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## **“CHILDREN AT RISK IN CYBERSPACE: A CRITICAL STUDY OF THE POCSO ACT AND IT ACT”**

AUTHORED BY - PANKAJ KUMAR SHARMA & DR. ANMOL KAUR NAYAR

Out here, fast-moving tech changes how people in India connect, share stuff, look things up. Because more folks are online now, life's gotten easier for many - schools reach further, jobs open up. Yet right alongside that progress, crime finds fresh paths, especially where kids can get hurt. Lately, one danger stands out: young ones pulled into sexual abuse through the web, a problem stretching across borders, tangled and hard to stop.

<sup>1</sup>Online access is growing fast in India, home to millions of young users. Because phones are common now, kids spend more time on apps where dangers hide behind screens. Cheap internet keeps them connected longer, sometimes without guidance or knowledge of threats. Predators find ways through private messages, fake friendships, hidden videos - slipping past weak safeguards. Being unseen helps abusers act boldly; few know how to spot signs or report what happens. Without clear rules at hand, catching those responsible becomes harder each day. Because sex crimes against kids are so serious, India passed the Protection of Children from Sexual Offences Act in 2012 - known as POCSO - setting up clear rules that protect children regardless of gender. Instead of treating all cases the same, this law puts the child first, shaping court processes around their safety and well-being. Special courts handle these matters quietly, away from public view, helping reduce trauma through private hearings. Reporting such crimes becomes a duty for those who become aware of them, removing hesitation or delay. From Section 13 to 15, using kids in pornography falls under legal scrutiny, drawing attention to digital spaces where harm can happen unseen.

<sup>2</sup>Meanwhile, India's main law for online actions comes from the Information Technology Act of 2000, updated later in 2008. Instead of broad terms, Section 67B clearly makes it illegal to share, view, or circulate any material showing kids in sexual situations. Because of this, websites and services must act carefully when alerted about forbidden posts - removing them becomes a legal need. On top of that, rules rolled out in 2021 push these platforms even harder

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<sup>1</sup> **Legal Framework: POCSO Act, 2012**

→ Government of India. (2012). *Protection of Children from Sexual Offences Act, 2012*. <https://wcd.nic.in>

<sup>2</sup> **Online Child Sexual Exploitation (Concept & Scope)**

→ ECPAT International. (2016). *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse*. <https://www.ecpat.org>

to stop harmful content like child exploitation images from spreading through their systems. Even though laws exist, growing cases of children being sexually exploited online make people question whether today's legal system is strong enough, clear enough, or actually working. A big problem comes up when the POCSO Act meets the IT Act - these two often bump into each other, creating confusion about who handles what and where rules apply. Instead of standing apart, they blur together; POCSO deals directly with sex crimes against minors, whereas the IT Act zooms in on actions tied to technology. Because real-world harm mixes both abuse and digital tools, splitting them creates gaps instead of solutions.

Still, tracking online crimes trips up investigators - hidden trails, scrambled data, borders blurring between countries. Training gaps show clearly when officers face tech-heavy cases, labs move slow, tools stay outdated. Silence grows loud too; people hold back reports, weighed down by shame, threats hanging near, knowledge missing where it matters.

It's been judges who've really shaped how these laws work, often stressing tough enforcement and keeping victims safe. Still, uneven rulings along with slow court processes weaken how well the law deters crime. On top of that, tools like encrypted messaging, hidden online spaces, and smart algorithms bring issues current rules aren't built to handle.

<sup>3</sup>India has joined global agreements like the UN child rights treaty, meaning it must shield kids from sexual harm. Still missing, though, is full step with worldwide standards like those in the Budapest deal on online crime. For real progress, matching rules across borders matters more than isolated efforts ever could.

<sup>4</sup>Looking at recent developments, this thesis dives into how Indian law protects kids from online sexual abuse, zeroing in on the POCSO Act alongside the IT Act. While one part checks what these laws do well, another probes where they fall short when facing modern digital dangers. Instead of just listing flaws, it weighs how well enforcement actually works in practice. Some sections point out weak spots that slow down real-world application. Tucked near the end are suggestions meant to tighten both legal tools and systems handling such cases. Children's safety online goes beyond rules written in books - it touches everyone. Because tech keeps shifting, laws cannot stay frozen. They need to move, breathe, respond. This work steps into conversations already unfolding, bringing sharp questions about what India's courts and lawmakers face now. Not just code or policy, but real lives shaped by screens, choices, silence.

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<sup>3</sup> **Challenges in Enforcement of Cyber Crimes**

National Crime Records Bureau. (2022). *Crime in India Report*.

<sup>4</sup> **Legal Framework: IT Act, 2000 (Section 67B)**

Government of India. (2000). *Information Technology Act, 2000 (Amended 2008)*. <https://www.meity.gov.in>

## More Kids facing online dangers

More kids in India are going online than ever before, opening doors to learning, fun, and talking with friends. Yet every click they make carries unseen threats lurking beneath familiar screens. As classrooms move into devices, safety rules lag far behind shifting habits. Hidden dangers grow stronger when knowledge stays weak or absent altogether. Not all screen time shows what waits just out of view - harm can arrive quietly, without warning signs posted along the way. Growing access means growing risk unless support systems keep pace, step by steady step.

<sup>5</sup>Little kids often get on phones and screens before they can understand dangers waiting there. Devices like tablets or laptops aren't just for grown-ups anymore - they're handed to toddlers, tweens, alike. Adults sometimes do not know how tech works behind the scenes, so keeping track feels impossible. Left alone online, young ones explore freely - curiosity opens doors, some better left closed. Learning happens fast that way, yet shadows come along too.

<sup>6</sup>Hidden behind screens, adults sometimes pretend to be friends while slowly building false trust with kids online. These people might use games, chat apps, or social sites to start contact without revealing real motives. Instead of honest talk, they rely on lies, pressure, and emotional tricks that confuse young minds. Because names can be fake and faces never seen, catching them early becomes a challenge. What seems like harmless conversation may hide dangerous plans underneath.

Worse still, images exploiting kids spread fast now because tech makes sharing easier than ever. Hidden behind screens, some adults pressure young ones into making inappropriate videos or photos - these get passed around endlessly online, usually without the child knowing. Each time it happens, trust breaks down further, leaving scars that last well beyond childhood. Courts in India act on these crimes using specific rules: parts 13 through 15 of the POCSO Act from 2012 deal directly with abusing minors for sex visuals, while section 67B of the IT Act covers sending such content digitally. When someone uses a kid this way, punishment follows by law, plain and clear.

Besides grooming and child sexual abuse material, kids now face rising risks from sextortion offenders use private photos or details to pressure victims into meeting more demands, usually

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<sup>5</sup> **Online Grooming & Child Abuse Risks**

UNICEF. (2021). *Child Online Protection Report*.

<sup>6</sup> **Cyber Safety Risks for Children**

National Commission for Protection of Child Rights (NCPCR).

sexual or monetary. Fear holds many back from speaking up, since threats keep them locked in silence. What they go through emotionally hits hard: stress builds fast, sadness deepens, sometimes actions turn inward with harm. Help feels distant when shame pulls tighter than safety.

Children now face more dangers because internet games and social apps have become common. Offenders sometimes use tools like real-time chat or voice talk to reach young users. What happens is kids find ways into adult spaces when checks on age are weak. Being in those places puts them near harmful material or conversations they should not see.

Screen time jumped when schools moved online during the pandemic. Because kids were logged on longer and watched less closely, dangers grew quietly. Crime reports from that stretch show more digital threats aimed at young users. Protection gaps became harder to ignore as those numbers climbed.

<sup>7</sup>Laws like the POCSO Act, 2012 and the Information Technology Act, 2000 exist in India, yet gaps remain when it comes to shielding kids online. Because many cases never get reported, efforts often fall short despite good intentions. Stakeholders sometimes do not even recognize what they are seeing, which slows things down. Police forces struggle - many simply aren't equipped for digital crime scenes. When offenders operate across borders, confusion kicks in about who can act where. Matching rules between countries becomes essential, though progress is slow. Cooperation beyond national lines isn't optional - it follows from how the internet works.

### **Protection of Children from Sexual Offences Act 2012 overview**

<sup>8</sup>A key part of India's effort to shield minors from sex crimes is found in the 2012 law known as POCSO. Though older rules once handled these cases through broad criminal code sections, this act introduced focused procedures designed around young victims' needs. Instead of relying on outdated structures, it built a system better suited to how such harm affects children. International duties played a role too - especially commitments made under global agreements like the UNCRC. Because that treaty demands strong safeguards against any form of child sexual misuse, national policy shifted accordingly. Legal change followed not just domestic concern but external expectations tied to human rights standards.

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<sup>7</sup> **Sextortion & Psychological Impact**

INTERPOL. (2020). *Online Child Sexual Exploitation Report*.

<sup>8</sup> **Purpose and Scope of POCSO Act**

Government of India. (2012). *Protection of Children from Sexual Offences Act, 2012*  
Ministry of Women and Child Development

A person under eighteen years stands defined as a child by the Act, which applies without regard to gender, offering equal safeguards across sexes. Offences appear grouped into distinct types - penetrative sexual assault takes one form, while intensified versions occupy another category altogether. Harassment of a sexual nature finds inclusion alongside acts involving children in pornography-related activities. Such structured divisions allow legal reach over varied patterns of abuse, reaching even those enacted via online channels.

<sup>9</sup>Protection of children from sexual crimes stands as the core aim of the POCSO Act, alongside preservation of dignity, privacy, and mental health. Traditional legal frameworks differ sharply, given that this law centers on the welfare of the young individual above other concerns. Procedures embedded within it seek to reduce emotional distress throughout inquiry and court processes. One finds closed-door hearings permitted here, along with techniques easing how a minor gives testimony. Identity concealment of the affected child receives strong backing under its clauses. Speedy case resolution emerges through dedicated courts set apart solely for such matters.

A key aspect of the Act involves required disclosures - individuals aware of misconduct must notify official bodies. Such measures aim to counter widespread failures to bring forward incidents involving minors. In parallel, punishment for violations grows more severe, signaling an intent to discourage unlawful acts through consequence.

When it comes to online sexual abuse, Sections 13 to 15 of the POCSO Act make acts involving children in pornography illegal. Yet, focus remains largely on core elements of sexual crimes. Meanwhile, digital facets fall under the Information Technology Act, 2000. This split shows how two laws handle separate sides of the issue. Though connected, each law targets distinct areas of concern.

<sup>10</sup>Critical Analysis

Though the POCSO Act marks progress in child safeguards under India's laws, how well it works depends on various essential factors.

Beginning with substance, the law stands firm through precise terms and strict consequences across many violations. A neutral stance on gender, along with processes suited to children,

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<sup>9</sup> **Alignment with International Standards (UNCRC)**  
United Nations Convention on the Rights of the Child (1989)  
Child-Centric Legal Procedures (Special Courts, Privacy, Testimony)  
Government of India (POCSO Act Sections 24–33)

<sup>10</sup> **Implementation Challenges (Low conviction, delays, lack of expertise)**  
→ National Crime Records Bureau. (2022). *Crime in India Report*  
**Gaps in Digital Crimes (Grooming, Sextortion)**  
→ UNICEF. (2021).

signals movement toward modern legal norms in India. Still, even with such features, putting the law into practice continues to meet difficulty. Slow investigations and court proceedings, combined with limited expertise among officers, weaken outcomes. Poor facilities for delicate matters add further strain, leaving impact short of intent.

Another concern involves the narrow scope regarding digital crimes. While rules exist about using minors in pornography, newer methods like grooming or sextortion remain partly uncovered. Because of this gap, authorities often turn to the Information Technology Act instead. That shift sometimes causes shared oversight areas, along with uncertainty during legal interpretation.

Should mandatory reporting be required, questions arise despite good aims. When rules compel disclosure, some say harm follows - survivors might stay silent. This silence often grows where trust exists, such as among acquaintances. Teen relationships, even if mutual, risk drawing state attention under current terms. Legal outcomes and public judgment weigh heavily on those involved. Fear shapes choices more than policy sometimes does.

A different point draws attention to the fixed limit at eighteen, failing to separate coercion from mutual teenage choices. Application sometimes follows paths distant from safeguarding intent, stirring debate on balance and equity.

Still, the Act struggles due to few convictions and many unreported incidents, pointing to deep flaws in how legal processes operate. With limited understanding across communities and weak alignment among agencies involved, difficulties grow worse over time. Though efforts exist, they often fail to reach those most affected. Progress remains slow where information gaps persist. Behind every statistic lies a pattern of missed connections. Without stronger links between enforcement and education, outcomes change little.

A law passed in 2012 works to shield young people in India from sexual harm, standing as part of broader efforts to strengthen justice. Though built with detailed rules focused on the needs of minors, progress remains uneven across regions. Where digital spaces grow, so do risks - yet parts of the legislation fall short when applied online. Execution often slows due to lack of training, inconsistent enforcement, and weak links between agencies. Still, updates to outdated sections might help close current weaknesses over time. When systems align better, outcomes could reflect the full intent behind the original design. Especially now, as more threats emerge through connected devices, adjustments gain quiet importance. Without change, even well-structured aims may fail where they matter most.

### **Provisions Under the Protection of Children from**

## Sexual Offences Act 2012

When it comes to shielding minors from sexual harm, the POCSO Act of 2012 sets clear legal boundaries. One part focuses on images involving young individuals - strict rules apply if someone creates, shares, or keeps such material. Where abuse involves positions of power or extreme violence, penalties grow heavier under what are called aggravated categories. Instead of regular courts, dedicated ones handle these cases, meant to move faster while keeping sensitivity in mind. Together, these elements form a structure that responds seriously to crimes targeting youth. Although not perfect, the framework attempts balance between prevention and consequence. What stands out is how each section connects to real-world risks faced by children daily. Legal tools exist not just to punish, but also to discourage future violations through visibility of consequences. Over time, interpretation matters as much as wording when applying justice in individual situations. Still, the foundation remains: protect first, respond firmly after.

### **<sup>11</sup>a. Child Pornography (Sections 13–15)**

Under Sections 13 to 15, the POCSO Act focuses on acts involving children in pornographic material. Such conduct becomes an offense when a minor is involved in creating such content. Where exploitation occurs through visual depiction, punishment follows by law. Though framed separately, each section targets different stages of abuse. One found guilty faces penalties based strictly on these clauses

- A minor appearing in media content intended for sexual arousal is involved. Such material exploits youth through visual or recorded means. Involvement occurs when images serve adult desires. Production might happen in digital or physical formats. Legal systems treat these acts as serious offenses. Authorities aim to stop distribution whenever discovered. Protection of children remains a central concern here
- The production, distribution, and storage of pornographic material involving children
- Should one hold these items intending their spread or relay,

Where digital spaces enable harm, these provisions apply even absent bodily interaction. Though often tied to financial gain, they extend equally to private exchanges when images exploit minors.

Still, actual implementation tends to blur into Section 67B of the Information Technology Act,

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<sup>11</sup> Government of India. (2012). *POCSO Act*  
ECPAT International. (2016).

2000 - a provision that too treats child sexual abuse material as a crime. Because both legal paths apply, confusion may arise over how rules are enforced and who holds authority. Clarity would come through stronger alignment across the laws.

<sup>12</sup>Critical Perspective:

Though broad in reach, enforcement faces hurdles because digital spaces allow anonymity across borders, making it hard to track where harmful content begins or spreads. What complicates matters further is the fluid movement of data through networks that span multiple jurisdictions at once. Identification of offenders often stalls when evidence vanishes behind encrypted layers or fake identities. Even with strong rules in place, locating sources demands cooperation between agencies that do not always align in procedure or priority. A single post can cross continents within seconds, yet investigations move much more slowly by comparison.

### <sup>13</sup>**b. More serious crimes (Clauses 5, 9, 11)**

Among cases covered by the POCSO Act, certain acts draw greater severity based on context. When harm occurs within these defined situations, legal consequences intensify. Situations involve abuse carried out by those in positions of authority. Where trust is exploited, penalties grow stricter. Offences against children already suffering vulnerabilities fall into this category. Repeated actions over time also mark a case as aggravated. Locations such as schools or care institutions heighten seriousness. The presence of multiple perpetrators changes how an act is classified. Circumstances where injury results from poisoning or disfigurement count too. Each condition shifts the nature of the crime toward harsher judgment

- When individuals hold roles that demand responsibility - like educators, law enforcement, or relatives - their actions carry added weight. Trust emerges where guidance is expected, yet it may be misused. Authority figures sometimes cross boundaries others cannot. Power shifts quietly when respect is taken for granted. Those relied upon might not always act in good faith. Influence lingers even after words fade
- Especially concerning are kids facing greater risks due to physical or mental challenges
- In situations involving repeated abuse or use of violence

Under Section 5 lies aggravated penetrative sexual assault; Section 9 handles its non-penetrative counterpart. Punishment for the first appears in Section 6, while Section 10 outlines

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<sup>12</sup> United Nations Office on Drugs and Crime. (2013).

<sup>13</sup> Government of India (POCSO Act Sections 5, 6, 9, 10, 11)

consequences for the second. Each category carries distinct legal weight based on severity. The structure separates acts by nature yet maintains proportional penalties. Clarity emerges through separation of definitions and sanctions.

Where harm is deeper, the law adjusts. Greater damage, broken confidence, misuse of authority - these mark more serious acts. Punishment follows accordingly. Severity rises when trust falls apart under pressure of control misused. Consequences align with wrongdoing shaped by dominance and deceit.

<sup>14</sup>Critical Perspective:

Though classifying crimes as aggravated may increase legal deterrence, difficulties remain in securing proof - evidence often goes missing, witnesses hesitate to speak, societal expectations weigh heavily, particularly if the accused is someone familiar.

### <sup>15</sup>c. Special Courts (Sections 28–33)

What sets the POCSO Act apart lies in its call for dedicated courts. These courts operate under a mandate to deliver fast, sensitive handling of cases involving children. Found in Section 28, the rule directs each State Government to assign specific judicial bodies. Their task: conduct trials for crimes defined by the law. The design aims at reducing delays while maintaining an environment suited to young witnesses.

Authority is granted to these courts to:

- Conduct in-camera proceedings to protect the privacy of the child
- It remains necessary to prevent any contact between the child and the accused while testimony occurs. During proceedings, separation must be maintained without exception. One priority lies in shielding the child from presence or influence of the accused. Throughout the process, access is blocked entirely. Avoidance of exposure guides this requirement strictly
- A space that encourages openness is offered when gathering recorded information. Without pressure, individuals contribute more freely. Ease of expression grows where comfort exists. Participation rises when fear fades. Calm settings shape clearer outcomes. Trust forms quietly in neutral surroundings
- Complete trials within a prescribed time frame

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<sup>14</sup> **Evidence Issues & Social Barriers**

→ UNICEF (2021)

→ NCRB (2022)

<sup>15</sup> Government of India (POCSO Act Sections 28–33)

Where Sections 29 and 30 apply, assumptions support the person harmed. Because of these rules, the individual charged must now prove otherwise. This change alters how evidence is handled during trial. Prosecution gains an advantage under such conditions. Still, fairness depends on context each time.

Critical Perspective:

Though created with reform in mind, Special Courts frequently fall short due to weak infrastructure, a lack of skilled staff, yet also long waits before cases conclude. At times, these courts operate much like standard ones, missing deeper focus - this weakens their core aim: faster rulings.

When it comes to child pornography, more serious crimes, or designated courts under the POCSO Act, rules are built around safeguarding young individuals through structured legal responses. Though such measures improve how laws function in practice and theory, success depends heavily on consistent execution, links to digital crime regulations, and stronger organizational readiness across agencies. Without progress here, full protection promised by legislation may remain out of reach - especially as internet-based abuse grows harder to ignore.

### **2.3 Rules from the Information Technology Act 2000**

What began as a framework for digital dealings now shapes how online misconduct is handled across India. Though introduced mainly to support e-transactions, its updated form from 2008 responds more directly to evolving threats in cyberspace. When minors face harm using technology, this law becomes relevant - especially when images or messages move through networks. Instead of standing apart, legal responses merge here with digital realities. Because devices enable new forms of abuse, rules around data flow gain importance near vulnerable users.

Though the POCSO Act, 2012 focuses on core sexual crimes against children, the IT Act supports it by managing how digital spaces enable these acts. With respect to harmful material online, Section 67 comes into play when obscenity is involved. As for child-specific exploitation content, Section 67B applies directly. Each law operates within its domain, yet together they form a broader shield.

#### **<sup>16</sup>a. Section 67 – Publishing or Transmitting Obscene Content**

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<sup>16</sup> Section 67 – Obscene Content  
Government of India. (2000). Information Technology Act, 2000

Under Section 67 of the IT Act, sharing indecent material electronically becomes a punishable act. Content falling under this rule includes anything suggestive or designed to stir base desires. Those exposed to such material, especially if impressionable, might be influenced in harmful ways. The law targets digital expressions deemed morally offensive by societal standards. Its reach extends beyond intent, focusing instead on potential impact across audiences. Forms of media transmitted online remain subject to scrutiny under these terms. Legal consequences follow when material crosses into explicit territory. Judgment often rests upon how content affects ordinary viewers over time.

- It covers general obscene content shared through digital platforms
- Regardless of the individuals involved, the principle holds true
- Punishment includes imprisonment and monetary fines

Even if Section 67 makes no explicit mention of crimes against minors, it sets a framework for managing damaging material online. This clause functions broadly, curbing indecent digital expression through overarching rules.

<sup>17</sup>Critical Perspective:

Occasionally, the wide scope of this clause brings uncertainty when defining what counts as indecent versus legally shielded speech. Still, without a clear emphasis on minors, it struggles to respond fully to crimes directed at young individuals.

#### **b. Section 67B – Child Sexual Abuse Material (CSAM)**

Among provisions in the IT Act, Section 67B stands out due to its focus on safeguarding minors. Activities linked to child sexual abuse material become offenses because of this clause. Online exploitation falls under legal prohibition as a result. The law draws clear boundaries where digital conduct toward children is concerned.

This section covers:

- Publishing or transmitting material depicting children in sexually explicit acts
- Generating, gathering, or sharing content of this nature
- Browsing, downloading, or possessing CSAM
- Inducing or facilitating children to engage in online sexual activities

What makes this provision stand out is how it brings both holding and using into the definition of the crime. By focusing on these actions, the law targets those who create a market for abusive

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<sup>17</sup> Supreme Court of India case law interpretations

content, shifting attention toward patterns that sustain its spread. This approach seeks to weaken ongoing distribution by confronting underlying incentives.

<sup>18</sup>With careful attention to evolving risks, Section 67B addresses digital crimes against minors through structured legal measures. Because modern tools can extend harmful behavior, the provision acknowledges how online spaces may be misused. In alignment with broader protections, it works alongside the POCSO Act's framework on materials depicting child sexual abuse. Where technology enables new forms of harm, this section ensures consistent treatment under law.

Critical Perspective:

Even with broad coverage, applying Section 67B encounters multiple hurdles. Because digital interactions can hide user identities through encryption, spotting violations becomes complex. Offenders frequently rely on overseas server infrastructure, which complicates jurisdictional authority. Cyber offenses crossing borders add further layers of difficulty in pursuing charges. At times, legal uncertainty emerges due to partial alignment between Section 67B under the IT Act and provisions within POCSO Sections 13 to 15. Which statute applies may not always be clear.

### **<sup>19</sup>c. Interrelationship with POCSO Act**

Where technology intersects legal frameworks, the IT Act handles digital dimensions of crimes. Meanwhile, child protection finds grounding under the POCSO Act, which centers on acts of sexual nature. One governs electronic evidence; the other safeguards minors through defined criminal provisions. Consider cases involving online exploitation - digital traces fall under IT regulations, while harm to children invokes protections rooted in POCSO. Each law functions within its domain, yet outcomes often depend on how both are applied together. Overlap emerges not in wording but in real-world enforcement contexts. Legal clarity arises when procedures align without one replacing the other

- Child sexual material production falls within the scope of POCSO along with Section 67B provisions
- Transmission via internet of material like this finds its main regulatory basis within the IT Act
- Exploitation of a child for pornographic purposes → Covered under POCSO

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<sup>18</sup> Government of India. (2000). *IT Act Section 67B*

INTERPOL. (2020).

<sup>19</sup> Government of India (POCSO + IT Act combined application)

Yet clarity tends to fade under this two-part system, especially when handling probes and court actions. A unified legal method could better manage cases of internet-based sexual abuse. Still, overlap and confusion persist where rules intersect. Coordination often weakens during critical stages. Without stronger alignment, outcomes may remain inconsistent. Legal responses require smoother connection across both structures

#### **d. Challenges in Enforcement**

Despite its intentions, the reach of the IT Act weakens when faced with real-world obstacles. Implementation often stumbles due to gaps in enforcement capability. Technical complexity slows down legal interpretation. Resource constraints hinder consistent application across regions. Judicial delays further reduce impact over time. Unforeseen technological shifts outpace legislative updates. Cooperation between agencies remains uneven in practice

- **Anonymity of offenders** and use of fake identities
- **Cross-border nature** of cyber offences
- Difficulty in **tracing digital evidence and IP addresses**
- Limited **technical expertise among law enforcement agencies**
- Cooperation slowed when third parties hesitated. Foreign agencies contributed late at times. Progress unfolded unevenly due to external pacing. Timing gaps emerged without consistent alignment. Outside participants influenced momentum unpredictably. Coordination lagged under distributed responsibility

<sup>20</sup>What stands out is how far policy remains from real-world execution. The distance grows when rules exist but are not followed. Where laws appear solid, action often falls short. Reality shifts beneath the weight of unmet requirements. Practice lags, even where statutes seem clear. Gaps emerge quietly, widening without notice. Implementation falters despite structured guidelines. Distance between paper and practice stays evident.

Though often overlooked, Sections 67 and 67B of the Information Technology Act, 2000 form part of India's effort to manage digital obscenity and protect minors online. Where Section 67 sets broad rules for adult-oriented explicit content, Section 67B narrows focus - zeroing in on crimes that involve children. Despite their design, real-world impact remains limited due to weak execution and poor alignment with protections under the POCSO Act. Progress depends less on new laws than on refining how existing systems operate. Technical readiness matters

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<sup>20</sup> NCRB (2022)  
UNODC (2013)  
INTERPOL (2020)

just as much as legal clarity when confronting internet-facilitated harm toward young users. Without smoother links across policies, gaps will persist even if statutes appear strong on paper.

## **Role of Judiciary**

Courts hold central responsibility when defining how child protection laws function within India's system. Where matters involve abuse online, rulings emerge under both POCSO and IT regulations - each case deepening clarity over time. Judges apply written statutes, yet their decisions often stretch beyond fixed wording into new territory. Interpretations evolve not solely by legislative intent but via courtroom reasoning that responds to real instances. Legal growth occurs quietly - not always through parliament, though frequently shaped inside courtrooms instead. What stands defined today grew partly from past judgments that refused rigid adherence. Framework strength now rests less on structure alone, more on responsive adaptations formed slowly across years.

Among key duties held by courts stands interpretation of laws aimed at strengthening safeguards for young persons. In India, rulings often reflect the view that the POCSO Act serves protective aims, thus calling for readings broad enough to cover varied harms. When handling matters tied to underage individuals, judges place priority on outcomes favoring their well-being above competing concerns. Such reasoning finds roots not only in national legal ideals but also commitments recorded within global agreements like the UNCRC.

Clarity within legal uncertainties often emerges through judicial intervention. Where laws lack precision - especially concerning internet-based sexual abuse court decisions bridge the divide. One way this occurs: interpretations linking the POCSO Act with the IT Act strengthen prosecution paths. When handling digital misconduct, rulings reshape old definitions, pulling harassment and pornographic acts into modern contexts. Through these steps, outdated statutes gain relevance amid advancing technology.

Important work by courts includes upholding fair process and care for those harmed. With each ruling, standards emerge so young survivors face less distress when testifying. Behind closed doors, sessions shield children from public exposure. Identity safeguards appear regularly in orders meant to reduce harm. Spaces inside special tribunals now reflect gentler settings because rulings demand it. Time matters greatly - delays weigh heavily on developing minds, judges note. Faster hearings gain support due to lasting emotional effects prolonged cases may bring.

<sup>21</sup>Moreover, courts have examined how evidence is evaluated and who must prove what within POCSO-related proceedings. Where victims benefit from legal assumptions, these have been maintained to support prosecutions - yet safeguards remain in place to protect the accused. When abuse occurs through digital means, rulings point out that electronic data carries weight; correct handling during gathering matters greatly. The manner in which such material is secured often shapes judicial outcomes.

Furthering oversight, judicial decisions have shaped how law enforcement and digital platforms meet their duties. With each ruling, a pattern emerges: prevention of child exploitation content becomes a mandated focus. Where gaps appear, court orders push institutions toward active intervention rather than passive response. At times, emphasis shifts toward tighter supervision of internet services. Responsibility, when examined by judges, increasingly extends to those hosting or transmitting data. Legal clarity often arrives through these case-by-case refinements. Outcomes depend heavily on interpretation, yet consistency grows over time.

<sup>22</sup>It is within courtrooms that foundations for shielding young lives from abuse begin to form. Progressive rulings shape how laws guard minors, shifting standards over time. Where gaps appear, interpretations evolve, filling spaces left by statute. Still, slow processes weaken impact, even when intent stands clear. Variations in outcomes across regions raise concerns about predictability. Barriers rooted in procedure often hinder timely justice. Training judges thoroughly may reduce mismatches in application. Consistency grows where methods adapt to children's needs. Digital threats demand updated responses from those who interpret rules. Fairness depends on whether systems respond evenly everywhere. Real change occurs only if structures support every step forward. Legal tools exist - what matters now lies in how they are carried out.

### **Challenges in Implementation**

Despite strong laws such as the POCSO Act, 2012 and the Information Technology Act, 2000, protecting children from online sexual abuse remains difficult in practice. Low awareness, underreporting of offences, cyber policing limitations, and social stigma continue to weaken implementation.

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<sup>21</sup> **Expansion of Legal Interpretation (POCSO + IT Act)**

→ Case law analysis

<sup>22</sup> **Victim Protection & Fair Trial Principles**

→ UNCRC principles

→ Indian constitutional jurisprudence

### **a. Lack of Awareness**

Many children and parents are unaware of legal protections and online safety risks. Young users often fail to recognize grooming, manipulation, or exploitation on digital platforms. In several areas, parents and teachers also lack digital literacy and knowledge of reporting obligations under the POCSO Act. Without proper awareness, harmful activities often remain unnoticed until serious abuse occurs.

### **b. Underreporting of Offences**

A large number of child sexual abuse cases remain unreported due to fear, shame, social stigma, and lack of trust in authorities. Victims and families often avoid legal action because of concerns about reputation or social backlash, especially when the offender is someone known to them. In online abuse cases, fear of private images or information being circulated further discourages reporting. As a result, official statistics fail to reflect the true extent of the problem.

### **c. Cyber Policing Issues**

Cybercrimes against children require advanced technology and specialized investigation skills. However, many law enforcement agencies lack adequate training, tools, and digital expertise. Tracing anonymous users, encrypted communication, and cross-border offences remains challenging. Delays in international cooperation and the absence of dedicated cybercrime units for child protection further weaken enforcement efforts.

### **d. Social Stigma**

Social stigma surrounding sexual abuse continues to discourage victims from speaking out. In many communities, discussions related to sexual offences remain taboo, causing victims and families to fear judgment and discrimination. In online abuse cases, the rapid spread of digital content increases fear and emotional trauma. This stigma often prevents victims from seeking justice or support.

Although the POCSO Act and the IT Act provide legal protection for children, implementation gaps continue to reduce their effectiveness. Greater public awareness, stronger cyber policing, improved digital training, and social attitude changes are necessary to ensure safer online spaces for children.

## **Legal Gaps**

Despite the existence of the POCSO Act, 2012 and the Information Technology Act, 2000, several legal and practical gaps remain in addressing online child sexual abuse in India. These include overlapping legal provisions, weak enforcement, and lack of digital expertise.

### **a. Overlapping Provisions**

Certain provisions of the POCSO Act and the IT Act overlap in cases involving online child sexual abuse. For example, the POCSO Act addresses child pornography under Sections 13 to 15, while Section 67B of the IT Act deals with online transmission and publication of such material. This overlap often creates confusion regarding investigation procedures, jurisdiction, and applicable legal provisions, leading to delays and inconsistent enforcement.

### **b. Weak Enforcement**

Although strong laws exist, enforcement remains inconsistent. Investigations are often delayed due to lack of coordination, shortage of resources, and heavy case backlogs in courts. Intermediaries and online platforms sometimes fail to promptly remove illegal content or report offences, allowing harmful material to continue circulating. As a result, the practical impact of these laws remains limited.

### **c. Lack of Digital Expertise**

Investigating cybercrimes against children requires technical knowledge and specialized skills. However, many police officers, investigators, and judicial authorities lack adequate training in handling digital evidence. Common challenges include tracing anonymous users, preserving electronic evidence, and understanding technologies such as the dark web and cryptocurrency. Without proper expertise and dedicated cybercrime units, effective enforcement becomes difficult.

In conclusion, while the POCSO Act and the IT Act provide an important legal framework for child protection, gaps in coordination, enforcement, and technical capacity continue to reduce their effectiveness. Strengthening digital expertise, improving implementation mechanisms, and creating better coordination between laws are essential for protecting children in online spaces.

## **Recommendations**

### **a. Legal Reforms**

The implementation of the POCSO Act, 2012 and the IT Act, 2000 should be strengthened through better coordination between police, cybercrime units, and courts. Law enforcement officers must receive proper training in handling digital evidence and cyber offences. Clear legal guidelines should also define online crimes such as grooming, sextortion, and cyber harassment to avoid confusion during investigations and trials.

#### **b. Technological Measures**

Advanced technology and AI-based systems should be used to detect and block child sexual abuse material (CSAM) and monitor suspicious online activities. Specialized cybercrime units with trained personnel and modern tools are necessary for effective investigation of online offences against children. Stronger cooperation with digital platforms and internet service providers can further improve cyber surveillance and enforcement.

#### **c. Awareness Programs**

Schools should introduce cyber safety education to teach children about online risks, privacy protection, and reporting mechanisms. Parents should also be encouraged to monitor children's online activities and maintain open communication regarding internet safety. Awareness campaigns can help reduce exploitation and improve reporting of offences.

#### **d. Institutional Support**

Child helplines and counselling services should be strengthened to provide immediate support, psychological care, and rehabilitation for victims of online abuse. Better access to these services, especially in rural areas, can improve protection and recovery for affected children.