen sexist attitudes and abusive behaviors if it shows harmful gender stereotypes and unfair power dynamics. This focus can make people pay too much attention to a partner's looks instead of their emotions and personality in close relationships. Media often shows us extreme or unrealistic ideas about sex. When we start believing these ideas are normal, it can confuse our understanding of healthy sexual relationships. This confusion can lead to unhappiness and problems in our real-life relationships. The brain can become overstimulated, like how addiction works. To feel the same excitement, people might seek out more extreme content. This behavior can cause issues in romantic relationships by creating unrealistic expectations and making real-life intimacy difficult. Studies indicate that these habits may lead to less satisfaction with your partner and less enjoyable sexual experiences. For teenagers, constantly seeking excitement can also cause problems in school and with being productive, as it affects concentration, motivation, and thinking skills.

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<sup>51</sup> National Center for Biotechnology Information, 'Recent Findings Indicate That Excessive Pornography Consumption May Have Serious Mental Health Consequences' (2023) National Library of Medicine <https://pubmed.ncbi.nlm.nih.gov/articles/PMC10399954/#:~:text=Recent%20findings%20indicate%20that%20excessive,may%20have%20serious%20mental%20health> [18<sup>th</sup> march, 2025].

## **POLICY RECOMMENDATIONS**

### **1. AI-DRIVEN CONTENT MODERATION**

To stop pornographic material from spreading on digital platforms, we can use AI and machine learning models. These tools include systems that can automatically find and block sexually explicit content. This happens before others can see it. If logging intakes takes too long, people might get tired and decide not to continue. Therefore, it's important to keep the process simple. Systems that monitor in real-time are also useful because they quickly scan and block inappropriate material. Experts in machine learning have the skills to detect hidden messages, suggestive pictures, and indirect references to explicit content. These advances help to protect users from seeing inappropriate material. They also slow the spread of pornographic content on private social media platforms and reduce the need for people to manually identify and report inappropriate content.

### **2. PARENTAL CONTROL ENFORCEMENT**

Rules need to be put in place for social media, streaming services, and websites to make parental controls better. These controls allow parents to block, watch, and control adult content for kids based on their age. The settings should automatically be on for younger users. Using AI facial recognition and ID checks, these changes can help stop kids from accessing adult content, prevent them from creating fake accounts, and make sure that platforms stick to child safety rules. The changes help limit how much explicit content kids can access, improve methods to keep children protected, and ensure that online platforms are held accountable for digital safety. These steps are important for creating a safer online environment.

## **CONCLUSION**

Pornography laws in India remain a difficult and ever-changing topic. There are significant gaps in these laws, which have a major impact on society. Efforts have been made to address issues like obscenity, child protection, and cyber exploitation. However, current laws such as the Indian Penal Code (IPC), the Information Technology Act (IT Act), the Protection of Children from Sexual Offenses Act (POCSO Act), and the Indecent Representation of Women Act are not strong enough. They have a hard time managing digital pornography, AI-generated content, and the sharing of encrypted materials effectively. For children, easy access to pornographic materials has caused serious problems. These problems include addiction and

distorted views on relationships. Additionally, there has been an increase in online crimes such as child sexual exploitation, deepfake pornography, and revenge porn.

This study suggests a new law called the Digital Obscenity and Protection of Minors Act, 2025. The aim is to make internet platforms more responsible. The law will focus on better age checks, stricter penalties for sharing private pictures without consent, and using AI to control online content. By learning from successful laws in other countries, like the UK's Online Safety Bill, to reduce the harmful effects of unregulated pornography in the future, we need to have stricter rules and better ways to enforce them. It's important to use real-time artificial intelligence to monitor and catch problems quickly. Additionally, there should be stronger penalties for those who break these rules to help prevent harmful activities. Fostering a safer digital world also requires greater public awareness, digital literacy, and ethical control of online information. In the ever-changing digital ecosystem, a properly regulated legislative framework would ensure societal well-being by protecting children and vulnerable people as well as encouraging responsible digital consumption.