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# PORN IN POCKET: “RAPE ON ROAD” A CRITICAL ANALYSIS OF THE RELATION AMONG MOBILE PHONES, PORNOGRAPHY, AND RAPE

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## I. ABSTRACT

*This study aims to help readers understand the relationship among mobile phones, pornography, and rape with special reference to India. It seeks to analyze the social conditions in which we are living and the manner in which mobile phones are misused, sometimes leading individuals towards criminal behavior. India is not only the second most populous country in the world but also has one of the largest populations of mobile and internet users. The internet has contracted the world into a small village, and people increasingly depend upon it for a wide range of activities. Earlier, internet access was largely limited to computers, which were not easily approachable for everyone. Mobile phones have not only brought the internet into every pocket but have also made pornographic content easily accessible. A large number of teenagers in India who use mobile phones have been exposed to pornographic material. Ethically and morally, watching pornography is often considered unacceptable, but an important question arises as to whether it is legal in India. Another crucial question is whether watching pornography contributes to an increase in rape cases. These issues came into sharp focus after the Nirbhya rape case in Delhi, which generated widespread public outrage and compelled the government to amend rape laws, resulting in the Criminal Law Amendment Act, 2013. Despite such legal reforms, the number of rape cases has not declined significantly, and reports of sexual violence continue to appear almost daily in newspapers. Various reasons have been suggested by politicians and social commentators for such crimes, including westernization, short skirts, dating culture, and films. However, these explanations appear superficial. What is required is a fundamental change in social mentality towards women, recognizing them as equal human beings with the same dignity and status as men. This paper concludes by*

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*examining the relationship among mobile phones, pornography, and rape in an impartial manner and by suggesting possible solutions to the problem.*

## **II. KEY WORDS**

Mobile, internet, teenagers, pornography, legality, rape, criminal law, women, mentality.

## **III. INTRODUCTION AND RESEARCH PROBLEM**

India has one of the largest populations of mobile and internet users in the world. Beginning its journey as a simple communication device, the mobile phone has gradually become a status symbol and a multi-functional tool. It is no longer merely a means of communication but also serves as a camera, video player, gaming device, diary, and source of entertainment. Mobile technology has made life faster and more convenient. It is a boon for businesspersons and professionals, a source of entertainment for children, a companion during travel, a classroom for students, and even a personal cinema hall where individuals can watch movies of their own choice, including pornographic films.

It would not be incorrect to state that mobile phones have brought pornography into every pocket. A noticeable increase in sexual awareness and activity has been observed with the widespread use of mobile phones among teenagers. Sexual activity should be understood broadly to include verbal expressions as well. Teenagers often engage in sexually explicit chats and conversations that go beyond socially accepted limits. When a teenager spends a significant amount of time alone with a mobile phone, it is frequently found that he or she is engaged in activities such as watching explicit images or videos, chatting, or communicating with a person of the opposite sex.

Pornographic material today is guarded with extreme secrecy, often locked behind passwords and applications. The very act of hiding such material suggests social discomfort and moral anxiety associated with it. As the saying goes, truth remains open while falsehood seeks concealment.

It must also be acknowledged that what begins as casual entertainment can sometimes lead to serious crimes. These include rape, sexual harassment, kidnapping, abduction, trafficking, forced prostitution, acid attacks, child abuse, female infanticide, sex-selective abortions, and honor killings. Diane Bell and Renate Klein, in their book *Radically Speaking: Feminism Reclaimed*, quote a well-known feminist dictum stating that “pornography is the theory rape is the practice”<sup>2</sup> They further cite Andrea Dworkin, who reformulates the argument by asserting that “Pornography is the theory; pornography is the practice”<sup>3</sup>. This statement succinctly captures the concern that pornography may normalize violence against women.

### **A. Research Objectives**

The objectives of the present study are as follows:

1. To examine the role of mobile phones in increasing access to pornography in India.
2. To analyze the legal position of pornography under Indian law.
3. To assess whether pornography contributes to sexual violence, particularly rape.
4. To examine the concepts of gender and consent within the legal framework of rape.
5. To suggest legal and social measures to address sexual violence effectively.

### **B. Research Questions**

The study seeks to answer the following research questions:

1. Is watching pornography illegal in India?
2. Does exposure to pornography through mobile phones contribute to an increase in rape cases?
3. Can pornography be considered a direct cause of sexual violence?

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<sup>2</sup> DIANE BELL & RENATE KLEIN, *RADICALLY SPEAKING: FEMINISM RECLAIMED* 124 (Spinifex Press 1997).

<sup>3</sup> Id.

4. How do gender norms and the concept of consent shape the discourse on rape in India?

### **C. Research Hypotheses**

The research is based on the following hypotheses:

1. Increased access to pornography through mobile phones influences sexual awareness but does not directly cause rape.
2. Sexual violence is primarily rooted in power imbalance, gender inequality, and social conditioning rather than media exposure alone.

### **D. Research Methodology**

This research adopts a doctrinal and analytical methodology. It is based on secondary sources such as statutory provisions, judicial observations, books, academic articles, surveys, and media reports. Comparative legal analysis is employed where necessary to understand alternative approaches to defining and addressing sexual violence. The study is qualitative in nature and aims to interpret existing material critically rather than generate new empirical data.

### **E. Literature Review**

Feminist scholars such as Diane Bell, Renate Klein, Andrea Dworkin, and Catharine MacKinnon have critically examined pornography as a cultural practice that may normalize the objectification of women and eroticize domination. The feminist assertion that “pornography is the theory rape is the practice”<sup>4</sup> reflects the concern that repeated exposure to such material may shape attitudes toward women and consent.

At the same time, empirical researchers such as Pepper Schwartz and Martha Kempner challenge deterministic assumptions by demonstrating that most individuals who consume pornography do not engage in sexual violence and say “Most men view pornography, and most men do not rape.”<sup>5</sup> Their work highlights

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<sup>4</sup>BELL & KLEIN, *supra* note 1, at 124.

<sup>5</sup>PEPPER SCHWARTZ & MARTHA KEMPNER, 50 GREAT MYTHS OF HUMAN SEXUALITY 257 (John Wiley & Sons 2015).

the importance of distinguishing correlation from causation. These competing perspectives form the theoretical foundation of the present study and underline the complexity of the pornography–rape debate.

## **IV. RESEARCH AND ANALYSIS**

### **A. Mobile Phones and Accessibility of Pornography**

Pornographic material today is guarded with extreme secrecy, often hidden behind passwords and applications. This concealment reflects deep social discomfort and moral anxiety associated with pornography, particularly in conservative societies like India. Despite its widespread consumption, pornography continues to occupy a marginal and stigmatized space in public discourse. What begins as casual entertainment may, in certain contexts, intersect with serious crimes including sexual harassment, rape, trafficking, and child abuse, especially when consumption occurs in the absence of ethical or educational frameworks. Feminist scholars argue that pornography may contribute to a cultural environment that trivialises or normalises violence against women by repeatedly depicting women as passive objects of male desire. Such representations, when consumed uncritically, risk reinforcing harmful gender stereotypes and distorted notions of consent, thereby shaping attitudes that may influence social behaviour.

### **B. Legal Position of Pornography in India**

Several countries have either legalized pornography or imposed a complete ban on it. Indian law, however, remains largely silent on the act of watching or reading pornography. The creation and circulation of pornographic material are punishable offences, as provided under the Information Technology Act, 2000. Sections 67, 67A, and 67B penalize the publication and transmission of obscene material, sexually explicit content, and child sexual abuse material respectively.

It is noteworthy that the word ‘pornography’ itself does not appear in these statutory provisions. Instead, expressions such as ‘lascivious’, ‘prurient interest’, ‘sexually explicit’, ‘obscene’, and ‘indecent’ are used. While these terms may broadly correspond to pornography, they lack precise definition, thereby creating

interpretative ambiguity. As observed by Justice Hidayatullah in *Ranjit D. Udeshi's* case, "There is, of course, some difference between obscenity and pornography in that the latter denotes writings, pictures etc. intended to arouse sexual desire while the former may include writings etc. not intended to do so but which have that tendency. Both, of course, offend against public decency and morals but pornography is obscenity in a more aggravated form."<sup>6</sup> Such ambiguity can sometimes be exploited, allowing offenders to escape liability.

Despite legal restrictions, India ranks among the top consumers of online pornography. As reported, India stands third globally in terms of average time spent on pornographic websites. Petlee Peter finds "The ratio of women watching porn to men went up to 30:70, higher than that of the US (28:72) and the UK (27:73)."<sup>7</sup> This widespread consumption raises important social and legal concerns.

### **C. Pornography and Sexual Violence: Causation or Correlation**

Research has suggested a relationship between exposure to sexually violent images and aggressive behavior. Russell notes that the statistical correlation between sexually violent images and aggression is significant. "The relationship between particularly sexually violent images in the media and subsequent aggression ..... is much stronger statistically than the relationship between smoking and lung cancer."<sup>8</sup> MacKinnon argues that the link between pornography and violence is not merely academic but lived and experienced by women and quotes "I don't need studies and statistics to tell me that there is a relationship between pornography and real violence against women. My body remembers."<sup>9</sup>

However, it is inaccurate to assume that pornography consumption inevitably leads to rape. Sexual violence existed long before digital media, indicating that pornography is not its origin. Pornography often reflects pre-existing patriarchal desires rather than

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<sup>6</sup> *Ranjit D. Udeshi v. State of Maharashtra*, A.I.R. 1965 S.C. 881, 884 (India).

<sup>7</sup> Petlee Peter, *Bengaluru's Mobile Turn-Ons*, THE TIMES OF INDIA (July 7, 2019, 4:59 IST)

<sup>8</sup> DIANA E. H. RUSSELL, *DANGEROUS RELATIONSHIPS: PORNOGRAPHY, MISOGYNY AND RAPE* 111 (SAGE Publ'ns 1998).

<sup>9</sup> CATHARINE A. MACKINNON, *FEMINISM UNMODIFIED: DISCOURSES ON LIFE AND LAW* 184 (Harvard Univ. Press 1987).

creating them. Blaming pornography alone oversimplifies the issue and diverts attention from structural causes such as misogyny, entitlement, and lack of gender sensitization.

#### **D. Pornography as a Reflection, Not the Cause of Sexual Violence**

Pornography does not emerge in a social vacuum. Rather than creating violent sexual attitudes, it often reflects pre-existing patriarchal desires, power relations, and gender stereotypes embedded within society. Sexual violence existed long before the advent of digital media, indicating that pornography cannot be treated as its origin.

Violent or degrading content is produced largely because of consumer demand shaped by cultural conditioning and gender inequality. Blaming pornography alone oversimplifies the issue and diverts attention from deeper structural causes such as misogyny, entitlement, and lack of gender sensitization.

#### **E. Gender, Consent, and Patriarchy**

Rape is increasingly understood as a crime of power rather than sexual desire. Patriarchal norms promote forms of masculinity associated with dominance and control. While pornography may reinforce such attitudes, it does not create them. These beliefs are learned through family, culture, and institutions.

Criminal law, being reactive, addresses offences after they occur. Despite stricter laws, sexual violence persists due to institutional failures such as victim-blaming, insensitive policing, and low conviction rates. Legal reform must therefore be accompanied by cultural transformation.

##### **1. Patriarchy, Masculinity, and the Crime of Rape**

Rape is increasingly recognized as a crime of power rather than sexual desire. Patriarchal structures promote forms of masculinity associated with dominance and entitlement. In such a framework, women are often perceived as objects rather than autonomous individuals.



Pornography may reinforce these attitudes but does not create them. These beliefs are learned through family, culture, and institutions. Without challenging patriarchal masculinity, censorship of pornography alone cannot prevent sexual violence.

## 2. Legal Framework of Rape: A Comparative Perspective

Section 63 of the Bharatiya Nyaya Sanhita, 2023 defines rape in gender-specific terms, recognizing women as victims. Dictionary definitions, however, describe rape as non-consensual sexual intercourse irrespective of gender. Countries like South Africa have adopted gender-neutral definitions, recognizing sexual violence across genders.

While women remain disproportionately affected, this comparison highlights the need for evolving legal understandings of consent and sexual autonomy.

The legal definition of rape under Indian law historically focused on male perpetrators and female victims. Section 63 of the Bharatiya Nyaya Sanhita, 2023, defines rape primarily in gender-specific terms and provides shelter to “a women” only -

“63. A man is said to commit “rape” if he— ..... the wife not being under eighteen years of age, is not rape.”<sup>10</sup>

In contrast, Oxford Learner’s Pocket Dictionary definitions describe rape as forcing someone to have sex without consent, regardless of gender<sup>11</sup>. Comparative legal frameworks, such as that of South Africa, have adopted gender-neutral definitions of rape. FET According to College Series Criminal Law “Before 16 December 2007, only a man could commit rape. Now, any person – a man or a woman – who unlawfully and intentionally commits an act of sexual penetration with another person – a man or a woman – without the consent of that other person is guilty of rape. Also, sexual penetration now means putting the sexual organs or any other part of the body, or any object, into the sexual organs, anus, or mouth of another person. This means that a man can now rape another man, a woman can rape another woman, and a woman can even rape a man.” (Marchesi, Saner and Warserfall: 139)<sup>12</sup>.

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<sup>10</sup> The Bharatiya Nyaya Sanhita, 2023, No. 45, Acts of Parliament, 2023 (India).

<sup>11</sup> OXFORD LEARNER’S POCKET DICTIONARY (4th ed. Oxford Univ. Press).

<sup>12</sup> M. MARCHESI, J. S. SANER & I. WARSERFALL, F.E.T. COLLEGE SERIES: CRIMINAL LAW 139 (Pearson South Africa, n.d.).

This comparison highlights the need for Indian law to evolve further by recognising that sexual violence can occur across genders, even while acknowledging that women are disproportionately affected.

### **3. Limits of Criminal Law in Preventing Sexual Violence**

Criminal law is reactive in nature and intervenes only after an offence has occurred. Despite stricter rape laws, sexual violence persists due to institutional failures such as insensitive policing, victim-blaming, delays in justice, and low conviction rates.

Over-reliance on punishment obscures the need for preventive strategies such as education and cultural reform. Legal reform must therefore be complemented by social change.

### **4. Comparative Perspective: India and Western Societies**

Several Western countries report higher pornography consumption, but lower rape rates compared to India. This difference can be attributed to comprehensive sex education, clearer consent norms, and greater gender equality.

In contrast, Indian society treats sexuality as taboo, leaving pornography as an informal source of sexual knowledge. The problem thus lies not in pornography itself but in the absence of responsible educational frameworks.

### **5. Pornography Consumption and Rape Cases**

People watch pornography for various reasons, including pleasure, fantasy, stress relief, and curiosity. Swingle explains the motivational aspect of pornography consumption by noting that viewers often describe it as *"a good way to get off,"* adding that pornography functions as *"just a tease, showing you what you ain't getting at the moment,"* where viewers *"fantasize that you're the guy in the video or something"*<sup>13</sup>.

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<sup>13</sup> BRIAN SWINGLE, ELEMENTS UNLIMITED – VOLUME A, VOLUME 1 87 (Lulu.com, 2013)

Mizera views pornography as a coping mechanism for emotional pressure and argues that “some people watch porn to release stress, and there is nothing wrong with that” (Mizera: 106)<sup>14</sup>.

Similarly, Sawyer highlights the universal physiological response to visual sexual stimuli, stating that “watching attractive people having sex can be extremely arousing for both men and women”<sup>15</sup>.

Like mainstream cinema, pornography can influence attitudes and behavior. Individuals may imitate what they see on screen, just as children once imitated television heroes, sometimes with tragic consequences.

While many individuals satisfy their sexual urges through masturbation, others seek partners. If consent is present, it constitutes lawful sexual activity; if force is used, it becomes rape. Pornography may act as a stimulus, but it is not the sole cause of sexual violence. As Schwartz and Kempner note, “Most men view porn and most men do not rape.”<sup>16</sup>.

Interestingly, some studies suggest that increased internet access has coincided with a decline in reported rape cases, though such findings are not conclusive. In *The Washington Times*, Layden, a psychiatrist, suggested a controversial and disturbing link between pornography and sexual victimization. She was quoted as stating that “the more pornography women use, the more likely they are to be victims of non-consensual sex”<sup>17</sup>. According to Layden, excessive consumption of pornography may heighten sexual arousal among women, which in turn encourages them to live in a state of sexual fantasy similar to that experienced by habitual pornography users. She further implies that sexually aroused women may engage in multiple sexual relationships and may therefore be perceived as more sexually approachable. In situations where such advances are rejected, she suggests the risk of sexual violence may increase.

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<sup>14</sup> STEVE A. MIZERA, HOW TO ABOLISH CHILD SEXUAL ABUSE: BEGIN BY ASKING – IS THAT A SEXUAL PREDATOR HIDING BEHIND THAT BADGE? 106 (BookBaby 2013).

<sup>15</sup> ROBIN SAWYER, SEXPERTISE: REAL ANSWERS TO REAL QUESTIONS ABOUT SEX 69 (Simon & Schuster, 2008).

<sup>16</sup> SCHWARTZ & KEMPNER, *supra* note 4, at 257.

<sup>17</sup> *Id.*

However, Schwartz and Kempner critically interrogate this claim and caution against interpreting it as a direct causal relationship. They clarify that *“the only way this has any kernel of truth is that highly sexual women are more likely to report use of pornography”*<sup>18</sup>. They further explain that such women also tend to report a greater number of sexual partners and, consequently, *“somewhat higher risk of an incident of sexual abuse or rape, possibly as a result of situations of date rape”*<sup>19</sup>. Thus, the increased risk is not caused by pornography itself but arises from situational and social factors associated with sexual interactions, particularly in contexts where consent becomes ambiguous or violated.

#### **F. Gendered Sexuality, Social Stigma, and the Complexity of Consent in India**

In Indian society, expressions of female sexuality are often subject to stricter moral surveillance than those of men. While young women experience sexual desire like their male counterparts, cultural norms frequently discourage them from expressing it openly. Honour, family reputation, and social respectability are disproportionately placed upon women, creating an environment in which consensual sexual relationships may carry severe social consequences for them.

In situations where a consensual sexual relationship between a man and a woman becomes publicly known, social blame is often directed primarily at the woman. Families and communities may view her actions as a violation of moral norms, while male participation is either minimized or normalized. Such unequal moral standards place women in a vulnerable position, particularly when consent is questioned after the fact.

Scholars and legal commentators have observed that, in certain circumstances, fear of social stigma, family pressure, or reputational damage may influence how sexual encounters are later reported. In some cases, women may deny prior consent in order to protect themselves from social condemnation. This observation does not undermine the reality of sexual violence, nor does it diminish the suffering of genuine rape

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<sup>18</sup> Id.

<sup>19</sup> Id.

survivors. Rather, it highlights the complex social context in which consent, coercion, and reporting operate in deeply patriarchal settings.

The existence of such complexities underscores the need for a nuanced understanding of consent one that recognizes both power imbalances and social pressures. Addressing sexual violence therefore requires not only strict legal enforcement but also a transformation of social attitudes toward female sexuality. Unless society moves away from honour-based judgments and moral policing of women, ambiguities surrounding consent and reporting are likely to persist.

### **G. Media Narratives and Moral Panic**

Media responses to rape often generate moral panic by blaming pornography, mobile phones, or women's lifestyle choices. Such narratives shift focusses away from perpetrators and reinforces victim-blaming. Pornography becomes a convenient scapegoat, allowing society to avoid confronting entrenched patriarchy.

## **V. SUGGESTIONS AND RECOMMENDATIONS**

- 1. Educational Reforms:** Comprehensive sex education addressing consent and respect is urgently required so that pornography does not become the primary source of sexual knowledge.
- 2. Legal and Institutional Reforms:** Effective implementation of laws, police training, and victim-support mechanisms must be strengthened.
- 3. Social and Cultural Interventions:** Challenging patriarchal norms and redefining masculinity are essential to prevent sexual violence.
- 4. Digital Engagement Responsible:** Digital literacy and ethical engagement with online content should be promoted rather than blanket censorship.

## **VI. CONCLUSION**

There are arguments suggesting that no direct relationship exists between mobile phones and pornography, or between pornography and rape. At the same time, early and unrestricted access to mobile phones has exposed children to adult content at an age when many lack the emotional maturity and ethical understanding required to engage with it critically. In certain cases, adolescents may imitate what they see

without fully comprehending its moral, legal, or social implications. Such instances, however, cannot be generalised, nor can pornography alone be held responsible for sexual violence.

Sexual violence existed long before the advent of digital media. Historical and cultural evidence demonstrates that sexual desire is not a modern phenomenon. The erotic sculptures of Ajanta and Ellora, as well as Vātsyāyana's *Kāmasūtra*, indicate that sexuality was openly acknowledged in ancient Indian society. The distinction lies not in sexual desire itself but in the medium of its representation and the cultural framework within which it was understood. Earlier forms of sexual expression were integrated with philosophical reflection, ethical discipline, and social responsibility rather than consumed in isolation and secrecy.

Pornography may function as a medium of entertainment and arousal; however, excessive consumption has the potential to impair judgment, similar to intoxication. Both intoxication and excessive engagement with pornographic material may result in loss of self-control when moderation and ethical awareness are absent. The Sanskrit maxim “अति सर्वत्र वर्जयेत्” (excess should be avoided in all things) aptly captures this concern.

This study reaffirms that mobile phones and pornography cannot be identified as the sole or direct causes of rape. Sexual violence is primarily rooted in patriarchal power structures, gender inequality, and distorted notions of dominance. What is urgently required is a transformation in social mentality, replacing victim-blaming with empathy, encouraging responsible engagement with sexuality, and promoting legal clarity, education, and social reform to address the complex problem of sexual violence.

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