

# Child Self-Generated Sexual Abuse Material: Challenges and the Evolving Indian Legal Response

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**Abstract**—The rapid development of digital technologies has transformed the landscape of child protection, increasing new forms of harm that occur online but leave profound and enduring offline consequences. India, like many other countries, has witnessed a significant surge in cases involving the creation, circulation, and persistence of child sexual abuse material (CSAM), including self-generated content produced by minors themselves. Such material often arises in contexts of coercion, grooming, experimentation, or peer pressure, yet its digital permanence results in lasting psychological trauma and long-term vulnerabilities for children. The COVID-19 pandemic, marked by increased online activity, further accelerated these risks, alongside evolving threats such as livestreaming exploitation and AI-driven manipulation.

This article examines India's evolving legal response to child abuse in the digital sphere, focusing particularly on the Protection of Children from Sexual Offences (POCSO) Act, the Information Technology Act, and recent judicial and policy developments. It explores how existing laws address emerging forms of online harm, the challenges of criminalizing self-generated content without compromising children's empowerment rights, and the gaps that remain in ensuring a child-centred trauma-informed approach. The paper also evaluates India's alignment with international standards, highlighting the need for nuanced legal reforms that differentiate between exploitative scenarios and consensual yet ill-informed adolescent behaviour. Through a socio-legal analysis, the study argues that while legislative advancements signal progress, effective protection requires a balance between stringent regulation, digital literacy, restorative interventions, and the incorporation of children's rights principles. Ultimately, the article emphasizes that digital harms inflicted through online abuse are real and enduring, necessitating a comprehensive and empathetic legal framework that prioritizes prevention, protection, and recovery.

**Index Terms**—Child Sexual Abuse Material, Digital Harm, POCSO Act, Online Child Protection, Cyber Laws.

## I. INTRODUCTION

The upsurge of child self-generated sexual material has emerged as a critical and complex global concern in the digital era. With unprecedented access to smartphones, social media, and private online spaces, children increasingly produce and share sexually explicit images and videos of themselves, often without recognising the long-term implications. This phenomenon, intensified seriously during the COVID-19 pandemic due to prolonged online engagement, intersects with issues of adolescent sexuality, coercion, privacy, digital autonomy, and evolving technological risks such as livestreamed exploitation and manipulative AI-driven interactions. While some self-generated content is produced consensually among peers, the loss of control over re-distribution exposes minors to severe risks, including grooming, extortion, non-consensual circulation, and criminalisation under existing child pornography laws. The legal landscape remains fragmented and often misaligned with the realities of adolescent behaviour, with current Indian laws that lack distinctions between consensual peer activity, coerced self-production, and content involving younger children.

Law enforcement authorities and civil society organizations worldwide have voiced concerns about the rise of sexual exploitation of children online, especially amidst the COVID-19 pandemic. Children are vital to the future of the nation and thus need sufficient care to ensure their holistic growth, enabling them to become valuable members of society. They are often seen as one of the most vulnerable groups in society, prone to different types of abuse and sexual exploitation, with the latter being the most alarming issue. Sexual exploitation of children for personal

sexual pleasure constitutes a clear violation of human rights. The increasing use of internet platforms by children, has given rise to a relatively new danger to their safety. The COVID-19 pandemic lockdown, leading to the closure of schools and home confinement, has resulted in an increase in online activity. Therefore, children are at a higher risk of encountering online sexual predators leading to both online and offline sexual exploitation. A significant challenging factor in this fight against child pornography has been the increase of 'self-generated' child explicit content generated via digital devices such as video cameras and mobile phones, subsequently distributed on online platforms by children themselves. Self-generated child sexual abuse material has emerged as a vital concern for those fighting online child sexual exploitation, which consists of explicit images of a child without a visible offender in the frame, poses unique risks and presents distinct challenges for communities dedicated to child protection. Prior to the prevalence of smartphones and other digital networked technologies, the vast majority of child abuse material was created by adult perpetrators. This activity may be consensual, or it may have a coercive dimension. The widespread accessibility of sophisticated internet communication devices has resulted in a rise in the production of self-generated content and reduced oversight over its distribution. Recipients of such material may share it without the consent of the original creator, or it could be accessed and disseminated from individual accounts, personal computers, or other devices belonging to children. Frequently, perpetrators generate online child sexual abuse material through live streaming platforms, which is then recorded and shared extensively across various other platforms. Once captured, these images and videos have the potential to persistently circulate for many years. Research indicates that as much as 88 percent of self-generated sexually explicit online content has been extracted from its original source and distributed elsewhere on the internet without the consent of the original creator. The inherent danger of online distribution is that these materials could be categorized as 'child pornography' or 'child sexual abuse material,' resulting in significant repercussions for the child depicted. In cases where minors create content meeting the legal definition of child pornography without adult influence, coercion, or grooming, and

this content is shared exclusively among minors, child pornography possession and production laws may still be relevant, contingent upon the age at which individuals are held criminally responsible according to cyber laws.

This paper seeks to explore the intricacies and hazards linked with Self-Generated Child Sexual Abuse Material and provides a critical analysis of the legal obstacles. The chosen methodology is doctrinal, drawing from primary and secondary sources for support and analysis.

## II. DEFINING CHILD SELF-GENERATED SEXUAL MATERIAL

Explicit imagery of a child that appears to have been taken by the child in the image. This imagery can result from both consensual and coercive experiences. Kids often refer to consensual experiences as 'sexting' or 'sharing nudes'. Child 'self-generated' sexual material, also termed as 'self-produced' sexually explicit content, comprises sexually explicit images or videos involving individuals under 18 years of age, seemingly created and shared online by the minors themselves. Law enforcement agencies face a challenge in distinguishing whether these images or videos were produced consensually or under coercion. In some cases, children intentionally create and distribute these images, selfies, or videos among their social media circles. Even in consensual creation, children become vulnerable as they lose control over who can view their images and videos once shared, potentially exposing them to online predators.

## III. TYPES OF CHILD SELF-GENERATED SEXUAL MATERIAL

The production of child 'self-generated' sexual material covers a wide range of forms and is divided into three primary categories, namely:

i. Firstly, "self-generated" content involves non-sexual material that, while not inherently sexual, despite its original intent, is utilized and leveraged in connection with the online victimization and sexual abuse of minors. Regardless, the victims are unaware that this material is primarily harmful because it enables offenders to manipulate images to appear sexual, subsequently using them to blackmail children by threatening to upload and distribute them.

ii. Secondly, content that is voluntarily "self-generated" typically circulates among adolescent peers and involves material created solely by adolescents. However, because minor's consent is not legally recognized, any "self-production" or "self-generated" material involving adolescents cannot be deemed truly voluntary. In such situations, harm usually occurs when this material is redistributed without their consent.

iii. Thirdly, 'coerced self-generated' sexual material refers to the manipulation of children to produce sexual images or videos. Normally, children engaged in "coerced self-generated" behavior do not identify as victims, and they may perceive their actions as being done willingly.

#### IV. COMPLEXITIES AND RISK DYNAMICS

Adolescents, situated in a phase of developmental change, often exhibit a natural curiosity about sexuality. Their understanding and expression of sexuality tend to be exploratory in nature and are increasingly shaped by their extensive participation in digital environments. Indeed, as a result of the proliferation of digital technology, children are increasingly using internet technologies, including social media and mobile messaging applications. Additionally, children usually do not recognise a strict division between the online and offline parts of their lives. Unsurprisingly, adolescents' sexual exploration has moved into the digital realm, where one expression of this trend is the production and sharing of self-generated sexual content. This might be accentuated by the 'bedroom culture', according to which their online access has become more personal, more private, and less supervised. Images and videos self-generated by children in their bedrooms or in a home background represent almost half of the 153,369 webpages accessed during 2020 by the Internet Watch Foundation.

The scope of self-generated sexual content is wide and includes sexting, among other practices. Sexting has been defined in various ways, as its meaning, context, and intent can differ significantly. Etymologically, the term combines "sex" and "texting." Although no universally accepted definition exists, it is generally understood as the creation and transmission of sexually suggestive or explicit images through digital devices such as mobile phones, smartphones,

webcams, or other interactive technologies and their dissemination via internet-based platforms. Sexting may take primary or secondary forms. Primary sexting refers to situations in which the individual who captures the intimate self-image is the same person depicted in it and is also the one distributing it. In other words, the roles of creator, subject, and sender are unified in a single individual.

For this study, primary sexting is understood as a consensual practice in which the young people involved, both senders and recipients participate voluntarily. In contrast, secondary sexting constitutes a non-consensual form of the behaviour. It occurs when an individual who was not the original creator or intended recipient of the image forwards it to others without the consent of the person who first produced and shared it. The lack of permission for this subsequent distribution renders the act non-consensual, particularly because it involves the further circulation of material depicting the teenager who initially created it. Child pornography remains significantly under-reported in India. Unlike countries such as the U.S. and the U.K., social media companies in India do not consistently submit case data to a central authority, leading to gaps and inconsistencies in official statistics. The absence of a dedicated government body to monitor such offences further limits public understanding of the scale of the problem. Moreover, identifying and removing child sexual abuse material is technically challenging, as offenders often use cryptocurrencies, onion routing, and encrypted communication, making detection on the dark web particularly difficult.

#### V. LEGAL AMBIGUITIES SURROUNDING SELF-GENERATED CSAM

The recent emergence of sexting, non-consensual sharing, and sextortion has resulted in legislation that is often a complex combination of legal measures, leading to harsh consequences, especially when adolescents are viewed as both victims and offenders. Navigating youth sexting within the legal system is difficult due to its diverse manifestations, including consensual sexting, coerced consensual sexting, non-consensual sexting, and instances of 'sextortion' perpetrated by adults. Other obstacles before the legal system involve striking a balance between legal rights, such as privacy and freedom of speech. Several young

individuals may be unaware of the potential illegality involved in creating and sharing sexually explicit images of themselves, and resorting to criminal prosecution appears to be an excessive measure for deterring teenagers from expressing their sexuality online. The 'self-generated' sexual material is encompassed by the definition of child pornography in compliance with the statutes, and it is criminalized. This raises the question of whether the laws should be revised. The harsh penalties associated with child pornography laws include imprisonment, offence convictions, and sex-offender registration. The penalties for self-produced child pornography seem disproportionate when compared to the penalties for traditional child pornography. Treating teenagers the same way as sexual predators remains problematic, especially for those who prefer to educate teenagers about the dangers of their behavior instead of punishing them for making wrong choices. Some western countries are amending their laws to reflect the reality that the behavior and motivation behind the creation of child pornography is completely different between pedophiles and adolescents.

Whether self-generated child sexual material falls directly within the scope of existing legal provisions remains a debatable question, even though current child pornography laws technically extend to such content. However, some argue that minors should either be exempt from existing child pornography laws or that a separate legal framework with proportionate penalties is needed. Applying conventional child pornography statutes leads to conceptual inconsistencies, since the minor would be both the "offender" and the "victim," and no adult is exploiting the child. On this view, the law cannot protect children from themselves. Yet an opposing position maintains that a minor cannot legally consent to being depicted in sexual content, regardless of how the material was created. Furthermore, the definition stipulates that more than just nudity is needed for content to be classified as child pornography. To fit the statutory definition of child pornography, there must be an exhibition of the genitals, and that exhibition must be lascivious. The statutory body passed a related child pornography law criminalizing the production, distribution, and possession of material meeting the definition of child pornography. If the use of a child in this way is sexual abuse, then the abuse needs to stop, even if it is self-inflicted

## VI. STATISTICAL LANDSCAPE AND EMERGING PATTERNS

The judgment comes amidst an alarming surge in incidents in India. The National Centre for Missing and Exploited Children (NCMEC), USA, in its tip-line report 2023, reveals that India accounts for around 9 million of the 36.2 million suspected CSEAM reports worldwide. A 2023 report, "Entangled in the Web: Cybercrimes against Children in India" by India Child Protection, stated that there was a five-fold increase in such cases from less than 3% in 2017 to 15% in 2021 in the country. Meanwhile, NCRB data revealed a staggering 2,561% increase in reported child pornography cases from 44 in 2018 to 1,171 in 2022. Recognising the gravity of such cybercrimes, the Government of India implemented the Cyber Crime Prevention against Women and Children Scheme under the Nirbhaya Fund. Moreover, an MoU has been signed between NCRB India, MHA, and NCMEC for facilitating the tip-line reports on online child sexually explicit content.

## VII. EVOLVING LEGAL RECOGNITIONS

India witnessed a significant legal milestone on 23 September 2024, when the Supreme Court, in *Just Rights for Children Alliance v. S. Harish*, decisively addressed the governance and criminalisation of "Child Sexual Exploitation and Abuse Material" (CSEAM), previously referred to as "child pornography". The judgment represents a substantive transformation in the country's legal consciousness, a shift from long-standing moral hesitation to formal legal acknowledgment, establishing a turning point in the country's approach to protecting children from digital sexual harm. The case arose from Madras High Court judgment that quashed the criminal proceedings against an accused found in possession of CSEAM. It held that mere possession or storage, or viewing of such material without an intent to transmit does not constitute an offence under the Information Technology Act, 2000, or the Protection of Children from Sexual Offences Act, 2012 (POCSO Act). The Supreme Court not only overturned the High Court's order of terming possession, storage, and watching of CSEAM in private as a matter of "mere moral decay" but also criminalised the downloading, viewing, possession, and storage thereof, whether shared or not.

The Court also laid down a set of directives, marking a pivotal shift in India's approach to digital child protection. Among these was a call for legislative reform to replace the term "child pornography" with "CSEAM," ensuring the law captures the increasingly generative forms of such content. The term "child pornography" is considered misleading because it suggests consensual adult material, whereas "CSEAM" more accurately conveys the inherently exploitative character of these materials, including those created through AI.

#### VIII. JUDICIAL INFLUENCE ON LAW AND PRACTICE

Immediately after the Supreme Court judgment, it was reported that Punjab's Cybercrime Division arrested a man and identified 54 suspects for disseminating CSEAM via platforms like Instagram and Telegram. Similarly, in Hyderabad, three individuals were held for downloading and sharing CSEAM on social media platforms. These arrests were facilitated by cyber tip-line reports that provided crucial leads such as IP addresses and emails. In October 2024, in a major operation dubbed "Paedo Hunt," the Delhi Police raided 20 locations and booked 11 individuals for circulating CSEAM. State Governments, too, have sprung into urgent action. The Odisha Government announced the formation of a dedicated task force to coordinate with law enforcement for investigating and prosecuting CSEAM-related crimes, and committed to a zero-tolerance policy.

The Indian legislature has also taken steps to ensure the online safety of children. Clause 9[7] of the Digital Personal Data Protection Act, 2023, provides for "parental verification" for processing of children's data, thereby aiming to curb CSEAM by restricting the profiling, targeting, and behavioural advertising of children. This judgment is the beginning, as it is one of many necessary interventions to dismantle this growing menace. Now need is for a revolutionary approach to pierce through technological warfare, such as cryptocurrency, which is widely used by perpetrators due to its anonymity and decentralisation.

#### IX. INTERNATIONAL BEST PRACTICES AND THEIR RELEVANCE TO INDIA

The global legal frameworks have progressively evolved to address the increasingly complex and

cross-border crime of child sexual exploitation and abuse material (CSEAM). Although India has made substantial advancements in this domain, its regulatory architecture and enforcement mechanisms must continue to evolve in tandem with emerging technological threats. The United States criminalizes not only actual child-abuse content but also computer-generated and AI-produced CSEAM, and it imposes mandatory reporting obligations on digital platforms to the National Center for Missing and Exploited Children (NCMEC). It further strengthens child online safety through the NCMEC–Technology Industry Consortium, which facilitates collaboration between state and private actors. The United Kingdom similarly extends criminal liability to all generative forms of CSEAM and imposes rigorous sanctions for failures to proactively detect or remove such material. Its regulatory authority, Ofcom, is empowered to hold digital service providers legally accountable for safeguarding users, particularly minors, from online harms. In contrast, despite notable legislative progress, India's current legal framework does not contain robust or comprehensive provisions addressing virtual or AI-generated CSEAM, and it lacks explicit statutory coverage for all forms of non-real, digitally synthesized depictions.

#### X. CONCLUSION

Self-generated sexual material involving minors has become a pervasive digital risk that demands a serious, non-stigmatizing, and child-centred response. Evidence consistently highlights the need for open communication, safe reporting environments, and supportive adult engagement to prevent coercion and unauthorized dissemination. While such material causes harms comparable to traditional child sexual abuse material, imposing severe criminal sanctions designed for adult offenders on minors is disproportionate. This warrants the creation of a distinct legal offence tailored to self-generated content, supported by clear policy choices on culpability and prohibited material. Legislative reforms must incorporate young people's perspectives to ensure relevance in the rapidly evolving digital landscape. Mandatory reporting, enforcement, and inter-agency coordination mechanisms require a complete renovation, given the transnational,

anonymous, and rapidly evolving nature of these crimes.

A borderless crime requires a borderless response. At the systemic level, India's response must match the borderless nature of digital crime. The Supreme Court's recent judgment provides an important jurisprudential foundation for a child-centric justice model, which could be strengthened through judicial monitoring mechanisms. Moving forward, India should consider establishing a multiagency regulatory body or technology-industry consortium like 'Ofcom' to ensure proactive detection, prevention, and cross-sector coordination. Finally, robust accountability mechanisms for technology platforms, cryptocurrency exchanges, and hosting providers, along with leadership in promoting an international convention on digital child safety, are essential for safeguarding children in an increasingly interconnected digital ecosystem.

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