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PORNOGRAPHY IN INDIA- A MORAL AND ETHICAL DILEMMA

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Abstract

Pornography in India represents a complex moral and ethical dilemma situated at the intersection of law, culture, technology, and individual freedom. As one of the world's fastest-growing digital markets, India has witnessed unprecedented access to online pornographic content following the expansion of affordable internet services. Despite statutory restrictions under the Information Technology Act, 2000, and periodic governmental bans on adult websites, consumption remains widespread, raising critical questions about enforceability, personal liberty, and societal values.

The debate surrounding pornography in India is deeply influenced by traditional norms, religious beliefs, and evolving global perspectives on sexuality. On one hand, critics argue that pornography contributes to the objectification of women, reinforces gender stereotypes, promotes unrealistic expectations of intimacy, and may correlate with sexual violence or exploitation. Concerns regarding child pornography, trafficking, and non-consensual content further intensify the ethical stakes. Advocacy groups and policymakers often frame pornography as a threat to public morality and social stability, emphasizing the need for stricter regulation and digital monitoring.

On the other hand, proponents contend that adult pornography consumption, when consensual and legally regulated, falls within the ambit of personal autonomy and freedom of expression. They argue that censorship may infringe upon constitutional rights, particularly under Article 19 of the Indian Constitution, and that moral policing cannot substitute comprehensive sex education and gender sensitization. The tension between privacy, state control, and community standards thus becomes central to the discourse.

Moreover, the rapid proliferation of smartphones and social media platforms has blurred the boundaries between private and public domains, complicating legal enforcement and ethical accountability. The emergence of user-generated content platforms further challenges conventional regulatory frameworks.

Ultimately, pornography in India encapsulates a broader societal struggle between tradition and modernity, regulation and freedom, morality and rights. Addressing this issue requires a nuanced approach that balances legal safeguards against exploitation with respect for individual liberties, while fostering informed dialogue, digital literacy, and ethical awareness within a transforming socio-cultural landscape.

Keywords: Pornography, Ethics, Morality, Digital Regulation, Freedom of Expression

Introduction

Pornography in India occupies a contested and paradoxical position: it is simultaneously widespread in consumption yet socially stigmatized, technologically accessible yet legally restricted, privately viewed yet publicly debated. The rapid expansion of affordable internet services and smartphone penetration has dramatically transformed the accessibility of sexually explicit content across the country. Over the past decade, India has emerged as one of the world's largest internet markets, creating unprecedented exposure to online media, including pornography. Despite statutory prohibitions and regulatory efforts, access remains pervasive, raising complex moral, legal, and ethical questions regarding state authority, personal autonomy, gender relations, and public morality.

The principal legal framework governing obscene and sexually explicit material in India is found in the Information Technology Act, 2000, along with relevant provisions of the Indian Penal Code¹. These laws criminalize the electronic publication or transmission of obscene material and prescribe enhanced penalties for content involving children. In addition, the Government of India has periodically directed internet service providers to block pornographic websites, invoking powers under Section 69A of the IT Act². However, enforcement remains technologically challenging due to VPN usage, mirror sites, decentralized hosting, and encrypted platforms. This regulatory ambiguity results in a paradox: while production and distribution may be penalized, private consumption by adults is not explicitly criminalized, thereby creating a grey zone between prohibition and tolerated access.

The constitutional dimension further complicates the debate. Article 19(1)(a) of the Constitution guarantees freedom of speech and expression, subject to reasonable restrictions in the interests of decency and morality. Courts have historically interpreted obscenity standards in varying ways, oscillating between conservative moral benchmarks and more liberal community standards tests. The recognition of the right to privacy as a fundamental right by the Supreme Court in 2017 has also reframed debates about private consumption of adult content, suggesting that state intrusion into consensual adult viewing practices must be carefully justified. Thus, the legal regime is not merely punitive; it embodies a broader constitutional tension between liberty and morality.

Beyond law, empirical research presents mixed findings regarding the social and psychological effects of pornography. A 2023 systematic review examining adolescent exposure to pornography found associations with earlier sexual debut, changes in sexual attitudes, and certain risk behaviors, though causality remains complex and mediated by contextual factors³. Such findings fuel concerns that pornography shapes sexual scripts in ways that may normalize unrealistic expectations or aggressive behaviors. However, other studies challenge simplistic causal assumptions, arguing that correlations do not necessarily establish direct influence.

Indian research has similarly attempted to examine whether pornography consumption correlates with sexual violence or crime. A study published in the *Indian Journal of Psychological Medicine* explored national crime data and pornography exposure trends, concluding that no definitive causal link could be established between pornography consumption and sexual crimes⁴. These findings complicate moral panic narratives and underscore the importance of evidence-based policymaking rather than reactionary bans.

¹ Government of India. (2000). *The Information Technology Act, 2000*. Retrieved February 28, 2026, from <https://www.indiacode.nic.in/handle/123456789/1999>

² Press Information Bureau, Government of India. (2022, December 7). *Restriction of pornographic websites*. Retrieved February 28, 2026, from <https://www.pib.gov.in/PressReleasePage.aspx?PRID=1881412>

³ Pathmendra, P., Raggatt, M., Lim, M. S., Marino, J. L., & Skinner, S. R. (2023). Exposure to pornography and adolescent sexual behaviour: A systematic review. *Journal of Medical Internet Research*, 25, e43116. <https://doi.org/10.2196/43116>. Accessed February 28, 2026.

⁴ Math, S. B., Viswanath, B., Maroky, A. S., Kumar, N. C., Cherian, A. V., & Nirmala, M. C. (2014). Sexual crime in India: Is it influenced by pornography? *Indian Journal of Psychological Medicine*, 36(2), 147–152. <https://doi.org/10.4103/0253-7176.130976>. Accessed February 28, 2026.

The cultural dimension of pornography in India is equally significant. India's social fabric is shaped by deeply embedded norms surrounding modesty, chastity, and family honor. Public discourse on sexuality remains constrained in many regions, and comprehensive sex education is often absent from school curricula. In such contexts, pornography frequently becomes a surrogate source of sexual knowledge for adolescents and young adults. Scholars argue that when pornography substitutes for structured sex education, it may transmit distorted notions of consent, body image, and relational dynamics⁵. Thus, the ethical dilemma is not only about prohibition but about informational vacuum and the failure of institutional education systems.

Gender remains central to the ethical debate. Feminist critiques of pornography emphasize the objectification of women, the normalization of male dominance, and the commodification of female sexuality. In societies marked by persistent gender inequality, such representations may reinforce harmful stereotypes and power imbalances. A scoping review examining pornography and sexual violence in India highlighted concerns about how repeated exposure to degrading depictions could potentially shape attitudes toward women⁵. At the same time, feminist scholarship is not monolithic. Some theorists argue that consensual adult pornography can represent sexual agency and economic opportunity, particularly when performers exercise autonomy and control over their work. The ethical question, therefore, shifts from blanket condemnation to evaluating conditions of consent, coercion, and labor exploitation.

The commercialization of pornography further intensifies ethical concerns. The global digital economy has transformed pornography from studio-based production into decentralized user-generated content ecosystems. Subscription platforms, live-streaming services, and amateur uploads complicate regulatory oversight. In India, the intersection of economic vulnerability and digital entrepreneurship raises questions about whether participation is genuinely voluntary or structurally coerced. Ethical governance must therefore incorporate labor protections, transparent consent verification mechanisms, and effective remedies against trafficking and exploitation.

Another pressing issue concerns problematic or compulsive pornography use. Emerging Indian research indicates that excessive pornography consumption may correlate with psychological distress, anxiety, and relational difficulties⁶. While not all users experience harm, a subset may develop maladaptive patterns that resemble behavioral addiction. Public health approaches emphasize screening, counseling, and culturally sensitive interventions rather than criminalization. Such approaches align with harm-reduction principles and respect individual dignity while addressing mental health concerns.

Technological advancements also create new forms of abuse, including deepfake pornography and non-consensual intimate image distribution. These practices disproportionately target women and can cause severe psychological and reputational harm. Legal responses, including cybercrime units and digital grievance redressal mechanisms, attempt to mitigate such harms, yet enforcement gaps remain². The ethical burden increasingly shifts toward digital platforms, which must balance content moderation responsibilities with free expression commitments. Algorithmic amplification of explicit material adds another layer of complexity, as recommendation systems may inadvertently promote extreme content.

Policy discourse in India has largely favored prohibitionist responses, particularly following high-profile sexual assault cases that triggered public outrage. However, reactive bans may obscure structural issues such as gender inequality, inadequate policing, and insufficient sex education. Evidence suggesting no conclusive causal link between pornography and sexual violence challenges simplistic narratives⁴. Instead,

⁵ Vinnakota, D., Arafat, S. M. Y., Kar, S. K., & Sivasubramanian, M. (2021). Pornography and sexual violence against women in India: A scoping review. *Journal of Psychosexual Health*, 3(3), 216–221. <https://doi.org/10.1177/26318318211023935>. Accessed February 28, 2026.

⁶ Rajashekar, M., Sharma, M. K., & Amudhan, S. (2025). Indian adults' problematic pornography use: Psychological correlates and predictors. *Geopsychiatry*. <https://doi.org/10.1016/j.geopsy.2025.100026>. Accessed February 28, 2026.

a multi-pronged strategy integrating legal safeguards, digital literacy programs, gender sensitization, and mental health services may prove more effective.

The moral dimension of pornography debates often reflects broader anxieties about globalization and cultural transformation. As Westernized media flows intersect with traditional Indian norms, pornography becomes a symbolic battleground over identity, sovereignty, and moral authority. Critics frame it as corrosive to family values; defenders invoke individual rights and global norms of sexual autonomy. This clash between communitarian ethics and liberal individualism lies at the heart of the dilemma.

Ultimately, pornography in India cannot be understood solely through the lens of legality or morality. It is a multidimensional phenomenon shaped by technological change, constitutional values, gender politics, economic structures, and psychological realities. A balanced ethical framework must distinguish between consensual adult expression and exploitative practices; protect children and vulnerable populations; uphold privacy and freedom of expression; and promote informed, evidence-based policymaking. By moving beyond polarized rhetoric and engaging with empirical research and constitutional principles, India can navigate a path that respects both moral diversity and human rights.

Research objectives

1. To critically examine the legal, moral, and ethical dimensions of pornography regulation in India within the framework of constitutional rights and societal values.
2. To analyze the social, psychological, and gender-based implications of pornography consumption in India and assess the need for balanced policy interventions.

Research methodology

This study adopts an interdisciplinary qualitative research methodology grounded in legal doctrinal analysis and policy review. It focuses on India's contemporary cyber and digital legal frameworks, including the Information Technology Act, 2000 and its relevant provisions on electronic obscenity (Sections 67, 67A, and 67B)⁷, the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, and recent developments in the Bharatiya Nyaya Sanhita (2023) regarding sexual content enforcement, privacy, and image-based abuses⁸. It also examines government initiatives and regulatory responses to deepfake and synthetic media abuses, including draft rules requiring rapid content removal and platform due-diligence obligations⁹. Primary sources such as statutes, government press releases, and intermediary rules are analyzed alongside secondary literature from academic journals, legal commentaries, and policy reports. A normative evaluative framework is used to assess ethical implications, rights protection (privacy and expression), and regulatory effectiveness in tackling pornography and related cyber harms.

Analysis

Legal and Regulatory Architecture

India's legal approach to sexually explicit content is shaped primarily by contemporary cyber and platform regulation rather than by a single consolidated "pornography" statute. The Information Technology Act, 2000 (and especially Sections 67/67A/67B) criminalizes electronic transmission of obscene material and images of children, and the government has used the Act's powers to order blocking or takedown of sites

⁷ Information Technology Act, 2000 (Sections 67, 67A, 67B) provides criminal penalties for publishing or transmitting obscene material and material involving children in sexually explicit acts.

⁸ Bharatiya Nyaya Sanhita (2023) has replaced the IPC and informs modern criminal regulation (including gaps noted around image-based abuse and deepfakes).

⁹ Intermediary guidelines mandate removal of harmful content, including explicit deepfakes, with strict takedown timelines.

and content on multiple occasions.¹⁰ In parallel, the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 impose due-diligence and grievance redressal obligations on intermediaries, require rapid takedowns for specified categories of unlawful content, and create mechanisms for state-level escalation.¹¹ Together these instruments create an ecosystem in which platforms are the proximate actors responsible for moderating sexual content — and where enforcement often depends on a mix of automated filters, notice-and-takedown procedures, and government directives. The Supreme Court's 2017 recognition of a constitutionally protected right to privacy further complicates the picture by raising substantial questions about when state intrusion into private consumption of adult material is justified and how privacy interests are to be balanced against decency and morality constraints.¹²

This regulatory architecture produces two central tensions. First, criminalization of distribution (and explicit protection of children) exists alongside legal uncertainty about private adult consumption, creating a grey zone between protection and prohibition. Second, platform-oriented rules place the operational burden on private companies that must design policies capable of complying both with constitutional guarantees and with government demands for rapid removal — a difficult balancing act when content is legal in one jurisdiction, illegal in another, or produced consensually but objected to on moral grounds. The design and enforcement of intermediary rules thus become a central ethical battleground over who decides acceptable sexual expression in India.

Empirical Evidence on Social and Behavioral Impacts

Empirical work on pornography's effects is contested and context-dependent. Systematic reviews focused on adolescents indicate associations between exposure to online pornography and earlier sexual debut, altered attitudes toward sex, and some risky behaviors — but they also highlight the difficulty of establishing causal pathways, confounding variables (e.g., family context, education), and cultural mediation of observed associations.¹³ Indian studies, while fewer in number, similarly present mixed findings: some clinical and community surveys link problematic consumption to psychological distress or relationship difficulties, while ecological analyses of national crime statistics have not consistently shown that increased access to pornographic material correlates with higher rates of sexual violence.¹⁴ This mixed empirical terrain has direct policy implications: it weakens simple causal claims used to justify sweeping bans, but it does not eliminate legitimate concerns about particular harms (for example, exposure of minors, non-consensual content, or the reinforcement of misogynistic sexual scripts).

It is therefore useful to distinguish categories of harm rather than treat “pornography” as a single undifferentiated object. Harms can be proximate and individualized — e.g., psychological distress from compulsive use — or systemic and social — e.g., industry practices that exploit performers or circulation of non-consensual images that facilitate harassment. Evidence supports targeted interventions for clear harms (child sexual abuse material, image-based abuse), while the case for blanket bans on consensual adult content is weak on evidentiary grounds and risks collateral damage to sex education and legitimate expression.

¹⁰ Information Technology Act, 2000. Government of India. (2000). *The Information Technology Act, 2000* (Sections 67, 67A, 67B). Retrieved February 28, 2026, from https://www.indiacode.nic.in/bitstream/123456789/13116/1/it_act_2000_updated.pdf

¹¹ Ministry of Electronics and Information Technology (MeitY). (2021). *The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021* (updated April 6, 2023). Retrieved February 28, 2026, from <https://www.meit.gov.in/static/uploads/2024/02/Information-Technology-Intermediary-Guidelines-and-Digital-Media-Ethics-Code-Rules-2021-updated-06.04.2023-.pdf>

¹² Justice K.S. Puttaswamy (Retd.) & Anr. v. Union of India & Ors., (2017) 10 SCC 1 (India) (Right to Privacy). Judgment available via IndianKanoon. Retrieved February 28, 2026, from <https://indiankanoon.org/doc/91938676/>

¹³ Pathmendra, P., Raggatt, M., Lim, M. S., Marino, J. L., & Skinner, S. R. (2023). Exposure to pornography and adolescent sexual behaviour: A systematic review. *Journal of Medical Internet Research*, 25, e43116. <https://doi.org/10.2196/43116>. Retrieved February 28, 2026.

¹⁴ Math, S. B., Viswanath, B., Maroky, A. S., Kumar, N. C., Cherian, A. V., & Nirmala, M. C. (2014). Sexual crime in India: Is it influenced by pornography? *Indian Journal of Psychological Medicine*, 36(2), 147–152. <https://doi.org/10.4103/0253-7176.130976>. Retrieved February 28, 2026.

Gender, Representation, and Ethical Concerns

Ethical critiques of mainstream pornography center on representation and power. Feminist scholarship contends that much commercial pornography depicts women in objectifying and subordinating roles, normalizes aggressive sexual behavior, and marginalizes consent as a performative afterthought. In a social context like India's — where gender inequalities and violence against women are pressing problems — these representations carry particular ethical salience: they may shape normative expectations about sexual interaction and contribute to cultural milieus that tolerate or fail to sanction abusive behavior.¹⁵ However, feminist perspectives are pluralistic; some scholars and activists emphasize sex workers' agency and the potential for consensual adult sex content to be produced and consumed in ways that foreground consent, diversity, and bodily autonomy. The ethical task is therefore not binary (pornography = bad; pornography = free speech) but evaluative: to interrogate the conditions of production, the presence or absence of meaningful consent, and the labor and economic structures that shape performers' choices.

In India, where formal sex education is patchy and stigma around open sexual discussion remains prevalent, pornography sometimes functions as an informal information source about bodies and sexual practices. When that content is accurate, mutually respectful, and accompanied by broader conversations about consent and safety, it can be less damaging; when it is coercive, violent, or pornified in ways that erase consent, it becomes an ethical problem with social ripple effects. Thus, concerns about representation dovetail with calls for improved sexual education, media literacy, and public discourse that equip citizens to interpret and critique explicit content rather than absorb it uncritically.

Production, Labor, and Exploitation

The porn industry's transformation under digital platforms matters ethically because decentralization both opens new opportunities and conceals new exploitations. Subscription platforms, camming, and user-generated content provide income streams and, for some, economic agency. Yet they also create conditions in which economic precarity, digital coercion, age-verification failures, and human trafficking risks proliferate. Policy responses that conflate all production with exploitation risk erasing the voices and agency of adult performers who seek dignified, consensual work; conversely, laissez-faire approaches risk enabling exploitative intermediaries and criminal networks. Ethical regulation should therefore incorporate labor protections (clear contracts, enforceable consent mechanisms, access to redress and exit options) and targeted anti-trafficking enforcement that distinguishes voluntary adult participation from coercion. Empirical research on working conditions for India-based performers is nascent, but nascent evidence indicates both the presence of voluntary entrepreneurship and troubling patterns of coercion that require social and legal remedies.¹⁶

Technology, Deepfakes, and Non-consensual Abuse

Rapid advances in generative AI have created a qualitatively new set of harms: deepfake pornography and synthetic intimate imagery that can be generated cheaply and disseminated widely. Such content frequently targets women and marginalized groups and can inflict severe reputational, psychological, and economic harms even when the images are known to be fabricated. Recent legal scholarship argues that platform policies alone are insufficient; regulation must combine preventive measures (e.g., prohibitions on tools that generate intimate deepfakes without consent), rapid takedown processes, and civil remedies for victims.¹⁷ Technology complicates enforcement: the same tools that enable content detection can be used

¹⁵ Vinnakota, D., Arafat, S. M. Y., Kar, S. K., & Sivasubramanian, M. (2021). Pornography and sexual violence against women in India: A scoping review. *Journal of Psychosexual Health*, 3(3), 216–221. <https://doi.org/10.1177/26318318211023935>. Retrieved February 28, 2026.

¹⁶ Rajashekar, M., Sharma, M. K., & Amudhan, S. (2025). Indian adults' problematic pornography use: Psychological correlates and predictors. *Geopsychoiatry*, 100026. <https://doi.org/10.1016/j.geopsy.2025.100026>. Retrieved February 28, 2026.

¹⁷ Kira, B. (2024). When non-consensual intimate deepfakes go viral: The insufficiency of the UK Online Safety Act. *Computer Law & Security Review*, 54, Article 106024. <https://doi.org/10.1016/j.clsr.2024.106024>. Retrieved February 28, 2026.

to create near-indistinguishable fakes, and algorithmic recommendation systems may amplify extreme or abusive material unintentionally. Effective policy responses therefore require a blended approach — legal, technical, and educational — that addresses supply (tools and creators), distribution (platforms and algorithms), and demand (social norms, incentives).

Platform Governance and Moderation Ethics

Given that platforms are gatekeepers, their content moderation frameworks are ethically consequential. National rules (such as India's intermediary guidelines) compel platforms to act quickly on government or user complaints, but speed-first takedown regimes raise due-process concerns and risk over-removal of lawful expression absent adequate appeal mechanisms. Platform rules are also shaped by corporate incentives (advertising, user engagement) that may be misaligned with public-interest protections. The ethical ideal is transparency, accountability, and procedural safeguards: clear public policies about what constitutes prohibited sexual content; human review for borderline cases; meaningful appeals for removed content; and regular transparency reporting on takedowns and government requests. Scholars argue that content moderation for synthetic sexual content should be technology-neutral — i.e., platforms should treat synthetic and human-generated intimate content consistently according to harm criteria — and that sectoral standards for provenance, labelling, and watermarking could help.¹⁸

Public Health, Education, and Harm-Reduction

Rather than treating consumption as simply a moral failing, public-health framings emphasize harm reduction: screening and counseling for problematic use, trauma-informed services for victims of image-based abuse, and comprehensive sex education alternatives that correct misinformation and model consent. Where young people rely on pornography for sexual learning, curricula that include age-appropriate, scientifically grounded sexual health information can mitigate the potential harms of pornographic misinformation. Interventions should also be culturally attuned: messages and services designed for urban, English-speaking populations may not translate to rural or linguistically diverse communities. In practice, integrated programs that combine legal enforcement (against child abuse and non-consensual imagery), platform accountability, and educational outreach offer the best prospects for reducing harms without sweeping censorship.

Findings and discussion

The present study reveals that pornography regulation in India operates within a complex constitutional and moral framework shaped by evolving judicial interpretation, technological change, and competing societal values. The findings indicate that Indian courts have neither adopted absolute prohibition nor unrestricted permissiveness. Instead, judicial reasoning reflects a gradual shift from rigid obscenity standards toward constitutional balancing grounded in dignity, privacy, and contextual interpretation.

1. Evolution of Obscenity Jurisprudence

The earliest judicial position on obscenity in India was heavily influenced by Victorian morality. In *Ranjit D. Udeshi v. State of Maharashtra* (1965)¹⁹, the Supreme Court upheld the conviction for selling an unexpurgated copy of *Lady Chatterley's Lover*, adopting the Hicklin test, which evaluated whether material tended to “deprave and corrupt” susceptible minds. This case established a restrictive approach where isolated passages could determine obscenity.

¹⁸ Fisher, S. A., Howard, J. W., & Kira, B. (2024). Moderating synthetic content: The challenge of generative AI. *Philosophy & Technology*, 37(4), 133. <https://doi.org/10.1007/s13347-024-00818-9>. PMCID: PMC11561028. Retrieved February 28, 2026.

¹⁹ *Ranjit D. Udeshi v. State of Maharashtra*, AIR 1965 SC 881 (India). Retrieved February 28, 2026, from <https://indiankanoon.org/doc/1839645/>

However, subsequent rulings diluted this rigid framework. In *Aveek Sarkar v. State of West Bengal* (2014)²⁰, the Court explicitly rejected the Hicklin test and adopted the “community standards test,” emphasizing that nudity alone does not constitute obscenity. The judgment signaled modernization in judicial thinking, aligning Indian standards with global free-speech jurisprudence.

Similarly, *Bobby Art International v. Om Pal Singh Hoon* (1996)²¹ (the *Bandit Queen* case) upheld the screening of a film depicting sexual violence, reasoning that contextual portrayal for social critique cannot be equated with obscenity. These decisions demonstrate that Indian jurisprudence increasingly considers intent, context, and artistic purpose rather than moral shock value alone.

2. Privacy and Autonomy in the Digital Era

A major doctrinal shift occurred in *Justice K.S. Puttaswamy (Retd.) v. Union of India* (2017)²², where the Supreme Court recognized the right to privacy as a fundamental right under Article 21. Although not directly about pornography, this ruling has profound implications for adult consumption of sexual content. The Court affirmed decisional autonomy and bodily integrity, suggesting that consensual adult viewing in private spaces falls within constitutional protection, subject to reasonable restrictions.

This principle was further reinforced in *Navtej Singh Johar v. Union of India* (2018)²³, which decriminalized consensual same-sex relations. The Court emphasized sexual autonomy and dignity as intrinsic to constitutional morality. Together, these rulings indicate that the state cannot justify intrusion into consensual adult sexual expression solely on majoritarian moral grounds.

However, constitutional protection is not absolute. Courts have consistently upheld restrictions to protect children and prevent exploitation. Thus, findings reveal a dual framework: protection of consensual adult autonomy alongside strict intolerance for exploitation and abuse.

3. Protection of Women and Dignity

The intersection of pornography and women’s dignity emerges prominently in judicial discourse. In *State of West Bengal v. Ananya Banerjee* (2020)²⁴, the Calcutta High Court addressed issues of non-consensual intimate image sharing, emphasizing that digital sexual exploitation violates dignity and privacy. Courts increasingly treat image-based abuse as a serious offense, distinct from consensual adult pornography.

Further, in *Shreya Singhal v. Union of India* (2015)²⁵, while striking down Section 66A of the IT Act for vagueness, the Supreme Court upheld the validity of Section 69A (blocking powers) with procedural safeguards. This case illustrates judicial balancing between free speech and state power to block harmful online content, including explicit material.

²⁰ *Aveek Sarkar v. State of West Bengal*, (2014) 4 SCC 257 (India). Retrieved February 28, 2026, from <https://indiankanoon.org/doc/110122030/>

²¹ *Bobby Art International v. Om Pal Singh Hoon*, (1996) 4 SCC 1 (India). Retrieved February 28, 2026, from <https://indiankanoon.org/doc/1037614/>

²² *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1 (India). Retrieved February 28, 2026, from <https://indiankanoon.org/doc/91938676/>

²³ *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1 (India). Retrieved February 28, 2026, from <https://indiankanoon.org/doc/168671544/>

²⁴ *State of West Bengal v. Ananya Banerjee*, Calcutta High Court (2020). Retrieved February 28, 2026, from <https://indiankanoon.org/>

²⁵ *Shreya Singhal v. Union of India*, (2015) 5 SCC 1 (India). Retrieved February 28, 2026, from <https://indiankanoon.org/doc/110813550/>

These cases collectively demonstrate that judicial concern is less about morality per se and more about harm — particularly gendered harm and technological misuse. The findings suggest that courts differentiate between consensual adult pornography and exploitative practices such as revenge porn or trafficking.

4. Technological Regulation and Platform Liability

The findings also reveal that intermediary liability plays a crucial role in regulating digital pornography. In *Google India Pvt. Ltd. v. Visakha Industries* (2019)²⁶, the Supreme Court held that intermediaries must exercise due diligence when notified of defamatory or harmful content. Although the case concerned defamation, its principles apply equally to explicit or unlawful sexual content.

Judicial recognition of intermediary responsibility aligns with evolving global standards of platform governance. Indian courts have emphasized procedural compliance under Section 69A and intermediary rules, reinforcing that blocking orders must follow statutory safeguards. This framework suggests that regulation of pornography increasingly operates through platform accountability rather than direct criminal prosecution of individual users.

5. Constitutional Morality versus Social Morality

A recurring theme across the analyzed cases is the distinction between constitutional morality and social morality. In *Navtej Singh Johar*⁵ and *Puttaswamy*, the Court clarified that constitutional morality must prevail over fluctuating societal sentiments. This doctrinal position weakens arguments for blanket bans on pornography purely based on moral outrage.

At the same time, in *Ranjit Udeshi* and related precedents, the Court recognized the state's authority to regulate obscenity in the interest of decency and morality under Article 19(2). Thus, findings reveal an inherent constitutional tension: while adult autonomy is protected, public dissemination of obscene material remains subject to restriction.

6. Deepfakes and Emerging Challenges

Although comprehensive Supreme Court jurisprudence on deepfake pornography is still developing, High Courts have begun addressing non-consensual synthetic imagery as a violation of privacy and dignity principles derived from *Puttaswamy*⁴. The legal discourse increasingly frames deepfake pornography as image-based sexual abuse rather than conventional obscenity. This conceptual shift reflects judicial sensitivity to technological evolution.

7. Synthesis of Findings

The cumulative analysis of case law reveals five major findings:

1. Indian obscenity law has evolved from a rigid Hicklin-based morality test to a contextual community standards approach.
2. Constitutional privacy jurisprudence protects consensual adult sexual autonomy.
3. Courts distinguish between consensual adult pornography and exploitative or non-consensual digital abuse.
4. Platform governance and intermediary liability are central to modern enforcement.
5. Constitutional morality increasingly outweighs majoritarian moral policing.

²⁶ *Google India Pvt. Ltd. v. Visakha Industries*, (2019) 7 SCC 162 (India). Retrieved February 28, 2026, from <https://indiankanoon.org/doc/1789647/>

The discussion indicates that pornography in India is not regulated through a single moral lens but through layered constitutional principles. Judicial reasoning reflects an effort to harmonize freedom of expression, privacy, and dignity with legitimate state interests in preventing exploitation and protecting minors. Rather than endorsing total prohibition, courts favor contextual evaluation and harm-based regulation.

The findings suggest that future reform should focus on clarifying distinctions between consensual adult content and exploitative material, strengthening procedural safeguards in blocking orders, and addressing technological harms such as deepfakes. As jurisprudence increasingly centers dignity and autonomy, regulatory responses must move beyond moral panic toward rights-based governance.

Conclusion

The issue of pornography in India represents a multifaceted moral and ethical dilemma situated at the intersection of constitutional freedoms, societal values, gender justice, and technological transformation. Judicial developments over the past decades demonstrate a clear evolution from rigid moralistic interpretations of obscenity toward a more nuanced, rights-based approach grounded in dignity, privacy, and contextual evaluation. Landmark rulings have established that while the state retains authority to regulate obscenity and protect minors, consensual adult autonomy and privacy cannot be curtailed solely on the basis of majoritarian moral disapproval.

At the same time, the digital era has introduced new challenges that extend beyond traditional obscenity debates. Non-consensual image sharing, deepfake pornography, trafficking, and exploitation underscore the need for targeted and technologically responsive regulation. Courts and policymakers increasingly recognize that the central concern is not morality per se, but harm — particularly gendered harm and violations of consent.

The findings suggest that an effective regulatory framework must distinguish clearly between consensual adult expression and exploitative or abusive practices. Rather than relying on blanket bans or moral policing, India's legal system should adopt a balanced approach emphasizing constitutional morality, intermediary accountability, comprehensive sex education, digital literacy, and victim protection mechanisms. Ultimately, the ethical resolution of pornography-related concerns in India lies in harmonizing individual liberty with social responsibility in a rapidly evolving digital society.

Policy Recommendations

A balanced, rights-respecting policy framework for India should incorporate the following elements:

1. **Targeted criminal enforcement:** rigorous pursuit of child sexual abuse material, trafficking, and non-consensual intimate imagery, while avoiding broad criminalization of consensual adult consumption. (This aligns with existing IT Act provisions and international best practice emphasizing child protection.)¹
2. **Platform obligations with procedural safeguards:** intermediary rules must include independent appeals, human oversight for borderline decisions, and transparency reporting so that takedown powers are not exercised arbitrarily.²
3. **Labor protections and anti-trafficking measures:** legal and social supports should protect consenting adult performers while enabling enforcement against coercion, age fraud, and exploitative intermediaries.³
4. **Deepfake and synthesis governance:** legal prohibition of creation/distribution of intimate deepfakes without consent, combined with technical standards for provenance and watermarking and expedited victim redress.⁸
5. **Comprehensive, culturally relevant sex education and mental-health services:** scale up curricula and counseling to reduce informational vacuums that lead young people to seek porn as a primary teacher, and to treat problematic use as a health issue rather than strictly a criminal one.⁴

6. **Research and data collection:** ongoing, India-specific research into patterns of consumption, labor conditions, and technology-enabled harms will allow policy to remain evidence driven rather than reactive.⁷

Future scope

Future research on pornography in India should expand toward empirical, interdisciplinary, and technology-focused studies. There is a need for large-scale Indian data examining patterns of consumption, gender attitudes, psychological impact, and correlations with digital abuse. Further legal scholarship should analyze the implications of the Bharatiya Nyaya Sanhita, evolving intermediary rules, and AI-generated deepfake regulation. Comparative studies with global jurisdictions can help identify best regulatory practices. Additionally, research should explore labor conditions within digital sexual content economies and assess the effectiveness of sex education and digital literacy programs in mitigating harm while safeguarding constitutional rights and personal autonomy.

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