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SAFEGUARDING CHILD RIGHTS IN CYBERSPACE: LEGAL FRAMEWORKS AND PREVENTIVE MECHANISMS IN INDIA

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ABSTRACT:

In today's technologically advanced world, the quick development of technology and easy access to the internet has opened up new avenues for entertainment, education, and communication, but it has also exposed children to unprecedented risks. This paper explores the forms, causes, and legal ramifications of the growing threat of cybercrime against children. It examines common online offences such as cyber bullying, cyber grooming, child pornography, online sex trafficking, cyber stalking, and cyber radicalization, emphasizing how children are easily targeted by these crimes because of their little knowledge and extensive exposure to technology. According to the study, the main causes of online aggressiveness include psychological and social factors such as power, anonymity, retribution, amusement, and social standing. In particular, the provisions of the Information Technology Act, 2000 and pertinent sections of the Indian Penal Code (now Bharatiya Nyaya Sanhita, 2023) that criminalise offences like identity theft, the transmission of pornographic material, and online harassment are examined in greater detail in this paper. It also covers a number of government programs, including the National Database on Sexual Offences (NDSO), the Indian Cyber Crime Coordination Centre, the Nirbhaya Fund Scheme, and the Cybercrime Prevention Against Women and Children (CCPWC) Scheme. The paper comes to the conclusion that safeguarding children online necessitates not just strict legislation and enforcement but also ongoing digital literacy, parental supervision, institutional awareness, and stakeholder policy coordination. A multifaceted strategy that incorporates technology, education, and regulation is necessary to provide a secure and welcoming online environment for children.

KEY WORDS: Cybercrime, Children, Cyber bullying, Child Pornography, Online Sex Trafficking, Cyber Stalking, Cyber Radicalization, Government Initiatives.

I. INTRODUCTION:

Crime has become inevitable part of our lives and society. We can feel the crime rates are increasing every day in all the societies of the world. The struggle is going in everyone lives between who commit heinous crime and those who want to curb, prevent, detect or punish the criminal activities and tries to strike balance between them. People now spend the majority of their time on digital platforms for communication, debate, interaction, leisure, and vocation. The increasing dependency on digital world for communication, socialization, financial transaction, entertainment or business is becoming matter of concern and struggle. The offences or illegal activities which take place on or using the one or more components or medium of the internet are known as cybercrimes.¹ Cyber crimes are mostly carried out by anonymous perpetrators and the other major issue with respect to cyber crime is jurisdictional issues. These circumstances make children and women an easy prey in the hands of cyber crime criminals. At the present scenario, teenagers are more addicted to social media like WhatsApp, Facebook, Instagram and Snapchat etc and online games like Blue whale, PUBG where addiction is invoked and spoils the child with filthy thoughts and a want to spend parents money for online games.² It is clear that cybercrime against children is the most important issue that needs to be addressed.³

II. ONLINE CYBER CRIMES AGAINST CHILDREN:

Cybercrime, the most recent and intricate form of criminal activity, involves the misuse of computers and the internet for various illicit purposes. These include cyber pornography, stalking, email bombs, viruses, and web jacking. Additionally, criminals exploit the internet for child abuse, posing a significant threat to young individuals. The advancement of technology has introduced new avenues for violence and harm in cyberspace, posing risks to children and adolescents.⁴ The online crimes against children are discussed below:

¹ Madhu Kumari, "Cyber Crime And Children In Digital Era". Available At: File:///C:/Users/HOME/Downloads/Cyber_Crime_And_Children_In_Digital_Era.Pdf

² T. Vaishali, "Problem And Perspective Of Cyber Crime Against Children". Available At: <https://ijlmh.com/Wp-Content/Uploads/Problem-And-Perspective-Of-Cyber-Crime-Against-Children.Pdf>

³ R. Karthik, A Critical Analysis On Cyber Crimes Against Children In India. Available At: <https://ijrl.com/Wp-Content/Uploads/2023/05/A-CRITICAL-ANALYSIS-ON-CYBER-CRIMES-AGAINST-CHILDREN-IN-INDIA.Pdf>

⁴ Sanjeev Kumar And Deeksha, "Crime Against Children In Cyber World" Journal On Contemporary Issues Of Law 5 (2021). Available At: https://www.researchgate.net/publication/348191254_CRIME_AGAINST_CHILDREN_IN_CYBER_WORLD

1. Cyber bullying:

Cyber bullying includes sending, posting, or sharing negative, harmful, false, or mean material about someone else. The most common places where cyber bullying occurs is Social media, such as Facebook, Snapchat, Text messaging and messaging apps on mobile or tablet devices, Instant Messaging, Direct Messaging and Online Chatting over the Internet, online forums, chat rooms, and message boards, such as Reddit. India ranks 3rd on Global Cyber bullying list. It is one of the common cyber threats faced by children and young people. Though cyberbullying can impact anyone yet due to limited understanding of cyber threats, children become easy victims of cyberbullying. When students bully, they usually target people who are seen as weak, socially isolated, or who might not be aware of social standards. This can happen in person or through technology

i) Reasons Of Cyber Bullying:

Number of factors contributes to cyber bullying. One of the reasons of cyber bullying is ignorance of consequences and nature of the action. Some of the reasons can be anger, frustration, boredom and a need of laughter. Bullies generally ignore the fact that it might cause long lasting impact on the person being bullied. The main reason of cyber bullying revolves around the fact of revenge and power. Bullies go for cyber bullying in order to meet their revenge. In most of the cases, a person being bullied in earlier situation turns into a bully to satisfy his hunger of revenge. Also, there are instances where a person who cannot speak up directly in front of the victim, takes advantage of anonymity of cyber bullying. There are possibilities that the reason being social power. Just to become socially powerful, people may try to demean others. Jealousy can also be one of the reasons giving rise to cyber bullying.⁵

Some of the main motives are as follows:-

- **Cyberbullies are out for vengeance** – Cyber bullying can stem from a desire for retaliation. When individuals face bullying, their instinct to seek retribution often outweighs pursuing healthier resolutions. This retaliation is an attempt to respond to perceived harm or wrongdoing inflicted by others, aiming to cause damage, pain, or retribution against those deemed

⁵ B.S. Shivashankar And Aswathy Rajan, "A Critical Analysis Of Cyber Bullying In India-With Special Reference To Bullying In College"

responsible. Cyber bullies aim to make others understand their own suffering and, in doing so, justify their actions. They typically target those they perceive as weaker or more vulnerable. Consequently, seeking revenge becomes a means through which individuals seek satisfaction and attempt to restore a sense of justice

- **Anonymity** - The anonymity afforded by the digital realm stands as a primary catalyst for cyber bullying. Perpetrators can wield their actions before a vast audience while evading identification, a pivotal facet of this form of harassment. Such behavior inflicts harm upon the victim and fosters a sense of impunity, as the likelihood of facing consequences diminishes.
- **Anger/frustration** - Anger is a common emotion shared by victims and bullies, both in physical and electronic forms of violence. While cyber-bullying and conventional bullying are taking place in a different and unique setting, there is a general agreement among researchers that they work in very similar ways, including the aggressiveness that characterizes online and offline harassment, and the disparity of physical, social, emotional, or psychological power between the bully and the victim. Also, the behavior is consistently shown to harm another person. Children with highly psychologically manipulating parents will also participate more frequently in aggressive and socially abusive activities such as gossip, undermining the social credibility of others, and attempting to end friendships, activities that are common to cyber-bullying.⁶
- **Power:** In schools, colleges or even at home, some people don't feel that they are powerful enough, here cyber bullying acts as an exhibition of their power. They feel that by doing this they will feel superior and powerful.
- **Social Status:** Numerous individuals engage in cyber bullying with the belief that it will enhance their social standing and popularity. They resort to tarnishing someone else's reputation through false statements, gossip, rumors, and similar tactics. While Social Status and Power may seem closely related, they differ. The ultimate aim of cyber bullying, in their case, is to garner acknowledgment and attain an elevated social status among those who become their targets.

⁶ Asmita Sharma "Cyberbullying: Unraveling The Motives Of A Cyberbully And Its Impact On The Victim"

- **Entertainment:** A lot of people do cyber bullying for fun, when they feel bored and do not have anything to do, they go online and with the help of internet they have access to their probable target. To satisfy themselves people do cyber bullying since they just have to use their phone or sit in front of their computer and with a single click they can bully someone on the internet and enjoy, they like seeing others in trouble and get hurt. They do not understand that how their such act can affect the victim, even if the victim reacts to them, it will lead to excessive amount of bullying, such types of bully are desperate of reactions from their targets.⁷

2. Cyber Grooming:

It occurs when a person establishes an internet friendship with a young person and coerces or fools them into engaging in sexual activity. The cyber groomers can use gaming websites, social media, email, chat rooms, instant messages, etc. by creating a fake account and pretending to be a child or having the same interests as of the child.⁸

3. Child pornography:

Child pornography is publishing and transmitting obscene material of children in electronic form. In recent years child pornography has increased due to the easy access of the internet and easily available videos on the internet. Child pornography is the most heinous crime which occurs and has led to various other crimes such as sex tourism, sexual abuse of the child, etc. As more homes have access to internet more children would be using, and the more are the chances of falling victim to the aggression of pedophiles.

4. Online sex trafficking:

This form of cybercrime is left unaddressed and untraceable due to lack of poor technological build-in and territorial prejudice in the virtual world. Children were compelled to do certain act in pornography – the depiction of erotic behavior by the known or unknown predator. The offender is unknown or sitting in one point of monitor and coerce the victim to strip them in order to transmit the view for multiple

⁷Suryansh Kumar Arora “Cyberbullying Laws In India”

⁸ Dr. Samir Bhadury, “Child Pornography In India: Issues And Challenges” 6 Journal Of Positive School Psychology 6525 (2022). Available At: <File:///C:/Users/HOME/Downloads/JPSP-2022-182.Pdf>

number of spectators.⁹

5. Cyber Stalking:

Cyber-stalking is the term for stalking that takes place using information and communication technology in "cyberspace." A variety of platforms and online communities, such as email, chat rooms, message boards, newsgroups, instant messaging, and keylogging, can be used by cyberstalkers. A variety of behaviours, such as threats, libel, defamation, sexual harassment, or other acts intended to subdue, persuade, or threaten their victim, may be involved.¹⁰

6. Cyber Radicalization:

The children are sometimes exposed towards the extremist ideologies in the digital platforms. Soon they are influenced to join the radical groups and in take part various illegal and unauthorised activities.¹¹

III. LEGISLATIVE MEASURES:

In order to deal effectively with the challenge of Crimes in cyber space against children in India, there¹² are some sections of the Information Technology Act, 2000 and IPC (now BNS,2023) which deal with the punishment related to cyber crimes generally, as have been discussed hereunder:

- **Section 66 A of the Information Technology Act, 2000**

Section 66A of the Information Technology Act, of 2000 made it a punishable offence for any person to send offensive information using a computer or any other electronic device. The provision also made it punishable for a person to send information that they believed to be false. Section 66A had prescribed three years' imprisonment if a social media message caused "annoyance" or was found "grossly offensive". Even sending emails for causing annoyance, inconvenience, or to deceive or mislead the

⁹ T. Vaishali, "Problem And Perspective Of Cyber Crime Against Children" Available At: <https://ijlmh.com/Wp-Content/Uploads/Problem-And-Perspective-Of-Cyber-Crime-Against-Children.Pdf>

¹⁰ Michael L. Pittaro, "Cyber Stalking: An Analysis Of Online Harassment And Intimidation" Availabe Sat: https://scholar.google.com/citations?view_op=view_citation&hl=en&user=Knoxecaaaaj&citation_for_view=Knoxecaaaaj:W7oemfmy1hyc

¹¹ Saurya Sarkar, "The Silent Victims Of Cyber Space: Analyzing Cyber Crimes Against Children In The Indian Context". Available At: <https://www.ijert.org/papers/IJCRT24A5784.Pdf>

¹² Rakesh Chandra "Cyberbullying And Indian Legal Regime: An Overview"

recipient about the origin of the message was punishable under this section.

The court struck down the provision as **unconstitutional and a violation of free speech in 2015 in the Shreya Singhal Case.**¹³

- **Section 66 C of the Information Technology Act, 2000:**

This provision deals with the punishment for using electronic signature, password or any other identification feature of any other person dishonestly or fraudulently. A person is punishable under this provision up to 3 years of imprisonment or a fine up to one lakh rupees for identity theft.

- **Sec 66 D of the Information Technology Act, 2000:**

An individual who cheats by personation using any social media or communication device is punished under this provision. It means a person is typically punished for fraudulently pretending to be some other person.¹⁴

- **Sec 66 E of the Information Technology Act, 2000:**

This provision was added in the Information Technology (Amendment) Act, 2008. It reduces the gender bias which was made in Section 354 C of the Indian Penal Code, 1860. This provision provides protection to both men and women. This provision specifically deals with privacy with respect to one's body parts. It is punishable to capture (any video, image, film or record through any means) publish, (that is available to the public) or to transmit an image film or video recorded that has been sent in such a way that it can be viewed by person or persons without the consent of the person, violating his or her privacy.

- **Section 67 of the Information Technology Act, 2000:**

Under this provision, publishing or transmitting any material which is obscene in nature and if such material tends corrupt people to read, hear or see the material, it would be considered as an offence. It means such material raises lustful thoughts in the person.

The person committing offence under section 67 will be punished with imprisonment

¹³ Section 66A Of The IT Act, 2000. Available At: <https://www.drishtias.com/daily-updates/daily-news-analysis/section-66a-of-the-it-act-2000> Accessed On 4-1-25.

¹⁴ "Overview Of Concept Of Cyber Bullying In India". Available At: <https://blog.iplayers.in/overview-of-concept-of-cyber-bullying-in-india/>. Accessed On 27-11-24.

which may extend up to 3 years and fine up to 5 lakh rupees and on subsequent conviction the imprisonment may extend up to 5 years and of fine 10 lakh rupees.¹⁵

- **Section 67 A of the Information Technology Act, 2000:**

Section 67 A deals with penalising the publishing or transmission of any material which contains sexually explicit content or act. The publication or transmission of such material should be in electronic form. Punishment under Section 67 A on 1st conviction is imprisonment which may extend up to 5 years also with a fine up to 10 lakh however on the second conviction, imprisonment may extend to 7 years and with a fine up to 10 lakh rupees.

Exception to Section 67 and Section 67 A:

1. These sections do not extent to any book, paper, painting or figure in electronic form
2. When a publication is for the public good and in the interest of science, literature, art, etc, then it does not come within the purview of these sections.
3. When a publication is related to bonafide heritage or religious purposes, the act won't be categorised as those mentioned in these sections.

- **Sec 67 B of the Information Technology Act, 2000:**

This section deals with the transmission of material that depicts children involved in sexually explicit conduct or act. Any person who creates text, advertisements or images or records anything which depicts children in a vulgar or obscene manner, is punishable under Section 67 B.

- **Section 292 A of the Indian Penal Code, 1860 (now section 294 of B.N.S, 2023):**

This section deals with the printing of any matter in grossly indecent manner or matter intended for blackmail; it includes printing, selling or conveying any printed or written document which is indecent or intended for blackmail. Taking part in or receiving any profit from such business which includes sale, import, export or printing etc, of such materials or advertising the same which would be injurious to morality, is punishable under this provision.¹⁶

- **Section 354 C of the Indian Penal Code, 1860 (Now Section 77 B.N.S, 2023):**

According to section 354C of the Indian Penal Code, any man who watches, captures

¹⁵ Ibid

¹⁶ Ibid

images of a woman's private act, or disseminates such images without her consent, can be imprisoned for one to three years on first conviction and three to seven years on subsequent convictions, along with a fine. "Private act" includes acts in a place with reasonable privacy and involving exposure of genitals, posterior, or breasts, or acts not done ordinarily in public.¹⁷

- Section 354 D of the Indian Penal Code, 1860 (now Section 78 B.N.S, 2023):

Section 354 D defines stalking as:

1. When a man follows a woman and contacts her, or tries to contact her to stimulate personal interaction frequently even when she shows a clear intention of disinterest.
2. Monitors the activity of the woman online through various communication methods like email, messaging apps.

This section only covers women. Any stalking of males is not covered under Section 354 D. In the case of the *State of West Bengal v. Animesh Boxi (2018)*, the accused hacked the victim's phone and took control of some of her private pictures. He blackmailed her by threatening to post those pictures on a pornography website. Here the court held that the victim has suffered from virtual rape. Thus the accused will be convicted under Section 354 D of IPC.¹⁸

- Section 499 of the Indian Penal Code, 1860 (Now Section 356 B.N.S, 2023):

This section deals with defamation. As discussed in this section, the scope of defamation is quite broad. Along with offline defamation in written or oral form, it also includes any speech or document in online format which are posted on online platforms by any person which tends to harm the reputation of any other person. Such a person will be considered as doing online defamation and he will be penalised under Section 500 of IPC which deals with the punishment of the same. The punishment is simple imprisonment which may extend to 2 years or a fine or both.

- Section 507 of the Indian Penal Code, 1860 (now Section 351 B.N.S, 2023):

This section specifically addresses criminal intimidation through the use of anonymous communication. It means that when any person through a fake identity (which is not

¹⁷ Section 354C IPC - Indian Penal Code – Voyeurism. Available At: <https://Lawrato.Com/Indian-Kanoon/Ipc/Section-354c#:~:Text=According%20to%20section%20354C%20of,Convictions%2C%20along%20with%20a%20fine.> Accessed On 4-01-24.

¹⁸ "Overview Of Concept Of Cyber Bullying In India". Available At: <https://Blog.Ipleaders.In/Overview-Of-Concept-Of-Cyber-Bullying-In-India/>. Accessed On 27-01-23.

known), or through an unknown telecommunication source; it may be any social media platform, threatens another person shall be punished with imprisonment of maximum of 2 years.

- Section 509 of the Indian Penal Code, 1860 (now Section 79 B.N.S, 2023):

If a person does any act or utters any word or makes such gestures or sounds with the intention to intrude on the privacy and to offend the modesty of women, he shall be punished with simple imprisonment which may extend to three years with a fine. The intention is the most important essential of the section. If any person tries to harass a woman through electronic mode or by using any telecommunication device shall be punished with fine and rigorous imprisonment which shall not be less than two months however this rigorous imprisonment may extend to 2 years also.¹⁹

IV. PREVENTING CYBERCRIME AGAINST CHILDREN THROUGH GOVERNMENT INITIATIVES:

- **Cybercrime prevention against women and children scheme (CCPWC Scheme):** Under this scheme, various units are established to analyse cybercrime reports and investigations related to cybercrimes. These units are also responsible for reporting cyber bullying with the aim to prevent cybercrime. Under this financial assistance has been provided to all states and UTs for implementing the schemes. The portal cybercrime.gov.in will receive complaints from the citizens on objectionable online content related to child pornography, child sexual abuse material, and sexually explicit material like rape and gang rape. CCPWC portal will facilitate victims/complainants to report cybercrime complaints online in either anonymous mode or 'report & track' mode.
- **Indian cyber crime coordination centre scheme:** This scheme focuses especially on women and children victims and issues faced on online media. It also creates awareness among youth about cybercrime. It deals with all kinds of cybercrimes in a comprehensive manner. It has various components, namely, National Cybercrime Reporting Portal, National Cybercrime Threat Analytics Unit, Joint Cybercrime Investigative Team Group, National Cybercrime Forensic Laboratory Ecosystem,

¹⁹ Ibid

National Cybercrime Training Centre, Management Unit of Cybercrime Ecosystem, National Cyber Research and Innovation Centre.²⁰

- **Helpline numbers:** Various helpline numbers are also set up for tackling the problem of cyber bullying. Complaints on numbers like 1800-180-5522 are promptly forwarded to the authorities.
- **The Nirbhaya Fund Scheme:** This fund has been set up by the Indian Government for the safety and security of women and children. The Ministry of Home Affairs has also generated a single number to cope up with the emergency. This is under the [Emergency response support system](#) (ERSS).
- **National Database on Sexual Offences (NDSO):** It was launched to provide assistance in monitoring & investigation of sexual crimes. NDSO portal will only be accessed by law enforcement agencies to effectively track and investigate cases of sexual offences.²¹

Protection of children is one of the pioneering duties of the state. Child protection and development is the core component of social development. The Indian government has comprehensively framed a policy and legal framework which includes parent law like the constitution of India, 1950 has enshrined certain rights of children in accordance with the United Nations convention on rights of child with its part III and part IV²²

Some of the fundamental laws in India that work towards protecting children from various forms of violence and exploitation include the Juvenile Justice Act/Care and Protection (2000, amended in 2015), the Child Marriage Prohibition Act (2006), the Protection of Children from Sexual Offences Act (2012) (POCSO), the Child Labour Prohibition and Regulation (1986, amended in 2016), and other laws like the Indian Penal Code, 1860²³, and the Information Technology Act, 2000.

²⁰ "Overview Of Concept Of Cyber Bullying In India." Available At: <https://Blog.Ipleaders.In/Overview-Of-Concept-Of-Cyber-Bullying-In-India/>. Accessed On 27-01-25.

²¹ Ibid

²² "Protecting India's Children From Violence, Abuse And Exploitation". Availabe At: <https://Www.Unicef.Org/India/What-Wedo/Child-Protection>

²³ Now Bharatya Nyaya Sanhita (BNS,2023).

In order to reduce and eliminate cyber threats and to ensure the safety and security of women and young children on online platforms, the Ministry of Home Affairs (MHA), the Ministry of Electronics and Information Technology (MEITY), and the Ministry of Education bring up the issue with the Ministry of Women and Child Development. It is recommended that the Central Board of Secondary Education (CBSE) incorporate cyber safety into the curriculum for students and encourage state governments to follow suit through their school boards.

Ministry of Home Affairs has constituted an expert group under the scheme of CYBER CRIME PREVENTION AGAINST WOMEN AND CHILDREN (CCPWC) to suggest a suitable measure in prevention of cybercrime against children and to create an awareness in the society against those issues.²⁴

V. CONCLUSION:

Unquestionably, the advent of the digital age has transformed entertainment, education, and communication. However, it has also brought about serious risks, especially for weaker demographics like children. The growing number of cybercrimes, such as online trafficking, pornography, stalking, grooming, cyberbullying, and radicalisation, shows how the internet can be used to control, take advantage of, and damage young people's minds. Children frequently become victims of these internet predators because of their trust, curiosity, and lack of experience.

India has a strong legal framework thanks to the Information Technology Act of 2000, the Bharatiya Nyaya Sanhita of 2023, several protective laws like the Juvenile Justice Act and POCSO, and numerous government programs like the CCPWC Scheme. However, laws and enforcement alone are insufficient to combat cybercrime. A comprehensive strategy including legal action, parental supervision, in-school cyber education, psychological treatment, and digital literacy is necessary for effective protection.

Furthermore, ongoing capacity-building initiatives are needed to increase awareness and vigilance among kids, parents, teachers, and law enforcement agencies.

²⁴ Cyber Crime Prevention Against Women And Children (Ccpwc). Available At: <http://www.Ncw.Nic.In/Ncw-Cells/Legal-Cell/New-Bills-Laws-Proposed/Cyber-Crime-Prevention-Against-Womenand-Children-Ccpwc>

In conclusion, it is everyone's societal duty to make sure children are using the internet safely. Strong laws, proactive governance, moral technology use, and community awareness may all help society reduce cyber threats and provide a safe online environment where children can interact, learn, and develop without fear.

