

India's Legal Framework for Internet Crimes Against Minors

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Abstract

As a result of the dramatic rise in the use of the internet and mobile communication technologies, cyberbullying and other forms of online abuse of children have emerged as a complex social problem that demands more attention from government law enforcement agencies, legislators, parents, educators, intermediaries, and over-the-top (OTT) platforms. This is a matter of concern that needs more attention from all of these groups. As a result of the relative ease with which media may be accessed, there has been a rise in online crimes committed against minors and adolescents, and these crimes have a variety of facets and effects on the victims. The research investigates a variety of online crimes that adolescents are exposed to via a variety of online platforms, as well as the prospective offenders, as well as the types of technology that potential offenders use to perpetrate crimes against minors online. The purpose of this article is to provide an analysis of the laws and policies that are currently in place in India to address cybercrimes committed against kids. Strategies for the prevention of child abuse and exploitation of children have also been explored here. These strategies are meant to safeguard children and keep them safe.

Keywords: Internet crimes, sexual assaults on children, cybercrimes, cyberbullying, and cyber law

Introduction

Internet and communication technologies currently represent the cornerstones of modern social, economic, political, and cultural revolution. These technologies also have the potential to act as tools of democratic renewal, altering the lives of people almost on a daily basis. India ranks second across the globe with close to 687 million internet users, and the United States ranks third with roughly 284 million monthly online users. China ranks first with 934 million monthly internet users, while India ranks second with close to 687 million internet users. According to the research on the worldwide digital population, as of January 2012, around 4.66 billion people were actively using the internet. This represents approximately 59.5% of the total population of the world. The majority of these people (92.6%) accessed the internet through their mobile devices (4.32 billion).

Cyberspace has emerged as an appealing medium for today's younger generations, particularly adolescents and young adults. It has the potential to strengthen their relationships through social networking while also having an effect on their minds, most likely as a result of the limitless nature of the platform, the anonymity it provides, and its utilisation of numerous platforms. There has been a

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shift in the patterns of criminal activities that lead to various technology-oriented crimes, particularly against teenagers and minors. These crimes can take on a variety of forms of child abuse, such as grooming and soliciting teenagers towards pornographic and inappropriate material with the intention of enticing a child into online sexual activities; the circulation of obscene and violent images through the use of anonymous instant messenger, emails, and popup advertisements. In addition, there has been a shift in the patterns of In addition to this, there are many other forms of interpersonal victimisation, such as cyberbullying, stalking, trolling, hate speeches and texts, and so on. This has resulted in issues for police and regulating cyberspace that have never been seen before, as well as generated concerns regarding the preservation of privacy and security.

According to the research presented in the report titled Enhancing Child Safety and Online Technologies by the Internet Safety Technical Task Force (2008), adolescents or teenagers generally in the age group of 13–17 years old face the highest risk, mostly through peers, of being sexually preyed upon, accidentally exposed to unwanted sexual material, solicited, cyberbullied, or harassed online. This age range is generally considered to be the most vulnerable. They also run the risk of having their identities stolen online and of having their accounts exploited to harass or threaten other people.

Goal and the Objectives

- Examine the many different types of online crimes committed against minors as well as the kinds of technologies that are most likely to lead to such crimes.
- Conduct research on the legal infrastructure in India designed to prevent cybercrime,
- Examine the many regulations and programmes implemented by the Indian government to protect young people from being victimised by cybercrime.
- Give some examples of possible preventative measures and methods for online criminal activity.

Research Methodology

Using a descriptive and exploratory approach, as well as data gathered from other sources, the purpose of this article is to identify and describe typical online crimes that are committed against children. Several articles, books, websites, and research papers that have been peer reviewed as well as reports have been analysed. In order to assess the general legislative framework that is in place in India to combat crimes committed against teens, the documents that are relevant to the relevant legislations in India and the policies of the government have also been analysed.

The Boundaries of the Research and Its Purpose

The purpose of this page is to examine various types of online crimes committed against kids, adolescents, and teenagers, as well as the law and policy that are now in effect in India. Crimes Committed Against Children on the Internet and the Technologies That Have Been Deployed According to a number of studies and reports, adolescents or teenagers (typically in the age group of

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13–17 years) are at risk for developing an addiction to the internet. Furthermore, it has been found that children's internet usage across the globe is increasing, both in terms of the number of children going online and the amount of time spent on the internet. The UNICEF report has also emphasised that the continuous expansion of internet access and mobile phones plays a fundamental role in the advancement of the fight against online child abuse. This is due to the fact that mobile phones have extraordinarily broadened the reach of connections that children have, which may include strangers or internet-only contacts, in an environment where parental control, supervision, and monitoring of children's activities can be significantly restricted.

The grooming of teenagers online by adults and persuading them for 'sexting,' a kind of self-generated pornographic content and allows them to send their sexual images, videos to the offenders, is an example of an ICT-facilitated crime that is victimising minors. This crime is difficult to control due to the easy availability of technologies. Child abuse and exploitation are also examples of ICT-facilitated crimes. Teens are also put in the position of being exposed to unlawful content that could be damaging to them. This content, which they could access unintentionally or on purpose while browsing the internet, can lead to sexual temptation and sex solicitation. Because more people have access to the internet, more people are committing crimes like cyberstalking, online harassment, and commercial sexual exploitation of children. This has led to an increase in child sex tourism and trafficking. Some of the perpetrators of these crimes are now broadcasting live sexual assaults on children, which are also being recorded for the purpose of later distribution in order to make an illegal profit. The presence of a history of abuse as well as problems within the family further increases the likelihood that a child may be sexually exploited.

According to the "Highlights of the Youth Internet Safety Survey," one-third of male youth and two-thirds of female youth have received online sexual solicitation. The majority, or 77%, of the victims were in the age bracket of 14–17 years, with roughly one-quarter in the age group of 10–13 years. A total of 37% of the upsetting solicitations were reported by the younger group. The child pornographic and abusive content can also lead to the formation of a vicious cycle of online sexual abuse and gratification by offenders through displayed violent and abusive images of teenagers who are victims of the abuse. This cycle can be caused by the child pornographic and abusive content. Offenders and perpetrators can be either men or women, and they can be from any number of different countries; however, the vast majority of offenders are adults who have a wide variety of motivations and tend to live in close proximity to the victims, which increases the likelihood that the offender is a close relative or friend of the victim or their families.

Teens are being bullied or harassed by some individual or a group through social media, chat rooms, on social networking websites such as Twitter, Facebook, Orkut, Snapchat, Instagram, gaming platforms, and so on. This bullying or harassment can take the form of repeated threats, hits, or unpleasant words. Cyberbullying, which is often associated with socio-economic status, is also one of the problems that teens are facing today. Cyberbullying is one of the problems that teens are facing through social media, chat rooms, on Cyberbullying is a major cause for concern since it can encourage young people, particularly young women, to end their own lives. Girls are especially

vulnerable to being bullied online.

Offenders are exploiting and abusing children by using a wide variety of commonly available technologies, such as social networking sites, multiple peer-to-peer (P2P) platforms both public and private, noncommercial channels including newsgroups, chat rooms, instant messaging, web cams, bulletin boards, email through the use of dedicated computers and smartphones, and so on. P2P file sharing appears to be commonly used for paedophile activities, according to the findings of research such as Kierkegaard and Wolak. This may be due to the fact that it is immediate and participatory in nature. The perpetrators will even employ cryptographic methods to exchange data connected to the sexual abuse of children. They will also establish websites and applications to host, share, and transmit illegal content relating to the abuse of children.

Legal Structure in India to Fight Crimes Committed Online Against Children and Young People

In the context of child abuse and exploitation, the offenders can be convicted under a category of crimes that fall within the ambit of the Indian Penal Code (IPC) and certain specific legislations framed for the purpose of protecting children from sexual offences. In addition, the punishment under the Information Technology (IT) Act, 2000 that specifically deals with online forms of crimes committed with the use of computer, computer system, and computer networks can be applied.

In addition to this, it addresses situations in which children have been subjected to online harassment and sexual abuse as a result of the unauthorised or inaccurate use of personal images, real photographs and videos, personification, and the distribution of child pornographic and offensive content. In India, engaging in the sexual exploitation of children is a crime. Provisions to safeguard children from exposure to pornography and sexual exploitation are included in both the Information Technology Act of 2000 and the traditional Indian Penal Code of 1860.

Indian Penal Code

IPC Sections 292, 293, and 294 deal with the subject of protecting and safeguarding the public moral by making the sale and distribution of obscene literature and publications illegal in general, and to young people in particular. These sections deal with the subject of protecting and safeguarding the public moral. Section 292 of the Indian Penal Code does not define child pornography but instead focuses on obscene material. It makes the selling, distribution, or public exhibition of obscene books, pamphlets, paper, writing, drawing, painting, or representations a punishable offence with a first conviction with the imprisonment of 2 years and fine up to Rs. 2,000; however, in the event of a second or subsequent conviction, there is provision for enhanced imprisonment for the term of 5 years and fine up to

In 2012, legislation known as the Protection of Children from Sexual Offences (POCSO) Act was passed into law with the intention of shielding children from sexually motivated crimes such as assault, abuse, harassment, and exploitation. It provides a definition of child pornography and makes it an offence that can result in a fine and a prison sentence of up to five years. In addition, the sentence can be increased to seven years in prison in addition to a monetary fine if it is a second or

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subsequent conviction. Under the terms of this Act, it is unlawful to store, transmit or propagate, exhibit, or distribute pornographic material that features a child in any of these capacities. The Act includes a provision for the death sentence, making it possible to increase the punishment for sexual offences committed against children. In the event of a penetrative sexual assault committed on a child younger than 16 years of age, the offender faces a minimum sentence of 20 years in prison, which may be extended to a sentence of life in prison as well as a fine, and in the event of an aggravated penetrative sexual assault, the offender faces a minimum sentence of 20 years in prison, which may be extended to a sentence of life in prison as well as a fine or even the death penalty.

It is possible to find particular clauses dealing with indecency or obscenity in subsequent Acts as well, although they are rarely applied very frequently in practise: The Drugs Magic Remedies (Objectable Advertisements) Act, which was passed in 1955, covers indecent advertisements of drugs and remedies that are connected with sexual disorders. Section 20 of the Indian Post Office Act, which was passed in 1898, prohibits the transmission by post of anything indecent, as well as other laws. The Immoral Traffic (Prevention) Act, 1956 prohibits the trafficking of children, sexual exploitation or abuse of persons for commercial purposes; the Child Labour (Prohibition and Regulation) Act, 1986 provides for punishments and penalties for employing children below the age of 14 years in certain occupations; and the Juvenile Justice (Care and Protection of Children) Act, 2015 focuses on providing care and protection to children against various forms of crime. Policies and programmes implemented by the Indian government to combat online crime committed against adolescents in India

Policy on National Cybersecurity, Adopted in 2013: The cyber security policy is an ongoing project that imposes obligations on the full spectrum of ICT users and suppliers. These responsibilities extend to home users as well as small, medium, and large businesses, as well as government and nongovernment organisations. It acts as an overarching framework that may be used to define and direct the operations that are associated with the protection of the internet. Additionally, it provides the individual sectors and organisations with the ability to create appropriate cyber security policies that are tailored to meet their requirements. The policy provides an explanation of the requirements necessary to properly safeguard information, information systems, and networks. In addition, the policy provides some knowledge about the approach and strategy that the government employs for the protection of cyber space within the country. In addition to this, it provides a few suggestions to facilitate the joint functioning of all important parties, both public and private, in order to protect the nation's information and information systems. Therefore, the purpose of this policy is to develop a framework for cyber security that will stimulate clear activities and programmes to improve the security position of the country's cyber space.

Portal for the National Reporting of Cyber Crime

The Government of India has taken the effort to create this webpage in order to make it easier for victims and complainants to report instances of cybercrime online. Complaints relating to solely cybercrimes, with a particular emphasis on cybercrimes committed against women and children, are taken care of by law enforcement authorities or the police, depending on the information that is

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provided in the complaints. Complaints pertaining to online child pornography and child sexual abuse material are the forms of cybercrime that should be submitted through the portal (CSAM).

Activities Conducted in an International Context

Concerns have been raised about censorship and the free sharing of information around the world as a result of the rise in the use of social networking sites and platforms, as well as the commission of crimes online and the widespread dissemination of material that is sexually abusive to children through information and communication technologies. As a result, various countries are being urged to take immediate action to combat online sexual abuse, as well as violence against children, exploitation of children, and other forms of child abuse such as adolescent pregnancy.

Article 19 of the United Nations Convention on the Rights of the Child (UNCRC) from 1989 states that "the state must protect children from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment, or exploitation, including sexual abuse." This provision requires the state to protect children from all types of abuse, including sexual abuse. In addition, Article 34 of the UN Convention on the Rights of the Child mandates that "States Parties shall take all relevant national, bilateral, and multilateral measures to safeguard children against sexual exploitation and sexual abuse." It is mandatory for schools and libraries to have an internet safety policy that includes technology protection measures in order to receive discounts for internet access or internal connections as a result of the United States Children's Internet Protection Act (CIPA), which was passed in the year 2000 to address the issue of children's access to inappropriate or harmful content on the internet. This act also imposes certain requirements on schools and library.

Conclusion

The problem of cyberbullying and other forms of online crime, such as stalking and harassment of children, can be addressed through non-legislative measures. These measures include raising awareness among children about what constitutes illegal or unethical behaviour, the risks involved while using unreliable digital and online media and platforms, and the aligned consequences through open dialogues and discussions by educators, social media sites, intermediaries, and non-governmental organisations (NGOs). Parents and teens themselves bear the primary burden of duty when it comes to guarding children and teenagers against dangers posed by the internet. It is important for parents, guardians, and other adults who take care of children to instruct them on how to make safe use of the internet and other forms of technology, as well as to exercise control over the children's access to and usage of communication devices, including their access to potentially harmful content. They are able to review the individuals' browser histories and determine their internet actions by using keyloggers and tracking their gadgets. Children should be taught to avoid disclosing unneeded personal information through any form of communication, especially on social networking sites and on the internet.

It is important to take into consideration non-contact offences and virtual abuse when considering re-victimization of child due to unwanted dissemination of digitised child sexual abuse images. In general, the laws against child sexual abuse material in any country focus on actual sexual abuse

suffered by the victims. However, it is important to take into consideration non-contact offences and virtual abuse. Children may inadvertently access pornographic content while they are playing games online, using shared files, or watching a variety of programmes if they click on pop-up advertisements; they may also visit websites with misspelt URLs or incorrectly labelled icons that look like they belong to websites designed for use by children. This type of incident can happen quite frequently. There is a need for specific legislation to deal with the sexual abuse and exploitation of children that occurs online. This legislation should not only make it illegal to disseminate or publish hate speech, obscene or pornographic material depicting children in sexual act, but it should also make it illegal to view and download the child sexual abuse material while being aware that you are doing so. The legislation should also focus on criminalising the grooming of children for the purpose of child abuse.

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