

GOVERNMENT OF INDIA  
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY  
**LOK SABHA**  
**UNSTARRED QUESTION NO.4142**  
TO BE ANSWERED ON: 21.03.2018

**OBSCENE ADVERTISEMENTS / VIDEOS ON WEB**

**4142. PROF. RAVINDRA VISHWANATH GAIKWAD:**

Will the Minister of ELECTRONICS AND INFORMATION TECHNOLOGY be pleased to state:

- (a) whether the Government has taken note of the obscene advertisements/videos being circulated through mobile and internet; and
- (b) if so, the details thereof and the steps taken/being taken by the Government to curb such obscene advertisements/videos?

**ANSWER**

MINISTER OF STATE FOR ELECTRONICS AND INFORMATION  
TECHNOLOGY (SHRI K. J. ALPHONS)

(a): The cyber world is anonymous and universally available. With increasing usage of Internet and proliferation of smart-phone, vast amount of information/data is available for entertainment, information sharing, education programmes, communication, etc. However, the same can also be misused by people by circulating obscene advertisements/videos through mobile and internet. Any act of publishing or transmission of obscene advertisements/videos is considered cyber crime under the Information Technology (IT) Act, 2000 and such instances can be brought to knowledge of law enforcement agencies for appropriate action.

(b): The IT Act, 2000 together with the Indian Penal Code (IPC), 1860 and Protection of Children from Sexual Offences (POCSO) Act, 2012 provides legal framework for dealing with online obscene material including child sexual abuse. Sections 67, 67A and 67B of the IT Act, 2000 provide punishment and fine for publishing or transmission of obscene material in electronic form.

In addition, Section 79 of the IT Act, 2000 provides for certain due diligence to be followed by Intermediaries failing which they would be liable. The Information Technology (Intermediaries Guidelines) Rules, 2011 notified under section 79 of the Act, inter alia, specifies that the intermediaries shall inform the users of computer resource not to host, display, upload, modify, publish, transmit, update or share any information that is grossly harmful, harms minor in any way; violates any law for the time being in force; etc.

Further, Department of Telecommunications (DoT) in their license terms and conditions to Telecom Service Providers (TSPs) have *inter-alia* mandated that carriage of objectionable,

obscene, unauthorized or any other, content, messages or communications infringing copyright and intellectual property rights etc. in any form, in the network is not permitted as per established laws of the Country. Once specific instances of such infringement are reported to the Licensee by

the enforcement agencies/Licensors, the Licensee shall take necessary measures to prevent carriage of such messages in its network immediately.

In addition, Government has taken the following steps to Curb Child Pornography/Online Sexual Abuse Materials (CSAM):

- (i) Government periodically blocks the websites containing extreme Child sexual abuse material based on INTERPOL's "worst of list" received through Central Bureau of Investigation (CBI) which is the national nodal agency for INTERPOL in India. Department of Telecom (DoT) periodically instructs blocking of such websites. As on date a total of 4934 websites have been ordered for blocking through Internet Service providers (ISPs).
- (ii) The government has issued an order to concerned ISPs to adopt Internet Watch Foundation (IWF) list of CSAM websites/webpages and block access to child pornography webpages/ websites at gateway level. This list is dynamic and is updated everyday.
- (iii) DoT has communicated to all ISPs requesting them to make suitable arrangement to spread awareness among their subscribers about the use of Parental Control filters in the end-user machines through messages of email, invoices, SMS, website, etc.
- (iv) Ministry of Home Affairs (MHA) is implementing a comprehensive central sector scheme, namely "Centre for Cyber Crime Prevention against Women and Children (CCPWC)" to handle all issues related to check cyber-crime against women and children including child pornography.
- (v) POCSO E-box portal by National Commission for Protection of Child Rights (NCPCR) was opened for reporting of cyber crime targeting children. NCPCR has now enhanced the scope of POCSO E-box to also handle cyber bullying, cyber stalking, morphing of images and child pornography. The E-Box is also available as Mobile app at Google/Apple Play Store.
- (vi) Further Hon'ble Supreme court is already hearing a petition on banning/curbing of Pornography on Internet in India.

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