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Browsing child porn will land you in jail

Swati Deshpande, TNN | Feb 16, 2009, 05:59AM IST

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MUMBAI: The newly passed Information Technology Bill is set to make it illegal to not only create and transmit child pornography in any electronic form, but even to browse it. The punishment for a first offence of publishing, creating, exchanging, downloading or browsing any electronic depiction of children in "obscene or indecent or sexually explicit manner" can attract five years in jail and a fine of Rs 10 lakh.

In its first comprehensive amendment nine years after it was first enacted, the Act proposes to bring "cyber terrorism", "identity theft" and "violation of privacy" into the domain of cyber crime. Critics of the Bill, which is awaiting Presidential assent, say it enables the government to snoop into citizens' computers while investigating "any offence". The bill has, however, broken new ground by identifying several new offences and making them punishable.

Section 67 of the existing act deals with "publishing obscene information in electronic form". It is a generally worded section that does not specifically define "pornography" or make it an offence, and does not mention "child pornography" at all. But in its amended avatar, Section 67B proposes specifically to punish involvement in sexually explicit online or electronic content that depicts children. It will also be an offence to "cultivate, entice or induce children to online relationship with other children for a sexual act."

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"The amendments will certainly have a huge impact on the way cyber crimes are handled and investigated in India," said advocate Pavan Duggal, a cyber law specialist in Delhi. Mumbai-based cyber security expert Vijay Mukhi concurred. Both experts noted that an offence of "cyber terrorism" punishable with life imprisonment, for instance, is a vital new addition, and that its definition is exhaustive.

Duggal said, "Once the bill becomes an act, Section 67B will have a huge positive impact, primarily because India does not have a special legislation to tackle child pornography. To that extent, the new IT law is path-breaking".

Legal experts note that while the amendments don't make it illegal to view adult porn, they do make watching child porn an offence (the law would apply to "whoever creates text or digital images, collects, seeks, browses, downloads" child porn). The fear is that the section would kick in even if sites were opened accidentally, because a computer may store information about such a site being accessed.

[Is the Indian judiciary finally waking up to the fact that the country needs more stringent cyber laws?](#)

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