

A large, clear glass sphere sits on a dark, pebbly beach. The sphere is perfectly split horizontally, with the top half showing a reflection of a sunset sky with soft, golden clouds. The bottom half shows a reflection of the beach and the sky below. The background is a blurred view of the ocean and a sunset sky with scattered clouds.

TORMENT 2020!

A WAKE UP CALL

VOL - II

PEN ACCLAIMS

**To,
Soham,
Companion & confidant!**

“Torment 2020: A Wake up Call”

(Volume -2)

ISBN: 9798648198838

Anthology of,

‘3rd National Article Writing Competition’

Powered by,

“Pen Acclaims”



Preface

A thought that has been enduring in mind when becomes real, is truly an interesting and exciting experience. This book is one such cherished work that has its roots in the persuasion of many authors, contributors and also mentors which has now embellished to become the snapshot of the innumerable efforts put in since months. This book serves to reinforce increased awareness, improved interaction and integration among all of us.

As the Editor of this book entitled “Torment 2020: A Wake up Call”, I wish to thank all researchers across the globe, who have submitted their contributions. The main aim of this book is to enhance knowledge among researchers, students and the legal fraternity at large and to provide an opportunity for creative research and multi-level consideration of broader issues related to legal insight from both national and interdisciplinary perspective.

It has been indeed a pleasure going through the journey of compiling this book. This maiden issue will surely inspire all of us for a new beginning and enlighten the minds of young scholars with hope, confidence and faith.

Happy reading!

**Dr. Pooja Dasgupta
Chairperson
Pen Acclaims**

Index

S. No.	Title of Paper	Page No.
1	Vismay G.R.N The National University of Advanced Legal Studies (NUALS) <i>(Comorbidity Between Sexual Abuse of Children and Child Pornography: Is Hope of Eradication Unrealistic?)</i>	1
2	Kunj Bhagat Llyod Law College <i>(Child Abuse and Pornography: A PERIL)</i>	5
3	Advay Milind Vora Faculty of Law, The Maharaja Sayajirao University of Baroda, Vadodra <i>(A Religious Perspective towards Euthanasia & Dignity)</i>	8
4	Parul Dalal Banasthali Vidyapith <i>(The Corona Conundrum)</i>	11
5	Shilpi Tulsyan NMIMS, Kirit P. Mehta School of Law <i>(Euthanasia)</i>	15
6	Kanan K. Patel Symbiosis College of Law, Pune <i>(Euthanasia: A Blessing Disguised as a Curse)</i>	18
7	*Amartya Sharan **Malika Lalit UPES, Dehradun <i>(The Corona Conundrum - Impact on Economy)</i>	22
8	*Gourish Goyal ICFAI Law School, Hyderabad, Telangana <i>(Child Abuse and Pornography – Combating by Indian Parliament)</i>	25
9	*Shubhransu Das **Sandipa Bhattacharjee KIIT School of Law <i>(Child Abuse and Pornography in the Electronic Age: The Role of International Law)</i>	28
10	Ananya Singh NMIMS School of Law, Navi Mumbai <i>(Euthanasia and Article 21: “Right to die with dignity)</i>	32
11	*Nitya Malviya **Priyanshi Budholia Dharmashastra National Law University, Jabalpur <i>(The Corona Conundrum: Rise in Cybercrime)</i>	35
12	Pranjal Gautam NALSAR University of Law <i>(The Dark Side of the Boon)</i>	39
13	Gargi Chatterjee NMIMS School of Law <i>(The Corona Conundrum - Impact of Media and/or Social Media during the Pandemic: People V. Fake News)</i>	43
14	Purbasha Mukherjee Jogesh Chandra Chaudhuri Law College (Affiliated to Calcutta University) <i>(The Corona Conundrum)</i>	48
15	*Tutika Thanvita Sai Sree **Mihir Singh Indian Institute of Science and Education	51

	<i>(Euthanasia)</i>	
16	*Dinesh Kumar Samanta **Jasmine Patra University Law College, Utkal University <i>(Virtual Justice Dispensation during Pandemic: A Boon or Perfunctory Miasma)</i>	54
17	Arushi Gupta ILS Law College, Pune <i>(Child Abuse and Pornography: An Indian Perspective)</i>	58
18	*Darshan V **Prajeeth Prem SASTRA Deemed to be University <i>(Child Abuse and Pornography: A Disregarded Area of Legal Study)</i>	61
19	*Jahnvi Agnihoti **Ayush Upmanyu Galgotia's School of Law, Galgotia's University, Greater Noida <i>(Child Abuse and Pornography)</i>	64
20	Aditi Goel Symbiosis Law School, NOIDA <i>(Child Abuse and Pornography)</i>	68
21	*Kanishka Mittal **Anoushka Chaudhuri Symbiosis Law School, Hyderabad <i>(Assisted Suicide: The Legal and Ethical Dilemma that surrounds Euthanasia)</i>	71
22	*Harshita Verma **Rishabh Mehrotra Bharati Vidyapeeth New Law College, Pune <i>(The Corona Conundrum)</i>	75
23	*Kanika Rajani Department of Law Prestige Institute of Management and Research, Indore <i>(Child Abuse and Pornography)</i>	79
24	*Parmeet Singh Saluja Department of Electronics and Communication, Medi – Caps University, Indore <i>(The Corona Conundrum)</i>	82
25	Akriti RGSOIPL, IIT Kharagpur, West Bengal <i>(Lifestyle: Changing Behaviours with Gita)</i>	85
26	*Leena Dubale **Aarushi Jahagirdar MIT-WPU, School of Law, Pune <i>(Euthanasia)</i>	89
27	Rohan Jain New Law College, Bhartiya Vidyapeeth Deemed University <i>(Child Abuse and Pornography)</i>	92
28	*Neelakshi **Ritik Sharma Llyod Law College <i>(Child Abuse and Pornography)</i>	96
29	*P. Lalitha **Rugma S. TNDALU School of Excellence in Law, Chennai <i>(Active Euthanasia and its Legal Implications)</i>	99

30	*Tanisha Yadav **Anshija Seth Prestige Institute of Management and Research, Department of Law <i>(Child Abuse: India's Hidden Shame)</i>	104
31	Rudrakshi Singh Inda University College of Law, MLSU <i>(The Corona Conundrum)</i>	109
32	*Aakanksha Datar **Heena Shah University of Mumbai <i>(Euthanasia)</i>	114
33	*Divyangi Singh **Ishan Pandey Babasaheb Bhimrao Ambedkar University, Lucknow <i>(The Corona Pandemic: Is it an Invitation to Recession in India?)</i>	117
34	*Prabhav Sharma National Law Institute University, Bhopal **Manasvi Pinge National Law University, Nagpur <i>(Legal Recourse to Child Sexual Abuse in India)</i>	123
35	*Rashi Chandra **Ankit Chopra KIIT School of Law <i>(Child Abuse and Pornography)</i>	126
36	Avantika Singh Galgotia's University <i>(Corona Conundrum)</i>	129
37	*Gunasri M.P. **Indhuvadhana M. Tamil Nadu National Law University <i>(The Corona Conundrum- Impact on India)</i>	132
38	Meghna Sharma Symbiosis Law School, NOIDA <i>(Child Pornography and Pornography among Children: Issues and the way ahead)</i>	136
39	*Poornima Shukla **Aastha Som Fairfield Institute of Management and Technology Affiliated to Guru Gobind Singh Indraprastha University, New Delhi <i>(Searching for Sanjeevni)</i>	139
40	*Tanisha Gawde Manipal University, Jaipur **Khushi Agrawal Symbiosis Law School, NOIDA <i>(Child Abuse and Pornography)</i>	142
41	*Lakshi Singh **Tanya Sharma Jagran Lakecity University, Bhopal <i>(Child Sexual Abuse: Pornography and Grooming)</i>	145
42	*Kanika **Mansi Goel Campus Law Centre, University of Delhi <i>(The Rise of Child Pornography during Lockdown: A Pandemic of Child Abuse in India)</i>	149

43	Shruti Monga MCA <i>(The Corona Conundrum)</i>	154
44	Aditi Shubham Bharti Vidyapeeth New Law College, Pune <i>Euthanasia: Quest for Dignified Death</i>	157
45	Yashasva Moond Llyod Law College <i>(The Corona Conundrum: Impact of Media and Social Media during the Pandemic)</i>	160

“Comorbidity Between Sexual Abuse of Children and Child Pornography: Is Hope of Eradication Unrealistic?”

Vismay G.R.N

The National University of Advanced Legal Studies (NUALS), India

Child pornography is a menace that is a plague in many jurisdictions across the world. It is the depiction of any minor engaged in sexually explicit activities.¹ These depictions can be in the form of digital images, computer images, or computer – generated images.² There are several ways by which a child might get involved in pornography.

First, children who are already involved in prostitution might get filmed by their pimps, relatives or customers.³ Second, acquaintances or family members of the child might photograph or tape the act of sexual abuse on the child.⁴ Thirdly, pre-pubescent children may be coerced and allured to become a part of this hellish cycle.⁵

Child pornography can have several negative effects on the victims. It can have physical, emotional and psychological effects on a survivor.⁶ The repercussions on a victim include symptoms of depression, post traumatic stress disorder (PTSD) and flashbacks. In addition to this, sexually transmitted infections (STIs), eating disorders, dissociation, substance abuse and suicide are other ill effects the victims of child pornography may experience.⁷

Laws in India that Prohibit Child Pornography

At present, the term ‘Child Pornography’ is not defined in Indian law. The Protection of Children from Sexual Offences Act, 2012, provides for the imprisonment of any person who uses a child or children for pornographic purposes for a period of five years.⁸ Further, the same Act also provides that any person who stores child pornography in any form shall be punished with a fine or imprisonment for a term which may extend to three years or with both.⁹

The Information Technology Act, 2000, (hereinafter ‘the IT Act’) has several provisions in it that provide for punishments of various cybercrimes. The IT Act also specifically provides for stringent punishment for the publishing, browsing and the transmitting of child pornography in the electronic form.¹⁰ There are also provisions in the IT Act and The

¹ *The Lasting Effects of Child Pornography*, INNOCENT LIVES FOUNDATION (Apr. 19, 2020, 04:23 PM), <https://www.innocentlivesfoundation.org/the-lasting-effects-of-child-pornography/>.

² *Id.*

³ 1 SAUNDERS, J. & WILLIAMS L, *ENCYCLOPAEDIA OF LAW ENFORCEMENT: CHILD PORNOGRAPHY* 53-54 (Sullivan M.S. Rosen & D.M. Schulz, 2004).

⁴ *Id.*

⁵ *Id.*

⁶ *Effects of Sexual Violence*, RAINN (Apr. 19, 2020, 04:23 PM), <https://www.rainn.org/effects-sexual-violence>.

⁷ *Id.*

⁸ §14, The Protection of Children from Sexual Violence Act, 2012, No. 32, Acts of Parliament, 2012 (India).

⁹ §15, The Protection of Children from Sexual Violence Act, 2012, No. 32, Acts of Parliament, 2012 (India).

¹⁰ § 67B, The Information Technology Act, 2000, No. 21, Acts of Parliament, 2000 (India).

Information Technology (Intermediary Guidelines) Rules, 2011 that mandate that intermediaries should be diligent in prohibiting the presence of such material.

Shortcomings

These provisions are not sufficient to prevent the existence of child pornography on the internet. To understand why this is so, we have to consider the nature of the internet. The internet can be divided into three parts. The first classification that can be made is the “Surface Web”. This includes that part of the internet that can be accessed through typical search engines like Yahoo or Google.¹¹ The second part is the “Deep Web”. This includes the remaining part of the internet that is not under the ambit of the Surface Web.¹² The final part of the internet is the “Dark Web”. This includes that small part of the Deep Web that is intentionally hidden and is not accessible through standard web browsers.¹³

A scan conducted by The King’s College, London has shown that the most common contents of websites in the Dark Web included the sale of drugs, illicit finance and child pornography involving violence against children.¹⁴ Due to the anonymity that websites on the Dark Web give its users, it has proven to be a nightmare for law enforcement agencies. Therefore, in spite of there being ample provisions in the law, child pornography has proven difficult to curb.

Co – Morbidity between Child Pornography and Child Abuse

The positions on the comorbidity between child pornography and child sexual abuse can broadly be classified into three. The *first* school of thought believes that viewing child pornography has the effect of increasing the likelihood of individuals committing sexual abuse against children.¹⁵ This view is based on the belief that pornography normalises or/and legitimises sexual interest in children and that the law of diminishing returns will take over and that pornography will cease to satisfy the user which will lead them to sexually abuse children.....

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

¹¹ Amanda Haasz, *Underneath it All: Policing International Child Pornography on the Dark Web*, 43 SYRACUSE J. INT’L. L. & COM. 353, 356 (2016).

¹² *Id.* at 357.

¹³ *Id.*

¹⁴ Daniel Moore & Thomas Rid, *Cryptopolitik and the Darknet*, TAYLOR AND FRANCIS ONLINE VOL. 58 (Apr. 19, 2020, 04:53 PM), (<http://www.tandfonline.com/doi/full/10.1080/00396338.2016.1142085>).

¹⁵ Janis Wolak, David Finkehor, Kimberly Mitchell & Michele Ybarra, *Online “Predators” and Their Victims*, UNIVERSITY OF NEW HAMPSHIRE (Apr. 19, 2020, 05:43 PM), <http://unh.edu/ccrc/pdf/Am%20Psy%202-08.pdf>.



PenAcclaims

(Multi-disciplinary National Journal)

Email: editor.penacclaims@gmail.com

Website: www.penacclaims.com