

# CSO FORUM

Security For Growth And Governance

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## IN-SHORT

Compliance  
Drives **Security**  
**Adoption** in  
BFSI Sector

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## OPINION

**Pornography**  
in Indian IT  
**Act, 2000**

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## IN-PERSON

**"You Cannot**  
**Embed**  
**Signatures in**  
**a Chip"**

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# THE DEVIL IS WITHIN

**YOU NEED A COMBINATION OF PEOPLE,  
PROCESSES AND TECHNOLOGY TO CURB  
THE INSIDER THREAT. PAGE 05**



## Pornography in Indian IT Act, 2000

### WHAT IS Pornography?

The graphic, sexually explicit subordination of woman through pictures and/or words that also includes Pornography is verbal or pictorial material which represents or describes sexual behavior that is degrading or abusive to one or more of the participants in such a ways as to endorse the degradation. Behavior that is degrading or abusive includes physical harm or abuse and physical or psychological coercion. In addition, behavior that ignores or devalues the real interest, desires and experiences of one or more participants in any way is degrading. Finally that a person has chosen or consented to be harmed, abused, or subjected to coercion does not alter the degrading character of such behavior.

Under the Information Technology (Amendment) Act, 2008, crime of Pornography under Section 67 & 67, whoever publishes or transmits or causes to be published or transmitted in the electronic form any material which contains sexually explicit act or conduct can be called as pornography.

Law as Applicable:-

Under The IT Act, 2000 as amended by Information Technology (Amendment) Act, 2008, According to Section 67 & 67-A is applicable and Section 292/293/294, 500, 506 & 509 of Indian Penal Code, 1860 are also

applicable, and the victim can file a criminal complaint in the nearest Police Station where the above crime has been committed or where he comes to know about the crime.

**Punishment:** If the crime is Proved Accused shall punishable for first conviction with imprisonment for a term which may extend to Five years and with fine which may extend to ten lakh rupees and in second conviction with imprisonment for a term may extend to Seven years and with fine which may extend to ten lakh rupees.

**Category of Crime:** As per Section 67-A of IT Act, 2000 the above Offence shall be cognizable and non-bailable


An engineering student was using the auction website called www.bazee.com website to sell a video depicting two school students having sexual intercourse. Bazee.com was held liable for distributing porn and hence the CEO was arrested. The CEO was held for abating pornography by Delhi police. The case is still in Indian courts.

The Delhi Police, Cyber Crime Cell registered a case under Section 67 of The IT Act, 2000. A student of the Air Force Balharati School, New Delhi, was teased by all his classmates for having a pockmarked face, used a free hosting provider to create www.amazing-gents.8m.net. He regularly

uploaded “morphed” photographs of teachers and girls from his school onto the website. He was arrested when the father of one of the victims reported the case to the police.

Poorva received an e-mail message from someone who called himself 'your friend'. The attachment with the e-mail contained morphed pornographic photographs of Poorva. The mail message said that if Poorva were not to pay Rs. 10,000 at a specified place every month, the photographs would be uploaded to the Net and then a copy sent to her fiancé. Scared, Poorva at first complied with the wishes of the blackmailer and paid the first Rs. 10,000. Next month, she knew she would have to approach her parents.

Then, trusting the reasonableness of her fiancé she told him the truth. Together they approached the police. Investigation turned up the culprit to be Ms. poorva's supposed friend who wanted that Ms. Poorva and her fiancé should break up so she gets her. This act poorva's friend had committed crime of pornography.

Organisations should be more careful as their networks could be used by their staff for pornographic crime. Parents should be aware what their juvenile children are watching or downloading on internet, because the IP address is being registered in their name. 

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