

## **PRESS RELEASE**

### **Report of the Ad-hoc Committee in the RajyaSabha to study the alarming issue of pornography on social media and its effect on children and society as a whole**

1. The 'Ad-hoc Committee of the RajyaSabha to study the alarming issue of pornography on social media and its effect on children and society as a whole', consisting of 14 members under the Chairmanship of Shri. Jairam Ramesh was announced on 12<sup>th</sup> December 2019 by Hon'ble Chairman, RajyaSabha with instructions to submit its report within one month from the date of its constitution.
2. The Committee held several meetings and heard the views of i) Ministry of Women and Child Development (MWCD), ii) Ministry of Electronics & Information Technology (MeitY), iii) Ministry of Home Affairs (MHA), iv) Telecom Regulatory Authority of India (TRAI) and v) National Commission for Protection of Child Rights (NCPCR). The Committee also heard some stakeholders viz. Google, Facebook (including Whatsapp), Bytedance (TikTok), Twitter and Sharechat.
3. The Committee also received representations from three NGOs viz. i) HERD Educational & Medical Research Foundation, Nagpur, ii) Centre for Child Rights, New Delhi and iii) Internet Freedom Foundation, New Delhi.
4. Based on the analysis, reports and representations the Committee's final recommendations have been divided under five categories viz. **i) Legislative Measures, ii) Technological Measures, iii) Institutional Measures, iv) Social and Educational Measures and v) State-level Initiatives.**

Ten of the major observations / recommendations of the Committee are as follows:

#### **1. LEGISLATIVE MEASURES**

##### **1.4 Protection for individuals reporting Child Sexual Abuse Material (CSAM)**

The Committee recommends partially amending Section 15(1) of POCSO Act, 2012 with the following sentence, namely:

*(1b) Individuals downloading, storing or possessing pornographic material in any form involving a child solely for the purposes of mandatory reporting will not be considered as committing an offence under the Act.*

Under the POCSO Act, 2012, school management should be responsible for safety of children within schools, transportation services and any other programs engaged by the school; and therefore, accountable to the law.

## **1.6 Prepare Code of Conduct for social media platforms for strict adherence**

The Committee recommends the addition of a clause after Section 46 of the POCSO Act, 2012

*47. The Central government shall prepare a Code of Conduct for use of intermediaries laying down the general principles and practical guidelines for maintaining child safety online, ensuring age appropriate content and curbing use of children for pornographic purposes.*

## **1.7 Amend IT Act, 2000 to plug gaps relating to CSAM**

The Committee recommends two specific changes in the Information Technology Act, 2000 to deal with the proliferation of Child Sexual Abuse Material:

- a) A new Section 67B should be added to deal with punitive measures for those who provide pornography access to children and also those who access, produce or transmit CSAM.
- b) Section 69A should provide for powers to the Union Government through its designated authority to block and/or prohibit all websites/intermediaries that carry CSAM.

## **1.8 Require reporting by intermediaries to Indian and not just to foreign authorities**

The Committee recommends the addition of another requirement in the Information Technology (IT) Act (Intermediaries Guidelines) Rules 2011, namely:

*13. The intermediary shall report Child Sexual Abuse Material (CSAM) to and also share information relating to missing children with Indian law enforcement authorities both at the central and State levels.*

## **2. TECHNOLOGICAL MEASURES**

### **2.3 Mandatory apps on all devices sold in India that monitors children's access to pornographic content**

The Committee recommends that MeitY mandate existing screen-monitoring apps and/or encourage industry partnerships to develop the same through hackathons etc. Google's Family Link App or similar solutions should be developed and made freely available to ISPs, companies, schools and parents.

## **3. INSTITUTIONAL MEASURES**

### **3.1 Create national nodal agency to combat child pornography in social media**

The Committee recommends that a substantially upgrade NCPCR be designated as the nodal agency to deal with the issue of child pornography. It should be empowered suitably to deal with the added responsibilities. The capabilities required in the NCPCR should include technology, cyber policing and prosecution. It will also need to work in close coordination with other agencies in the Central and State governments, particularly the Online Child Sexual Abuse and Exploitation (OCSAE) Prevention/Investigation Unit that has been set up by the CBI. The Committee also recommends that an inter-ministerial task force be created to be serviced by NCPCR. This will have representatives of MHA, MeitY and other Ministries/Departments/Agencies. If need be, the task force can be given statutory backing.

### **3.6 Strengthen data collection and reporting**

The National Crime Records Bureau (NCRB) must mandatorily record and report annually cases of child pornography of all kinds. It should record the number of cases reported, investigated, disposed off and other relevant information. In addition, a national Tipline Number should be created where child sexual abuse as well as distribution of child pornographic material can be reported by concerned citizens.

## **4. SOCIAL AND EDUCATIONAL MEASURES**

### **4.1 Nationwide campaign for parental awareness**

The Committee would also suggest that a structured study be undertaken at the earliest pertaining to restrictions imposed in other countries on use of smartphones by underage kids. Learnings from other countries may help us design a proper and practicable policy.

The Committee recommends that MWCD/Ministry of Information and Broadcasting introduce a campaign for greater awareness among parents to recognise early signs of child abuse, on online risks and how to improve online safety for their child. It should be mandatory for schools to undertake training of parents—at least twice a year--making them aware of hazards for children of free access to smartphones and the Internet at an early

### **4.7 Nationwide campaign in educational institutions for regulations**

The Committee recommends that it should be mandatory across all educational institutions, such as schools, colleges, etc. to have ‘Social Media Regulations’ addressing all social and legal requirements to ensure increased awareness and compliance. Institutions must also formulate penalties and actions corresponding to violation of the guidelines.

## **5. STATE-LEVEL IMPLEMENTATION**

### **5.3 State-level e-safety Commissioners along the lines of Australian system**

The Committee recommends that e-safety commissioner's be appointed at State Level to ensure implementation of social media and website guidelines related to flagging of content and removal thereof, along with age-verification, warnings and other pre-requisites.