

Digital Child Exploitation: Role Of Technology in Spreading Child Pornography

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Abstract—Child pornography becomes a serious issue due to technological advancements which assists in Exploitation of Child. This research paper investigates thoroughly that how digital platforms, such as the internet, social media and other encrypted services, have permitted the creation and distribution of child exploitation material and also its impact on Children wellbeing. It evaluates judicial responses to tackle this growing threat and focuses on the proper enforcement of laws to apprehend criminals committing these heinous offences. This paper highlights the importance of international cooperation in strengthening legal measures. It also looks at preventive measures and makes recommendations on how to make laws and regulations stronger in order to tackle this problem and providing a better protection to children from being exploited online.

Index Terms—Child, Pornography, Abuse, Exploitation.

I. INTRODUCTION

The development of internet and technology have rapidly increased social interaction, communication and easily accessing information in modern globalized world. But this development comes with numerous difficulties and issues, especially when it comes to the need of child protection. The widespread dissemination of child pornography material and other forms of digital child exploitation material are the most concerning and alarming issues. With the development of social media, instant messaging and dark web, these crimes have increasing rapidly and making it more difficult to identify and punish the offenders. This issue has become a global concern which necessitates a comprehensive legislative, judicial and preventive approach to preserve children from exploitation. National Center for Missing & Exploited Children (NCMEC) received more than 21 million reports of suspected child sexual abuse

material in 2021. Over 45 million child sexual abuse images and videos were reported from 2019-2020. According to the National Crime Records Bureau (NCRB) there were over 14,000 reported cases in 2021 under the Protection of Children from Sexual Offences (POCSO) Act which involves child pornography and sexual abuse material.

"Digital child exploitation" is a broader concept including various offenses committed against minors by taking the advantage of digital networks. This covers both child pornography and internet grooming, in which offenders establish a rapport with a minor in order to take advantage of them sexually. It also includes the trafficking of minors for sexual exploitation via internet platforms. It is now very easy for criminals to target minors through social media, gaming platforms, and encrypted communication technologies. People can remain anonymous online, which makes it more difficult for law authorities to track down and apprehend offenders. These crimes have been able to spread internationally because of their anonymity. The emergence of the dark web, a hidden section of the internet that needs special software to access, has made it even more difficult to stop these crimes.

Child Pornography is referred to any visual representation of sexually explicit behavior involving minors, whether in the form of pictures, movies, or other media, is referred to as child pornography. Because child pornography causes serious harm to the victims, its creation, distribution and possession are illegal under international law as well as many national legal regimes. Child pornography is not just pictures and movies it can also include written, audio or computer-generated material that is used to exploit young people.

II. IMPACT OF EXPLOITATION THROUGH CHILD PORNOGRAPHY

The impact of exploitation through child pornography is severe and very wide which includes not only the immediate victims but also their families. It is a threat on society as a whole.

- **Psychological and Emotional Impact on Victims**
The psychological and emotional trauma inflicted on the child pornography victims is profoundly grave extending even to the degree of a lifetime. They are also faced with unhealed wounds years after the event in a way that undermines their health, including in the course of their development. This internal wound manifests itself in various forms such as depression, anxiety, or post-traumatic stress disorder (PTSD). The victims also suffer from social shame and stigma attached to them that predispose to withdrawal hence rendering them incapable of forming meaningful relationships. Furthermore, many of the victims internalize the abuse and have a challenging time with their self-esteem as they view themselves simply as exploited objects rather than individuals; hence the challenge in self-healing and self-love.

- **Physical Impact**
Child Sexual Abuse and Exploitation can have very grave and adverse effects on the victim's overall health. The risks include HIV/AIDS, STDs and other such infections. Psychologically, the effects of abuse and or trauma during childhood are damaging as they could interfere and even hinder the normal emotional and physical growth of an individual leading to problems in learning, socialization, and even in carrying out day to day activities. Though these two factors seem to be separate, they both share the core reason as to why this type of abuse means suffering to the victim.

- **Impact on Families**
Often, the issue of victimization of minors through the use of pornographic materials takes toll on the family dynamics and often causes serious friction between members of the family. Even when such exploitation is discovered all the members of the family are likely to face dysfunction, blame and even conflict as they encounter feelings of helplessness, anger and guilt instead. In addition, the costs of the victim's

rehabilitation and the legal actions taken to address the abuse sometimes place a heavy financial burden on the family, aggravating pre-existing tensions and further straining already fragile bonds. This combination of emotional distress and financial difficulty may make it more difficult for the family to heal and support one another.

- **Community and Social Impact**
Child pornography can significantly erode trust within communities and also make it difficult for parents to feel secure about their children's safety. Social cohesion and interactions may be impacted as a result of community members becoming more vigilant and suspicious because of rising child abuse. Moreover, in areas where child abuse is rampant, high crime levels and a culture of violence are also more likely to be found, which may put the safety and the quality of life of local residents at risk. Apart from affecting individual households, this environment of dread and instability can also destroy the social fabric of the entire community.

- **Economic Impact**
The production and distribution of child pornography is more than just a social evil - it drains the economy heavily as it involves law enforcement agencies and social services to address this issue. There are heavy costs to public systems, these costs include victim services, legal costs, investigations and so forth. In addition, persons who have suffered this type of abuse may have difficulties in finding jobs due to their psychosocial challenges and as a result, this can cause loss in productivity and their economic input may be poor. The financial burden to public resources and the human capital does not only affect the organizations but also contributes towards the failure to tackle the problems that lead to child exploitation.

- **Long Term Societal Effects**
The long-term implication which may arise from child pornography creates a potential cycle of abuse in which victims become perpetrators thereby aggravating social violence issues. Such patterns of abuse, when prevalent within communities, do not only affect individual victims and aggressors but result in major issues within those communities. Furthermore, exposure to child pornography has the potential to desensitize people to sexual abuse and

exploitation, which could result in a wider acceptance of destructive behaviors in society. This normalization of violence can set a hazardous precedent and making it more difficult to address and prevent sexual abuse and exploitation, puts vulnerable populations particularly children at increased risk.

In conclusion, the ramifications of sexual exploitation in child pornography are extensive and complicated, affecting both the individual and society as a whole. It underlines the need for the implementation of serious and extensive preventive measures, the establishment of support systems for victims, and the enforcement of effective legal sanctions, which are necessary to tackle this serious human rights violation.

III. INTERNATIONAL LEGAL FRAMEWORK FOR COMBATTING CHILD EXPLOITATION

The measures provided by the international legal system aims at the problem of exploitation of children in the digital environment concerning child pornography are terribly intricate and involves a number of treaties, conventions, and agreements targeting this problem. The aims of this framework are primarily to protect children, establish repressing standards, and foster global partnerships.

United Nations Convention on The Rights of The Child (Crc) (1989)

United Nations Convention on the Rights of the Child (CRC) established in 1989 is a fundamental convention that outlines all the encompassing rights of children with a particular focus on safeguarding them against all sorts of abuse, including sexual exploitation. Article 34, is one of its main clauses, expressly requires state parties to take the necessary precautions to protect children from abuse and exploitation, including child pornography. This clause emphasizes the need to safeguard children in a variety of contexts, including both real-world settings and the increasingly prevalent digital spaces. It also emphasizes the significance of a comprehensive approach to child protection in a time when technology plays a significant role in the lives of youth.

Optional Protocol to The Crc on The Sale of Children, Child Prostitution, And Child Pornography (2000)

In the year 2000, Optional Protocol to the Convention on the Rights of the Child (CRC) on the Sale of Children, Child Prostitution and Child Pornography was adopted. It is an international instrument concerning the sexual exploitation of children that involves not only child pornography but also usage and trafficking of young girls and women, this protocol requires state parties to criminalize the creation, distribution or acquiring child pornography material Due to the borderless nature of these offenses, it underlines the importance of the international community in combating these offenses and calls for assistance in extradition, prosecution, and investigation of such crimes. This protocol also incorporates the complete life-cycle of the victim, aiming to ensure all forms of assurances are given to abused child. Moreover, it supports the need for all mitigating measures as it encourages countries to develop strategies such as campaigns, education and even protective measures of children from abuse and exploitation. This protocol enhances international response towards the complex and ever-changing problem of child pornography, restating the commitment of countries to protect children from all sorts of sexual abuse.

Rome Statute of The International Criminal Court (Icc) (1998)

The Rome Statute of the International Criminal Court (ICC) (1998) is an important piece of international law that sets the legal foundation for the prosecution of those guilty of the gravest crimes such as crimes against humanity, war crimes, and genocide, even though it does not directly address child pornography. One of its main characteristics is that it recognizes acts of sexual exploitation and violence against minors as grave violations of human rights and provides for the accountability of those responsible. The act guarantees that those who commit crimes against women and girls, including rape, forced prostitution, sexual slavery, and other types of sexual violence, can face international legal consequences. To aid efforts seeking justice internationally, it also underscores the need for international cooperation urging countries to work together in investigations, arrests and prosecutions. The Rome statute is a powerful tool in the global fight against sexual violence because it places a very strong emphasis on responsibility, assistance to victims, and redress. Also, it makes sure

that individuals who prey on children cannot escape justice no matter where on earth they are.

International Association of Internet Hotlines (Inhope) International Association of Internet Hotlines (INHOPE) plays a vital role in the international effort by establishing a network of hotline services across national borders, to combat child pornography by facilitating the efficient reporting, tracking, and removal of illicit content especially that which involves child sexual abuse from the internet Through its efforts, INHOPE encourages the interaction of states parties, law enforcement agencies, internet service providers, and other interested bodies for the purpose of developing a common strategy aimed at preventing child pornography. It has also enhanced reporting systems by improving accessibility and operationalization of reporting child exploitation content to its relevant reporting line which is later forwarded to the law enforcement bodies for action. INHOPE further assists in victim support by helping to identify and protect victims of abuse and ensuring that reports submitted are dealt with in a timely and considerate manner. The organization is also dedicated to enhance global cooperation in combating online child abuse as well as provide training to develop the skills of hotline operators.

For establishing universal standards on protection of children, the global legal framework should include provisions dealing with child pornography as well as digital child abuse. This underlines the importance of providing comprehensive laws, developing international cooperation, and offering support to the victims. However, in order to strengthen such frameworks and ensure the safety and well-being of children in the cyberspace, it is essential for the state, the international community and the society to join efforts to combat the remaining challenges.

IV. NATIONAL LEGAL FRAMEWORK FOR COMBATTING CHILD EXPLOITATION

Protection of Children from Sexual Offences (POCSO) Act, 2012

India's legal framework for safeguarding children from sexual offences includes the Protection of Children from Sexual Offences (POCSO) Act 2012, which arguably, is quite exhaustive, especially with regard to child pornography. It recognizes that

children could be victims of many forms of sexual exploitation and therefore need protection. The crime of Child pornography is advanced inclusion of the law in consideration of crimes against children, which comes with specific and severe provisions that discourage any violations of the law.

Child pornography is explained in Section 13 of the POCSO Act as any visual material that includes children engaging in sexually explicit behavior, which encompasses photographs, videos, sketches, and even modified versions of the content. This broad definition ensures that child pornographic content includes all forms of media whether digital or physical. This section also deals with representations of minors in sexualized forms that can be deemed as abusive, aside from the illustrations of minors engaging in sex acts. Section 14 of POCSO Act in clear words states the offence of making any depictions of children depicting them in any sexually explicit photographic, video or animated production. Due to the nature of the crime, strong penalties apply with first offenders deserving of a fine or imprisonment of not less than five years while return offenders face seven years in prison. Section 15 contains provisions that prohibit the possession, retention and also dissemination of any child obscene material even when there is no intent to share the material. This clause is important in stating that even the simple keeping or storing of such material facilitates the abuse of children. Most importantly, even when there is no evidence of distribution criminals can still be convicted ensuring that there are no legal provisions which can be exploited by the criminals in order to escape justice.

Information Technology (IT) Act, 2000

The Information Technology (IT) Act of 2000 which was revised in 2008 touched on several aspects with regard to cybercrimes most especially child porn which is a very serious issue and created punishing legislations for the offenders of such crimes in the digital age. In section 67B of the Act, it states that a person shall not keep any electronic form of child pornography or publish or distribute it in any electronic format. In the case of first offenders, the IT act imposes drastic punishments as imprisonment for a period of five years and or a fine. In the case of repeat offenders however, the punishments are far worse which imprisonment for seven years and fine. This section covers all electronic imagery of children

depicting sexually explicit conduct encompassing videos, photographs, and any other form of digital content. The IT Act also mandates the law enforcement agencies to ban the websites and any other online material that contain and promote child pornography for the purposes of carrying out these provisions. It also gives the authority to investigate and carry out raids related to cybercrimes, allowing them to act quickly against platforms or persons engaged in the dissemination of such illicit content. Together, these laws seek to address child pornography in the digital era by placing a strong emphasis on legal consequences and prevention.

Indian Penal Code (IPC), 1860 and Bhartiya Nyaya Sanhita (BNS) 2023

India's primary criminal law statute, the Indian Penal Code (IPC) 1860, contains a few provisions which seek to punish child sexual abuse and exploitation. Section 292 is the legal framework for proscribing child pornography which makes it necessary for the law to prohibit the sale, distribution and exhibition of works containing pictorial representation of children. Section 293 further strengthens protection of minors by making it expressly wrong to sell or distribute such pornographic materials to any person who is below the age of twenty. Moreover, some provisions relating to voyeurism, in particular Section 354C make it illegal to take or publish photographs or record any videos of children in a compromising position especially when the same is done on the internet, in consideration of the ever-increasing threat posed by technological advancement in the form of the internet. On the other hand, the amended parts of the Bhartiya Nyaya Sanhita (BNS), which replaced the IPC, still handle these kinds of horrible crimes. Such provisions were also included in the BNS provisions to ensure that the distribution, hardship, sale and exhibition of pornographic materials as well as through the measures of the surface of the vehicles involve children remained an offense. The inclusion of appropriate elements of technology as well as digital crimes in this structure seeks to achieve a more protective orientation of the law in this case children, therefore making it current to the social needs and today's war against child abuse and exploitation.

Juvenile Justice (Care and Protection of Children) Act, 2015

The Juvenile Justice (Care and Protection of Children) Act 2015 is an exhaustive piece in the Indian legal system to ensure the rights and well-being of children, more so the vulnerable ones such as the ones who have suffered from child abuse images. This Act makes it an offense to make use of young ones in the making and distribution of sex related materials by providing the laws which punish child pornographers. It defines the clear steps of dealing with child victims with a lot of attention given to their rehabilitation, protection and care. The law provides that measures should be put in place to ensure minimal suffering is inflicted on child victims within the courts. This means provision of social and psychological therapies to help them heal and reintegrate back to normal life. The law also underlines the importance of provision of a legal framework that ensure children's rights and needs are respected in the operation of the legal system. Conclusively the juvenile justice provision is paramount in preventing maltreatment of children and ensuring children any children in turmoil are cared for during retrieval and rehabilitation.

V. AGENCIES AND OTHER INITIATIVES AGAINST CHILD PORNOGRAPHY

Department of Telecommunications (DoT) and the Ministry of Electronics and Information Technology
In India, two institutions, namely the Department of Telecommunications (DoT) and the Ministry of Electronics and Information Technology are at the forefront in the fight against child pornography, thanks to their powers to regulate internet service providers. As part of their functions, the DoT is empowered to instruct ISPs not to allow access to certain websites that contain child pornography so as to protect the users from such degrading content. There exists a joint effort between the DoT and MeitY in coming up with effective methodologies and enforcing them against net abuse through internet policing techniques. Thus, as a part of this partnership, advancement of technological solutions to facilitate quick identification and removal of such content will be put in place. Moreover, in order to promote awareness on child pornography and the need to report any such cases, MeitY conducts campaigns aimed at educating the public. In this way, these institutions are working

to ensure that the Internet is a safe environment for children by calling for stricter legislation and preventing the abuse of vulnerable children as well as acting promptly on the cases of child pornography. This approach illustrates the necessity of mobilizing technology, the police, and policy in tackling the phenomenon of online child abuse.

National Commission for Protection of Child Rights (NCPCR)

The National Commission for Protection of Child Rights is another promotion active in its preventive mission in India this dedicated to the protection of children and their rights more so in as far as the internet is concerned and in preventing any child abuse materials. One of its main functions includes monitoring the inappropriate use of the internet and putting up effective mechanisms for the reporting of child sexual abuse and exploitation. NCPCR works with law enforcement authorities, internet service providers, conciliating parents and schools in the hope of developing uniform reporting of child pornography incidents and other forms of electronic abuse. The NCPCR ensures that appropriate child protection and other relevant legislative measures are in operation and that offenders are brought to justice. The Commission also implements advocacy and outreach programs geared towards education on the importance of child protection and the prevention of online exploitation in relation to the activities of different stakeholders. The NCPCR also tries to address the problem of protecting children from abuse within cyberspace without violating these children's right, and without any solutions that involve resort to child pornography or exploitation.

Cyber Crime Prevention against Women and Children (CCPWC) Scheme

The Cyber Crime Prevention against Women and Children (CCPWC) Scheme is one of the landmark schemes undertaken by the Indian Government in order to tackle the vice of online abuse focusing specifically on child pornography and child sexual abuse. An important part of this program is the establishment of a web based cybercrime – reporting portal which allows users to easily report instances of child pornography and related crimes without revealing their identity. This has now enabled people to report cases of online abuse without fear that their

identities would be known or that they will suffer any repercussions. The Scheme meets the objective of raising the level of public awareness and participation in the fight against cybercrime, since anonymous reporting is now made possible. This is an internal system within the law enforcement agency which enables the agency to receive and act on complaints in the quickest time possible. The strategy enhances the ability of these institutions to investigate, collect evidence, and prosecute reported cases. Additionally, in the light of increasing instances of cyber offenses, the CCPWC Scheme also indicates the government's commitment to creating conducive internet environment for women and children. This program is geared not only towards the rehabilitation of potential offenders but also seeks to instill respect for the reporting of such incidents to the law as prevention actions and an approach to shielding the cyberspace of such at risk groups as children and women.

VI. JUDICIAL APPROACH IN COMBATTING CHILD PORNOGRAPHY

In India, the legal system towards dealing with child pornography is complicated as it encompasses not only a few prohibitive laws and its stringent application, but also includes the collaborative undertaking of several organizations. A legal system plays an important role in all instances of abuse and exploitation of children where there are laws to prevent such conduct.

Union of India vs Kamlesh Vaswani (2013)

With the help of Public Interest Litigation, the judiciary started taking the issue of child pornography as a significant one, gradually. The court stated that, it was the easy availability of pornographic materials more so child pornography that contributed immensely to the increased incidence of violence against women and children. Vaswani subsequently proceeded to the Supreme Court to slash a gavel at the websites containing hardcore porn materials. The Court accepted the need to limit the access to such content and directed the government to implement measures such as instructing the Internet service providers ISPs to provide users with child pornography blocking systems. As a result of this case, there is now a clearer framework as regards the regulation of online content and there are also several

measures that have been instituted aimed at eliminating pornographic content.

In re: Prajwala Letter Dated 18.2.2015 Videos of Sexual Violence and Recommendations, Suo Moto W.P. Criminal No. 3/2015

In 2015, the NGO known as Prajwala wrote a letter which contained audio visual recordings of sexual abuse and requested for action against the circulation of such material over the internet. The letter was also taken on record by the Supreme Court, on the premise of child exploitation in the letter, the court wished to address the government and order it to take immediate measures to prevent the transmission of pornographic material involving children. To this end, a committee was formed to explore ways of eliminating child pornography and related crimes. In light of the committee's recommendations, enhanced measures were put in place, whereby law enforcement and internet management agencies were empowered to suppress and control the dissemination of materials promoting child sexual exploitation over the internet.

Union of India vs Shreya Singhal (2015)

This case influenced child pornography with regard to free speech and the challenge against Section 66A of the Information Technology Act being the main issues around it. And again, while the Supreme Court quashed Section 66A of the IT Act because it was found unconstitutionally vague, the apex court upheld the constitutionality of Section 67B of the IT Act which forbids child pornography. The Court stressed that child pornography is a crime, and there is justification for laws such as these because children need protection from the internet.

Just Rights for Children Alliance vs Harish 2024

One of the new or amended provisions that aim to preserve children from abuse and exploitation is the recently addressed Supreme Court judgment dealing with child pornography published by a Supreme Court in India in the month of September, 2024. The Court explained that it is an offense to even download, store or watch reproductions of images or any such material that are deemed to be child pornography. This ruling corrected the stance taken by a Madras High Court that held the view that such acts were not illegal unless the said material was published or broadcasted.

The Supreme Court went further to address the issue of child sexual exploitation by explaining to the people of the society the very harm that it does to children even for purposes of mere viewing. To bring it in line with the gravity of the offenses committed, the Court also proposed replacing the phrase 'child pornography' with 'Child Sexual Exploitative and Abuse Material' (CSEAM) in the law.

The bench led by Chief Justice D.Y. Chandrachud chastised all subordinate courts for using the term 'child pornography' to describe such kinds of material and asked Parliament to amend the POCSO Act as per the new definition. The ruling is a victory for the child welfare principles in India and is one of the features of the war against digital child abuse.

VII. PREVENTIVE MEASURES AGAINST CHILD PORNOGRAPHY

In order to solve the problem of child pornography, it is necessary to come up with a well-designed approach that combines the technological, educational and legal aspects. Children's sexual abuse material production, distribution and possession have all been included in the definition of illegal activities following the legal enhancement of national laws such as the Information Technology (IT) Act, 2000 and the Protection of Children from Sexual Offences (POCSO) Act, 2012 in India. These rules also empower law enforcement agencies to carry out in-depth investigations on computer-related crimes and to block access to websites that contain illegal materials. Intelligent systems are supported by networks such as the INHOPE system and the Optional Protocol on the sale of children by the United Nations in promoting cross-border intelligence and crime management.

Apart from these, in technology, preemptive techniques involve developing sophisticated content-blocking software, enhancing child-proofing measures on digital media, and working with ISPs to prevent child-oriented abusive content from reaching the public. Artificial intelligence (AI) increasingly assists in this battle by searching and destroying such material before it is ever distributed on the World Wide Web. These safety campaigns are conducted by local, regional, and international organizations, both governmental and non-governmental, and aim at raising awareness of the population, parents and children, about the threats of cyber-exploitation. These

programs, including India's Cyber Crime Prevention against Women and Children (CCPWC) scheme, for example, assist in identifying and reporting such suspicious behavior promptly, help raise concerns about possible signs of violence, and advocate safe practices on the internet. Moreover, an emphasis on the prevention of the crisis is more beneficial as it enables teaching children on how to use the internet safely and develop the necessary skills.

VIII. SUGGESTIONS AND RECOMMENDATIONS

A comprehensive legislation framework is very crucial legislation for addressing digital child exploitation based on pornography. The present laws, including that of the POCSO Act and the IT Act of India, should be amended to address emerging challenges like child sexual abuse material over encrypted platforms as well as on the dark web. Internationally, it is necessary to harmonize legal standards with the provisions of the Optional Protocol to the Convention on the Rights of the Child. Also, there must be elements like retention policies on data for online platforms, stricter penalties for offenders and develop proper mechanism concerning cross-border crimes relating to pornography.

Judiciary must use victim-oriented schemes which comprise trauma-informed processes and child-friendly courts. This also requires the creation of specialized judicial trainings regarding digital evidences and cyber laws as well. Preventive measures would include such national awareness campaigns that would educate parents, schools and communities on safe use of the Internet combined with technology-based approaches like artificial intelligence filters for detecting and blocking child sexual abuse material. Further measures would establish partnerships with technical companies for enforcing mandatory reporting of abuse material by social media platforms.

Psychosocial counseling, education and long-term support for reintegration into society should be included in holistic rehabilitation programs for victims. Setting up a national database on offenders and international cooperation through global task forces and cross-border extradition would further reinforce enforcement. A National Action Plan on

child protection phased on ethical AI usage and periodic policy reviews would provide structured and sustainable mitigations against child exploitation online.

IX. CONCLUSION

To sum up, it's not easy tackling the menace of digital technology and child exploitation especially in this era of globalization. The ways in which information or even child pornography is exchanged have particularly changed for the worst as technology is easily abused. This is characteristic of the use of the dark web which unfortunately makes it easier for criminals to hide from the reach of law enforcement agencies. Even with good national and international legal frameworks such as IT Act and POCSO Act in place, enforcement gaps remain and more efforts are needed. Judicial interventions have also provided enhancements in respect of child safety; however, there has to be continued engagement of the governments, digital service providers and civil society towards victim assistance, prevention and enforcement. To ensure that children are protected and victims get the requisite justice, there is a need for balanced approaches that are legal, technological and educational.

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