

“Child Pornography Laws In India: A Comparative Legal Analysis with Global Frameworks”

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Abstract - Child pornography is a serious violation of children's rights and has increased in the digital age due to easy access to online platforms. Although India has introduced key legislative measures – most notably the Protection of Children from Sexual Offences (POCSO) Act and provisions under the Information Technology Act, 2000 serious gaps remain. Challenges include weak enforcement, inadequate victim support and limited alignment with international legal standards. This article presents a comparative analysis of India's legal framework against global counterparts such as the United States, the United Kingdom and international instruments such as the UNCRC and the Budapest Convention. It explores how different jurisdictions define and address child pornography, what mechanisms they adopt for prevention and prosecution and the level of international cooperation involved? The analysis shows that while India criminalises child pornography and takes steps to prevent online exploitation, the country lacks consistency in implementation and lags behind in adopting international best practices. Strengthening digital infrastructure, joining international treaties and ensuring a victim-centric approach are essential for India to effectively tackle Child Sexual Abuse Material (CSAM). This comparative study underlines the urgent need for legal and systemic reforms to protect children in the digital age.

Keywords: Cyber Crime, Child Pornography, POSCO Act, Budapest Convention,

I. INTRODUCTION

In the digital age, the widespread availability of internet access and mobile technologies has contributed significantly to the rise of online child sexual abuse material (CSAM), a modern and more accurate term for what has traditionally been referred to as child pornography. Unlike the term "pornography", which can imply consent, CSAM assumes that any sexual depiction of

children is inherently exploitative and abusive. The growing prevalence of such material online has emerged as a major global concern, presenting complex legal, technical and ethical challenges. Perpetrators often take advantage of the anonymity and accessibility of the internet to produce, disseminate and access CSAM across national borders. This international nature makes regulation and enforcement particularly difficult. Governments around the world have responded by implementing legislative frameworks criminalising the production, distribution and possession of CSAM. In many countries, laws are continually evolving to address new threats such as virtual or AI-generated imagery and encrypted peer-to-peer networks. At the international level, treaties and conventions such as the United Nations Convention on the Rights of the Child (UNCRC) and the Budapest Convention on Cybercrime provide standards and encourage cross-border cooperation. India, realizing the gravity of the issue, has taken significant legislative steps to address CSAM.¹ The Protection of Children from Sexual Offences (POCSO) Act, 2012 specifically criminalizes the use of children for pornographic purposes and prescribes stringent penalties.² Additionally, the Information Technology (IT) Act, 2000, particularly Section 67B, penalizes the publication, transmission or even browsing of sexually explicit material involving children. These laws serve as India's primary legal tools to combat online child sexual exploitation.³ However, despite these legislative efforts, India continues to face challenges. Issues such as lack of awareness, inadequate digital infrastructure, weak enforcement and minimal victim support services continue to undermine the effectiveness of the law. Furthermore, India is yet to join important international instruments such as the Budapest Convention, thereby limiting its ability to cooperate globally in combating cybercrime. As a result, the country struggles to keep pace with rapidly evolving digital threats.⁴

¹ UNODC, “Study on the Effects of New Information Technologies on the Abuse and Exploitation of Children” United Nations Office On Drugs And Crime, available at: https://www.unodc.org/documents/Cybercrime/Study_on_the_Effects.pdf, (Visited on: May 5th 2025)

² The Protection Of Children From Sexual Offences Act, 2012

³ Daniel Manoj and Ranjit Immanuel James et. al., “Behind the screens: Understanding the gaps in India's fight against

online child sexual abuse and exploitation”, Science Direct, Vol4, Issue, April 2025, available at: <https://www.sciencedirect.com/science/article/pii/S2950193824000883>, (Visited on: May 5th 2025)

⁴ Helaine Leggat, “A new look at the Budapest Convention on Cybercrime”, ICTLC Australia, January 27th 2025, Available at: <https://www.ictlc.com/a-new-look-at-the-budapest-convention-on->

This article critically examines India's legal approach to child pornography and compares it with select global frameworks, particularly the United States and the United Kingdom, which are considered to have more developed and proactive legal systems to tackle CSAM. By analysing key aspects such as legal definitions, preventive mechanisms, enforcement strategies and international cooperation, this study aims to highlight both the strengths and shortcomings in India's approach.

Finally, the article underlines the importance of legal reform, capacity building and international cooperation to effectively tackle the growing threat of online child sexual exploitation. Comparative legal analysis is essential not only to understand how India stacks up to global standards but also to identify best practices that can inform more robust and child-focused law and policy.

II. HISTORICAL BACKGROUND OF CHILD PORNOGRAPHY

The issue of child pornography or more precisely child sexual abuse material (CSAM) has evolved considerably over the past century, both in terms of social awareness and legal recognition. Historically, the exploitation of children for sexual purposes has existed in various forms, but the conceptualisation and criminalisation of child pornography as a distinct offence is relatively recent. This evolution is closely linked to changing social norms, technological advancements and a growing global commitment to child rights.

❖ Early examples and social neglect

Prior to the 20th century, child abuse was rarely addressed in law or public discussion. In many parts of the world, cultural taboos and patriarchal systems concealed or even justified the sexual abuse of minors. There were no clear legal provisions that criminalized the production or possession of images depicting child sexual abuse.

In literature and art, certain themes involving children in inappropriate or sexual contexts were ignored or tolerated under the guise of "artistic freedom" or due to a lack of legal frameworks. During this time, children were not viewed as

autonomous individuals with rights, but as dependents under the control of adults.⁵

❖ Technological advancement and the rise of CSAM (1970s-1990s)

With the advent of photography and film in the late 19th and early 20th centuries, it became easier to create and distribute visual depictions of abuse. By the 1970s and 1980s, underground networks for child pornography began to emerge, especially in Europe and North America. These materials were disseminated through print media, VHS tapes, and clandestine distribution channels. This period saw the first major legal responses to the problem: the United States passed laws such as the Protection of Children against Sexual Exploitation Act (1977). The U.K. introduced similar prohibitions through amendments to the Obscene Publications Act. Interpol and national law enforcement agencies began to coordinate to combat international child pornography gangs. However, law enforcement efforts were still limited by technology and a lack of international cooperation.⁶

❖ The Internet Age and the Globalization of CSAM (1990-2000)

The widespread use of the Internet in the 1990s and early 2000s dramatically changed the nature and scope of child pornography. The ability to create, share and access CSAM anonymously and across borders led to an explosion in the availability of such content. This shift prompted international outrage and legislative reform: the Convention on the Rights of the Child (1989) and its Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (2000) provided a global framework. The Budapest Convention on Cybercrime (2001) addressed online crimes, including CSAM, and encouraged international cooperation. Governments began to adopt specific legislation to criminalise not only production and distribution but also possession, viewing and even virtual representations involving children. 4. Response in India India's legal response came relatively late. Prior to 2012, Indian law had no specific statute to address child pornography. Offences were prosecuted under the general provisions of the Indian Penal Code (IPC) and the Information Technology Act, 2000. The Protection of Children from Sexual Offences (POCSO)

cybercrime/?lang=en#:~:text=The%20Budapest%20Conventi on%20is%20a,more%20effective%20and%20subject%20to, (Visited on: May 6th 2025)

⁵ UNICEF, "Perceptions Of Erceptions Of And Opinions Nd Pinions On Child Abuse N Child Abuse: Qualitative Research In 7 Municipalities With 10-19 Year-Old Children And Young People", UNICEF, available at: <https://www.unicef.org/serbia/media/7596/file/Perceptions%20of%20and%20opinions%20on%20child%20abuse.pdf>,

(Visited on: May 6th 2025)

⁶ Bryce Garreth Westlake, "The Past, Present, and Future of Online Child Sexual Exploitation: Summarizing the Evolution of Production, Distribution, and Detection", "he Palgrave Handbook of International Cybercrime and Cyber Deviance", Chapter 57, pp.1225-1253, (Palgrave Macmillan, June, London)

Act, 2012 marked a turning point, formally recognising and criminalising the use of children in pornographic content. Amendments to the IT Act in 2008, particularly Section 67B, further strengthened the legal tools to tackle online exploitation.⁷

The historical trajectory of child pornography reflects a gradual evolution from neglect and social indifference towards a more rights-based and child-centred legal approach. With the rise of digital technologies, the problem has become more complex and transnational, requiring continuous legal reform, technological innovation and global collaboration. Today, the fight against CSAM is not only a matter of criminal justice but a moral imperative to protect the dignity and future of children worldwide.

III. ANALYTICAL STUDY OF CHILD PORNOGRAPHY

Child pornography, more precisely called child sexual abuse material (CSAM), refers to content that sexually exploits or depicts minors. The advent of digital technologies, particularly the widespread availability of smartphones and internet access, has facilitated the rapid production, sharing, and consumption of CSAM across the world. Between 2020 and 2025, both India and the global community will see a significant increase in CSAM related crimes.

Between 2020 to 2025, India witnessed a sharp rise in cybercrimes involving CSAM, rising from 842 in 2020 to nearly 2 lakh cases by 2024. Globally, it is estimated that more than 300 million children experience online sexual exploitation every year. The Internet Watch Foundation report found a steady increase in child abuse web content, reaching 2,91,273 webpages in 2024.⁸ Major concerns include AI generated CSAM, online grooming, and financial sextortion. India's partnership with NCMEC and strict cyber surveillance have improved reporting, but challenges remain due to encryption

and dark web activity, requiring strong global cooperation and legal action.⁹

India considers child pornography a serious criminal offence under several laws, including:

1. The Protection of Children from Sexual Offences (POCSO) Act, 2012
2. The Information Technology Act, 2000 (Sections 66E, 67, 67B)
3. Sections of the Indian Penal Code (IPC) relating to obscenity and trafficking

These laws criminalise not only the creation and distribution of CSAM but also its possession and viewing.

From 2020 to 2025, India witnessed a sharp and troubling rise in cybercrimes against children, particularly related to Child Sexual Abuse Material (CSAM). In 2020, the National Crime Records Bureau (NCRB) registered 842 cybercrime cases involving children, of which 738 were related to the transmission or publication of sexually explicit content a staggering 400% increase from the previous year.¹⁰ This surge was largely attributed to the COVID19 pandemic, which led to increased internet usage and screen time among minors. By 2021, cybercrime cases rose by another 63%, reaching 1,376.¹¹ The disruption of education and lack of supervision during online activity further exposed children to risks such as grooming and exploitation. The Indian government, in collaboration with the U.S. based National Center for Missing and Exploited Children (NCMEC), began receiving thousands of CSAM-related reports. In 2022, cybercrime cases increased again to 1,823, with 1,171 specifically linked to CSAM. Overall crimes against children rose to 1,62,449—a jump of 8.7% from the previous year. States such as Madhya Pradesh, Karnataka, and Rajasthan reported the highest number of such cases. The trend continued into 2023, prompting the National Human Rights Commission (NHRC) to issue notices to various states,

⁷ Manuel F, Casanova, Diane Solursh, et. al., “The History of Child Pornography on the Internet”, Journal Of Sex Education And Therapy, Vol 25, No. 4 Available at: <https://cod.pressbooks.pub/app/uploads/sites/96/2022/02/The-History-of-Child-Pornography-on-the-Internet.pdf>, (May 7th 2025)

⁸ Nandani Yadav, “2024 saw record high in web pages hosting child sexual abuse content, nearly 3 lakh CSAM reports filed”, India Today, April 24th, 2025, available at: <https://www.indiatoday.in/technology/news/story/2024-saw-record-high-in-web-pages-hosting-child-sexual-abuse-content-nearly-3-lakh-csam-reports-filed-2713888-2025-04-24>, (Visited on: May 7th 2025)

⁹ International Watch Foundation, “Artificial Intelligence (AI) and the Production of Child Sexual Abuse Imagery”,

International Watch Foundation, available at: <https://www.iwf.org.uk/about-us/why-we-exist/our-research/how-ai-is-being-abused-to-create-child-sexual-abuse-imagery/>, (Visited on: May 7th 2025)

¹⁰ Press Trust of India, “Over 400% rise in cyber crime cases against children in 2020: NCRB data”, Business Standard, November 21st 2024, available at: https://www.business-standard.com/article/current-affairs/over-400-rise-in-cyber-crime-cases-against-children-in-2020-ncrb-data-12111400320_1.html, (Visited on: May 7th, 2025)

¹¹ Elsa Mary Jacob, “The Extent of Cyber Exploitation And Safety Of Children In Kerala” National Human Rights Commission, May 2022, available at: https://nhrc.nic.in/sites/default/files/Study_extent_cyber_exploitation_safety_children_Kerala_Dec2023.pdf, (May 8th 2025)

citing a 250–300% increase in the circulation of CSAM, particularly across encrypted platforms and the dark web. In 2024, reports of CSAM incidents surged past 1.94 lakh through the National Cybercrime Reporting Portal, with cumulative reports from NCMEC since 2019 exceeding 6.9 million. Authorities observed that a large portion of CSAM was self-generated by children, often under duress or manipulation. Although complete data¹² for 2025 is still pending, early figures from January to May indicate a continuation of these trends, alongside intensified crackdowns on platforms like Telegram, WhatsApp, and other lesser known apps frequently used for distributing abusive content.¹³

A state wise and city wise analysis of CSAM cases in India between 2020 and 2025 shows that Uttar Pradesh, Madhya Pradesh, and Karnataka consistently rank among the states with the highest number of reported incidents. Among cities, Hyderabad led the way in reporting the highest number of CSAM related cases in 2022, highlighting the need for targeted interventions in urban centres with high internet penetration. Several challenges are hindering the effective prevention and prosecution of CSAM crimes in India. A critical issue is the low level of awareness among parents and children about digital safety and the risks of online exploitation. Additionally, the widespread use of end-to-end encryption on platforms such as WhatsApp complicates law enforcement efforts, as it restricts their ability to monitor and detect illegal content. Underreporting remains a major barrier due to social stigma and a general lack of trust in legal and institutional support systems. Furthermore, the response of technology companies to remove harmful content is often delayed, allowing CSAM to persist online and put vulnerable children at further risk.¹⁴

IV. GLOBAL PERSPECTIVE ON CHILD PORNOGRAPHY (2020–2025)

Between 2020 and 2025, the global landscape of child sexual abuse material (CSAM) has been deeply impacted by rapid technological advancement, growing internet accessibility, and the widespread use of digital platforms. These changes, while beneficial in many aspects of global connectivity and

education, have inadvertently created fertile ground for child exploitation to evolve in both scale and complexity. The issue of CSAM has become one of the most pressing digital safety concerns facing governments, international organizations, and technology companies alike. A 2023 landmark study by Child light, affiliated with the University of Edinburgh, offered a sobering snapshot of this crisis. The study estimated that more than 300 million children worldwide are subjected to online sexual abuse every year. Of this staggering number, around 12.5% are directly solicited online by predators, while approximately 12.6% are exposed to harmful or sexually explicit content through digital means. These statistics illustrate not only the alarming reach of online predators but also the scale of vulnerability faced by children in digital environments.¹⁵

The Internet Watch Foundation (IWF), a leading global authority on detecting and reporting CSAM, reported significant year-on-year increases in the amount of harmful content hosted online. During the COVID 19 lockdowns in 2020, the IWF observed a noticeable spike in CSAM activity. As children were confined to their homes and their online activity surged, so too did their exposure to potential grooming and exploitation. Predators, emboldened by the anonymity and reach of the internet, took advantage of this unprecedented situation. By 2023, the IWF identified over 270,000 web pages containing confirmed CSAM, a record-high number that underscored the growing severity of the issue. Disturbingly, 92% of these images and videos were found to be “self-generated”—a term used to describe content created by children themselves, often under coercion, threats, or manipulative grooming by online predators. This form of CSAM is especially difficult to control and eradicate because it frequently occurs in private or peer-to-peer settings, leaving few digital traces for law enforcement to pursue.¹⁶

The situation worsened in 2024 when the IWF reported an even higher number of CSAM pages: 2,91,273. Although this was only a modest increase in absolute terms, the persistent nature of the problem is clear. Of these, 91% were again self-

¹² Ranjan, M. R. (2024). Digital Personal Data Protection Act 2023: Safeguarding Your Online Identity. *Sustainable Development Goals & Business Sustainability*, 108.

¹³ Supra N. 3

¹⁴ NHRC, “NHRC notices to the Centre, States, and Union Territories over the reported increase of 250-300% in Child Sexual Abuse Material (CSAM) on social media in India.” National Human Rights Commission, India, available at: [https://nhrc.nic.in/media/press-release/nhrc-notices-centre-](https://nhrc.nic.in/media/press-release/nhrc-notices-centre-states-and-union-territories-over-reported-increase-250-300)

[states-and-union-territories-over-reported-increase-250-300](#), (Visited on: May 8th 2025)

¹⁵ Subham Krishna Borah subham and Sheila Ramaswamy et. al. “The Online Specter: Artificial Intelligence and Its Risks for Child Sexual Abuse and Exploitation”, Sage Journal, Vol 21, Issue 2, April-June 2025, available at: <https://journals.sagepub.com/doi/10.1177/09731342251334293>, (Visited at: May 8th 2025)

¹⁶ We Protect Global Alliance, “Global Threat Assessment 2023”, We Protect Global Alliance, 2023, available at: <https://www.weprotect.org/wp-content/uploads/Global-Threat-Assessment-2023-English.pdf>, (Visited on: May 9th 2025)

generated, reflecting a disturbing normalization of coercive interactions between predators and vulnerable children. These interactions are often facilitated through social media platforms, messaging apps, and even live-streaming services that lack robust child safety protocols. As such, even children using the internet for education or social connection face significant risk, particularly in regions with limited digital literacy or parental oversight.¹⁷

V. LEGAL FRAMEWORK IN INDIA

India's legislative response to child pornography, now more aptly known as Child Sexual Abuse Material (CSAM), has evolved over the past two decades in response to rising cases of child exploitation online. Recognizing the serious harm that can be caused to children through such content, the Indian legal system has sought to establish a framework that criminalizes these acts and aims to protect victims. Two key statutes form the cornerstone of India's legal framework in this area: the Protection of Children from Sexual Offences (POCSO) Act, 2012 and the amended Information Technology (IT) Act, 2000.

The POCSO Act, 2012 was a landmark law enacted to comprehensively address sexual crimes against children under the age of 18. It provides for stringent punishments for a wide range of offences. Importantly, POCSO adopts a child-friendly approach to the trial process, ensuring in-camera proceedings and the use of special courts, thereby aiming to minimise the trauma faced by child victims. POCSO is complemented by Section 67B of the Information Technology Act, 2000, which makes it a crime to publish, browse, download and even forward material depicting children in sexually explicit acts.¹⁸

The IT Act recognises the digital dimension of such crimes and seeks to fill the legal gaps associated with online content. This provision is much broader than POCSO in some aspects, as it extends criminal liability to those who facilitate the dissemination of CSAM through electronic means, even if they are not the original creator of the content. Apart from these two central laws, other provisions under the Indian Penal Code (IPC) can also be applied in child pornography cases. However,

these sections were not originally designed to address crimes involving children and may lack the nuanced protections offered by POCSO.¹⁹

Despite this multi layered legal structure, India faces significant challenges in enforcement. Law enforcement agencies often lack adequate cyber forensic training, and the process of investigation and prosecution is often hampered by delays, lack of digital evidence, and procedural flaws. Furthermore, India's absence of accession to international treaties such as the Budapest Convention on Cybercrime limits the country's ability to cooperate globally in combating international CSAM networks.

While India has taken meaningful steps to combat the growing threat of online child exploitation, there are still gaps in terms of clarity, enforcement, and alignment with international norms. The Indian legal framework, though well intentioned, must further evolve to effectively address the dynamic nature of online crimes against children and provide timely justice to victims. Strengthening institutional capacity, embracing international collaborations, and updating legal definitions to include emerging technologies such as deepfakes and AI-generated²⁰ content are important steps in this direction.²¹

• POCSO Act, 2012

The Protection of Children from Sexual Offences (POCSO) Act, 2012, was enacted in India as a comprehensive legal framework to address and combat sexual crimes against children, with specific recognition of offences facilitated by digital technologies and pornography. This landmark legislation not only criminalizes physical acts of sexual exploitation but also includes offences committed through visual and digital mediums, thereby extending its scope to contemporary challenges posed by online abuse. One of the pivotal sections of the Act, Section 13, specifically targets the use of children for pornographic purposes. It defines such usage broadly, encompassing any form of media—be it photographs, films, videos, or digital content—in which a child is depicted performing sexually explicit acts.²² This section goes further to

¹⁷ Nandita Yadav, "2024 saw record high in web pages hosting child sexual abuse content, nearly 3 lakh CSAM reports filed", India Today, April 24th 2025, available at: <https://www.indiatoday.in/technology/news/story/2024-saw-record-high-in-web-pages-hosting-child-sexual-abuse-content-nearly-3-lakh-csam-reports-filed-2713888-2025-04-24>, (Visited at: May 9th 2025)

¹⁸ The Protection of Children from Sexual Offences Act, 2012

¹⁹ Ministry of Electronics and IT, "Government of India Taking Measures Against Online Pornography", Ministry of Electronics and IT, March 19th 2025, available at:

<https://www.pib.gov.in/PressReleaseDetailm.aspx?PRID=2113098>: (Visited on: May 9th 2025)

²⁰ Ranjan, R., Bhaumik, J., & Patel, A. (2024). Regulating artificial intelligence in legal practice: an accountability framework. *blockchain and ai in business*, 131.

²¹ UNICEF, "Child Online Protection in India", UNICEF, 2016, available at: https://www.icmec.org/wp-content/uploads/2016/09/UNICEF-Child-Protection-Online-India-pub_doc115-1.pdf, (Visited on: May 9th 2025)

²² Judicial Academy Jharkhand, "A Decade of Protection of Children from Sexual Offences Act :

include images or representations that, although not showing actual sexual acts, are designed to arouse erotic interest or serve the purpose of sexual gratification. Significantly, this provision also criminalizes simulated sexual acts or depictions where a child is represented in an indecent, sexually suggestive, or exploitative manner.²³ The inclusion of manipulated images, animations, and digitally altered content under this definition reflects the law's forward-looking approach in addressing modern forms of abuse, such as deepfakes or AI generated child sexual imagery. The importance of Section 13 lies in its ability to criminalise the portrayal or representation of children in sexual contexts, regardless of whether direct physical abuse has occurred—making it a vital legal instrument in the digital age.²⁴

Building upon Section 13, Section 14 of the Act prescribes detailed penalties for individuals found guilty of using children for pornographic purposes. The penalty structure is tiered based on the gravity of the offence. Under Section 14(1), any person who uses a child in the production of pornographic content can be punished with imprisonment of up to five years, along with a fine. If the person is a repeat offender, the law mandates a minimum imprisonment of seven years, which may extend further, coupled with a fine. This approach reflects the legislature's intention to treat repeated abuse with increased seriousness. In Section 14(2), the punishment is even more severe when the material is created for commercial purposes, such as sale, distribution, or other profit-making activities. In such cases, the offender faces a minimum of three years' imprisonment, which may extend up to seven years, along with a fine. Repeat commercial offenders may face up to ten years' imprisonment. This differentiation highlights the Act's recognition of commercial sexual exploitation of children as a more aggravated offence, deserving stricter consequences. The commercial angle is significant, especially given the growth of underground CSAM markets on the dark web and encrypted networks, where child sexual content is monetized.

Further reinforcing the protective net around children, Section 15 of the POCSO Act addresses the storage, possession, and access of pornographic material involving children. This

provision criminalizes not only those who produce or distribute such material but also those who merely possess it for personal use or browse it online. This is a critical inclusion, as it brings the "demand side" of child pornography into the ambit of criminal law, aligning Indian legislation with global standards that recognize the harm caused by even passive consumption of CSAM. Section 15 also places a legal obligation on individuals who encounter such material to report it to authorities; failure to do so is a punishable offence. The penalty for possessing or accessing such content includes imprisonment for up to three years, or a fine, or both. However, if the stored content is subsequently used to facilitate any other offence under the Act, a more stringent punishment is applied. This reflects the preventive intent of the law—discouraging even casual possession and ensuring that all potential facilitators of child sexual abuse, whether active or passive, are held accountable.²⁵

Overall, the POCSO Act's provisions—especially Sections 13, 14, and 15 demonstrate a comprehensive and nuanced legal response to the multifaceted nature of child sexual exploitation in the digital era. The Act not only acknowledges the evolving forms of abuse through digital platforms, including self-generated content and synthetic imagery, but also criminalizes various stages of the CSAM lifecycle from creation and distribution to storage and viewing. This multi pronged approach is critical in curbing the spread of CSAM, deterring potential offenders, and reinforcing the protection of children from both direct and indirect forms of exploitation. By recognizing the psychological harm caused by representations of children in sexual contexts, and penalizing individuals who consume or fail to report such content, the POCSO Act.²⁶

• Legal significance:

The inclusion of Sections 13 to 15 in the POCSO Act represents a progressive and crucial development in Indian legal jurisprudence, aligning it with international child protection standards. These provisions acknowledge that exploitation of children is not confined to physical abuse alone but extends to visual, digital, and psychological harm. By doing so, the law broadens the traditional understanding of abuse and affirms that

Re-thinking & Possibilities", Judicial Academy Jharkhand, July 2023, available at: <https://jajharkhand.in/wp-content/uploads/2023/07/POSCO-Book-July-23.pdf>, (Visited on: May 9th 2025)

²³ Supra N. 20

²⁴ Minakshi Rani Agrawal, "Child Pornography on Social Media and Related Crime", International Journal of Law Management and Humanities, Vol 4, Issue 1, 2021, available at: <https://www.ijlmh.com/wp-content/uploads/Child-Pornography-on-Social-Media-and-Related-Crime.pdf>, (Visited on: May 19th, 2025)

²⁵ Sushovan Patnaik, "Supreme Court holds that viewing, storing and possessing 'child pornography' is punishable under POCSO Act; overrules Madras HC decision", Supreme Court Observer, September 24th 2024, available at: <https://www.scobserver.in/journal/supreme-court-holds-that-viewing-storing-and-possessing-child-pornography-is-punishable-under-pocso-act-overrules-madras-hc-decision/>, (Visited on: May 10th 2025)

²⁶ UNICEF, "Child Safety Online: Global challenges and strategies", UNICEF, May 2012, available at: <https://www.unicef.org/media/66821/file/Child-Safety-Online.pdf>, (Visited on: May 11th 2025)

any depiction or representation of a child in a sexual context is a violation of their fundamental rights and dignity. One of the most significant aspects of these sections is their recognition of the long-term psychological trauma inflicted by the dissemination and consumption of exploitative content, even in the absence of direct physical contact with the child. The law's emphasis on penalizing not only the creation and distribution of such material but also the mere viewing or possession of it reflects a preventative approach—aimed at disrupting the entire ecosystem of child pornography, including demand and passive complicity. Sections 13 to 15 together establish a robust and multifaceted legal framework that addresses the full spectrum of child pornography—from production and circulation to storage and online browsing. However, the mere presence of these legal provisions is not enough; their effective enforcement demands improved investigative capacity, specialized training for law enforcement personnel, and stronger coordination among cybercrime units, the judiciary, and child welfare services. Additionally, increasing public awareness about digital safety and the legal consequences of online child exploitation is essential to foster a more vigilant and responsive society. Without these systemic and institutional reinforcements, the full potential of the POCSO Act's protective mechanisms cannot be realised.

- **Information Technology Act, 2000: Section 67B – Child Pornography**

The Information Technology Act, 2000, which was amended in 2008, provides an important statutory framework to deal with cybercrimes in India, particularly crimes involving child sexual abuse material (CSAM). Among its various provisions, Section 67B stands out as a crucial legal tool in the fight against online child abuse. This section explicitly criminalises a wide range of CSAM-related activities, making it illegal to publish, transmit, browse or store sexually explicit material relating to children in any electronic form. Section 67B goes further to cover activities such as creating text or digital images depicting child sexual abuse, collecting or searching for such material, downloading it or even advertising or promoting it.²⁷ Additionally, it prohibits facilitating access to this material, whether for personal consumption or for distribution, for a first time conviction, offenders can face up to five years in prison and a fine of up to Rs 10 lakh. Upon conviction for a second time, the punishment may increase to imprisonment for up to seven years and the same monetary penalty. What makes this section particularly effective in principle is its broad scope: it targets not only those who produce or disseminate CSAM, but also

individuals who consume or facilitate access to such content. This approach is consistent with international legal standards, which emphasize the role of demand in sustaining and expanding the CSAM industry. By holding consumers and facilitators alike accountable, Section 67B aims to disrupt the entire cycle of online child exploitation.²⁸

However, despite its broad legal language, there are several practical challenges in the enforcement of Section 67B. Jurisdictional limitations pose a significant obstacle, especially when servers or perpetrators are located outside India, making cross-border investigations complex and often unproductive. Moreover, the lack of advanced technological infrastructure and forensic capabilities with Indian law enforcement agencies limits their ability to detect, track and prosecute offenders effectively. The situation is further complicated by the inadequate training of many investigating officers in handling cybercrime cases, especially in cases involving sensitive digital evidence and international collaboration. These gaps in enforcement weaken the deterrent potential of the law and allow many offenders to escape prosecution. To strengthen the impact of Section 67B, it is necessary to enhance inter-agency coordination, invest in technological tools for cyber forensics and provide specialized training to law enforcement personnel.²⁹ In addition, it is important to promote collaboration with international cybercrime units and tech companies for prompt execution and efficient cross-border investigations of CSAM. Public awareness campaigns educating citizens particularly parents and children about the dangers of online exploitation and the legal repercussions of CSAM-related activities are equally important. Only through such a multi-pronged strategy can the legal provisions of the IT Act be fully leveraged to tackle the growing menace of child pornography in the digital age.

➤ **Procedural and Investigative Tools in India**

Recognizing the complex and transnational nature of cybercrime, including offences involving child pornography, the Indian government has introduced several initiatives aimed at enhancing law enforcement capacity.

One such initiative is the Cyber Crime Prevention against Women and Children (CCPWC) scheme, launched by the Ministry of Home Affairs. Under this scheme, cybercrime cells have been established in various states and union territories to handle offences targeting vulnerable groups, particularly women and children. The scheme aims to:

²⁷ Ministry of Women and Child Development, "Cyber Crimes", Ministry of Women and Child Development, February 7th 2025, available at:

<https://www.pib.gov.in/PressReleasePage.aspx?PRID=160239> 8, (Visited on: May 12th 2025)

²⁸ Section 67 of Information Technology Act, 2000

²⁹ Ibid

- Strengthen cyber forensic capabilities in law enforcement agencies.
- Train police officers and forensic experts in handling cases related to CSAM and other cybercrimes.
- Develop a centralized reporting platform for cybercrime complaints, now available through the National Cyber Crime Reporting Portal (cybercrime.gov.in), where individuals can report incidents anonymously.³⁰

Additionally, the Indian Cyber Crime Coordination Centre (I4C) has been established as a nodal agency to promote coordination among various state and central agencies involved in tackling cybercrime.

Despite these measures, enforcement remains inconsistent and fragmented across jurisdictions. Many states still lack adequately trained personnel, and there is significant variation in the capacity of police units to deal with highly technical cases involving encryption, darknet platforms, or international content hosting services. Moreover, delays in obtaining digital evidence and jurisdictional challenges in cross-border investigations continue to pose serious obstacles to the timely prosecution of offenders.³¹

For these tools to be effective, there is a pressing need for uniformity in implementation, increased budgetary allocations, capacity building, and inter-agency cooperation, both at the national and international levels.

VI. IMPACT OF CHILD PORNOGRAPHY

Child pornography more accurately referred to as child sexual abuse material (CSAM)—has devastating and far-reaching consequences that extend from the individual child to society at large. The impact of such content is multi-faceted, including psychological trauma, social stigma, legal challenges, and systemic pressure on law enforcement and child protection agencies.

³⁰ PIB, “Awareness Programme on Child sexual abuse and POCSO Act”, Ministry of Women and Child Development, August 11th 2023, available at: <https://www.pib.gov.in/PressReleaseIframePage.aspx?PRID=1947896>, (Visited on: May 12th 2025)

³¹ Ranjan, Radha, Anand Shyam Kumar, Meena Bheem Singh (2023). virtual meetings under attack: assessing the legal and security risks of zoom bombing in the digital era. *ShodhKosh: Journal of Visual and Performing Arts* July-December 2023 4(2), 1256–1263. <https://doi.org/10.29121/shodhkosh.v4.i2.2023.3047>

1. Psychological and Emotional Impact on Victims

Children depicted in CSAM suffer severe psychological harm that can persist for years even after the abuse has ended. Some of the major impacts include:

- Long term trauma and PTSD: Victims often experience post-traumatic stress disorder, anxiety, depression, self-harm, and suicidal ideation.
- Loss of Dignity and Autonomy: Unlike other crimes, CSAM leaves a permanent digital footprint. The repeated dissemination of such content re-victimizes the child each time it is viewed, shared, or downloaded.
- Shame and social isolation: Children may suffer from feelings of guilt and public shame, especially if their identity becomes known. This can have serious repercussions for their social development, education and relationships.³²

2. Social impacts

CSAM contributes to the normalisation of child sexual abuse, thereby encouraging deviant behaviour among perpetrators. Its widespread availability on online platforms, including encrypted apps, dark web forums and peer-to-peer networks, fosters a culture of exploitation.

- Undermining child protection: The existence and consumption of CSAM erodes the notion of children as individuals deserving of protection, increasing the risk of abuse.
- Drives demand: As with other exploitative industries, demand for CSAM drives its production, often leading to the trafficking and abuse of more children for content creation.³³

3. Legal and criminal justice implications

The proliferation of CSAM places a significant burden on law enforcement and judicial systems, particularly in developing

³² Kimberly J Mitchell, Ateret Gewirtz-Meydan et. al., “The mental health of officials who regularly examine child sexual abuse material: strategies for harm mitigation”, *National Library of Medicine*, December 13th 2023, available at: <https://pmc.ncbi.nlm.nih.gov/articles/PMC10720046/>, (Visited on: May 12th 2025)

³³ Michael Skidmore, Beth Aitkenhead et. al., “Turning The Tide Against Online Child Sexual Abuse”, *The Police Foundation*, July 2022, available at: https://www.police-foundation.org.uk/wp-content/uploads/2022/07/turning_the_tide_FINAL-.pdf, (Visited on: May 12th 2025)

countries like India where technical resources and training are limited.

- Digital evidence challenges: It remains difficult to collect, preserve, and present digital evidence that meets legal standards.
- The complexity of cross-border crime: Perpetrators often operate outside jurisdictions, making it difficult to identify offenders, secure international cooperation, and carry out arrests and prosecutions.
- Victim centered justice: Current legal systems often focus more on punishing perpetrators than on rehabilitating and protecting victims, creating gaps in restorative justice.

4. Economic and infrastructural stress

The detection and removal of CSAM requires advanced technologies, legal coordination, and specialist personnel. These demands put pressure on national resources, especially in low- and middle-income countries.

- The high cost of investigation and rehabilitation: Specialized cyber forensics, psychological services, and child protection infrastructure require ongoing investment.
- The need for global cooperation: Effectively addressing CSAM requires alignment with international treaties and conventions, which requires diplomatic and policy-level engagement.

The impact of child pornography is profound and lasting, affecting not only the immediate victims but also their families, communities, and society at large. Tackling this crime requires a multi-pronged approach – strong laws, technological interventions, global cooperation, and most importantly, child-centred protection and rehabilitation systems that uphold the dignity and rights of each child.³⁴

VII. INTERNATIONAL AND COMPARATIVE LEGAL FRAMEWORKS ON CHILD PORNOGRAPHY

International legal frameworks on child pornography refer to the body of rules and principles that govern relations between states and international actors. According to Article 38(1) of the Statute of the International Court of Justice, the primary sources of international law include international treaties and

conventions, international customs, general principles of law recognized by civilised nations, and subsidiary sources such as judicial decisions and scholarly writings. Public international law deals with issues such as human rights, environmental protection, and the law of the sea, while private international law handles cross-border legal disputes in private matters like contracts and family law. Additionally, supranational law, such as that of the European Union, involves legal systems where member states delegate some of their sovereignty to a higher legal authority. Key institutions involved in international law include the United Nations and its organs, the World Trade Organization, the International Criminal Court, and various regional bodies such as the European Court of Human Rights and the African Union.³⁵

Comparative legal frameworks, on the other hand, involve studying and contrasting different national legal systems to understand their structures, principles, and methodologies. This field identifies various legal families, including common law systems like those in the United States and the United Kingdom, which rely heavily on judicial precedent; civil law systems, such as in France and Germany, which are based on codified statutes; and religious legal systems, such as Islamic or Jewish law, which derive from religious texts. Customary legal systems, prevalent in parts of Africa and among Indigenous communities, are grounded in longstanding traditions, while mixed systems blend aspects of two or more legal traditions, as seen in countries like South Africa and Scotland. Comparative law is instrumental in legal reform, policy development, and the harmonization of international regulations, aiding processes like international business transactions and treaty negotiations.

The intersection of international and comparative law has become increasingly important in a globalized world. Comparative analysis contributes to the drafting of international treaties by reconciling different legal principles, and international courts and arbitration panels often interpret and apply laws from multiple legal traditions. Despite its benefits, this field faces challenges, including tensions between national sovereignty and international obligations, cultural differences in interpreting universal norms, and issues of legal pluralism and enforcement. Understanding both international

³⁴ We Protect Global Alliance, “Framing the future: How the Model National Response framework is supporting national efforts to end child sexual exploitation and abuse online”, UNICEF, available at: https://www.weprotect.org/wp-content/uploads/Framing-the-Future_-FINAL.pdf, (May 13th 2025)

³⁵ Respect International, “Regulation of Child Online Sexual Abuse Legal Analysis of International Law and Comparative Legal Analysis,” available at: <https://respect.international/wp-content/uploads/2020/01/Regulation-of-Child-Online-Sexual-Abuse-Legal-Analysis-of-International-Laws-Comparative-Legal-Analysis.pdf>, {Visited on: May 14th 2025}

and comparative legal frameworks is essential for navigating the complex legal landscape of the modern world.³⁶

• United States

The PROTECT Act of 2003 and 18 U.S.C. § 2252: A Robust Legal Framework Against Child Pornography, The United States has established a stringent and comprehensive legal framework to combat child exploitation, particularly child pornography, through laws such as the PROTECT Act of 2003 and 18 U.S.C. § 2252. These laws not only criminalize the production, distribution, and possession of child pornography but also enhance investigative tools and impose severe penalties for violators. Together, they reflect a strong commitment to safeguarding children and prosecuting offenders.

The PROTECT Act of 2003 (Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act) significantly strengthened federal efforts against child exploitation crimes. One of its most notable contributions was eliminating legal loopholes that had previously allowed certain forms of virtual child pornography to escape prosecution. The Act criminalized computer-generated images that are “indistinguishable” from real minors if they are used to arouse or satisfy sexual desires. It also introduced mandatory minimum sentences for certain offenses involving child pornography, enhancing deterrence and emphasizing the seriousness of these crimes.³⁷

A key provision of the U.S. criminal code, complements the PROTECT Act by directly addressing the knowing possession, receipt, distribution, or production of material involving the sexual exploitation of minors. It criminalizes any interstate or foreign commerce activity—including through computers or the internet—that involves visual depictions of minors engaged in sexually explicit conduct. The law establishes that those found guilty face harsh penalties, including lengthy prison sentences and substantial fines. For example, individuals convicted of producing child pornography may face a minimum of 15 years and up to 30 years in federal prison for a first offense.

Beyond legislative measures, the United States also empowers law enforcement agencies with substantial investigative capabilities. Agencies such as the Federal Bureau of Investigation (FBI) and U.S. Immigration and Customs

Enforcement (ICE) play a central role in identifying and apprehending offenders. The FBI’s Violent Crimes Against Children Program and ICE’s Homeland Security Investigations (HSI) Cyber Crimes Center are specifically tasked with combating child exploitation. These agencies use advanced digital forensics, undercover operations, and global partnerships to trace offenders and rescue victims. International cooperation, particularly with Interpol and foreign law enforcement, allows for cross-border investigations targeting global child pornography networks.³⁸

The legal framework also includes provisions for the National Sex Offender Registry, post-release supervision, and ongoing monitoring of convicted individuals. Courts may impose conditions such as internet restrictions and mandatory participation in treatment programs to reduce the risk of recidivism. Despite the strength of these laws, challenges remain. The anonymous nature of the internet and encrypted technologies can hinder investigations. However, continuous updates to the law and advancements in forensic technology help adapt to new threats. The combination of comprehensive legislation, strict sentencing guidelines, and dedicated law enforcement efforts provides a powerful mechanism for addressing child pornography in the U.S.

The PROTECT Act of 2003 and 18 U.S.C. § 2252 form the backbone of America’s legal response to child pornography. Together with robust enforcement by agencies like the FBI and ICE, they exemplify the nation’s resolve to combat child exploitation and protect vulnerable minors from abuse.

• United Kingdom

The U.K.’s Sexual Offences Act 2003 and Protection of Children Act 1978 are important laws designed to protect children from sexual exploitation, particularly in the context of digital media. The Protection of Children Act 1978 makes it a criminal offense to take, make, distribute or possess indecent images of anyone under the age of 18. This includes photos, videos or digitally created or altered material, whether made with consent or created by minors themselves.³⁹ The Sexual Offences Act 2003 expands the legal framework by criminalizing a broad range of sexual crimes involving children, including grooming, exploiting children and inciting or inducing them to engage in sexual activity. Enforcement of these laws is supported by the Internet Watch Foundation (IWF), a U.K. based nonprofit organization that works to help

³⁶ Paul Schiff Berman, “From international law to law and globalization”, *Columbia Journal of Transnational Law*, January 2004, available at: https://www.researchgate.net/publication/294186886_From_international_law_to_law_and_globalization, (Visited on: May 14th 2025)

³⁷ 18 U.S. Code § 2252, Certain activities relating to material involving the sexual exploitation of minors

³⁸ Section 1-4, 7, 14-33, 47-61 of the U.K.’s Sexual Offences Act 2003

³⁹ Section 1 (1)(a) of the Protection of Children Act 1978

identify, assess and remove child sexual abuse material from the Internet. The IWF collaborates with Internet service providers, law enforcement and international partners, and also provides the public with a safe and anonymous way to report illegal online content.⁴⁰ Together, these laws and the IWF's efforts are an important part of the UK's strategy to tackle online child sexual exploitation and protect children.

• Budapest Convention

The Council of Europe Convention on Cybercrime (Budapest Convention) is closely linked to efforts to combat child sexual abuse material (CSAM), formerly known as child pornography, through specific legal provisions. Article 9 of the Convention requires signatory countries to criminalise activities related to CSAM, including its production, distribution, offering, purchase and possession. Recognising that the Internet allows offenders to share such material across borders, the Convention promotes harmonisation of national laws and enhances international cooperation. Through enabling rapid exchange of evidence, supporting joint investigations and providing a unified legal framework, the Budapest Convention plays a vital role in the global fight against online sexual exploitation of children.⁴¹

As this Convention sets global standards for combating internet-based crimes, it has influenced India to strengthen its own legal and technological framework in response to international expectations and requirements for cross-border cooperation.

India has enacted various laws to combat CSAM, such as the Information Technology Act, 2000 (with amendments) and the Protection of Children from Sexual Offences (POCSO) Act, 2012, which criminalises the creation, distribution and possession of CSAM. In addition, India cooperates with global law enforcement agencies and organisations such as Interpol, and cooperates in the Mutual Legal Assistance Treaty (MLAT) framework to combat international cybercrime.

While India's non membership limits its direct participation in the legal and procedural cooperation mechanisms of the Budapest Convention, the Convention has nevertheless served

as a guiding influence for the development of policies and practices aimed at combating online child exploitation. There have also been discussions and recommendations from international bodies encouraging India to join the Convention to strengthen global cybercrime cooperation.⁴²

• UNCRC and Optional Protocol

The UN Convention on the Rights of the Child, particularly its Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (2000), obligates member states to take strong legal action against all forms of child sexual exploitation. This includes the requirement to criminalize child pornography in all its forms, whether produced, distributed, or possessed. The protocol emphasizes the need for countries to adopt comprehensive legal measures, promote preventive strategies, and ensure effective prosecution of offenders. Additionally, it calls for international cooperation to tackle the cross-border nature of these crimes, reinforcing global efforts to protect children from exploitation in both physical and digital environments.⁴³

VIII. CHALLENGES IN THE INDIAN CONTEXT

India faces several challenges in effectively combating cybercrime. A widespread lack of digital literacy, especially among parents and guardians, limits the implementation of basic online safety measures and parental controls, increasing the vulnerability of children and untrained users. Law enforcement efforts are often delayed and fragmented due to inadequate coordination between agencies and insufficient technical expertise. These issues are further compounded by a slow judicial process, resulting in significant backlogs in cybercrime cases and low conviction rates. Furthermore, India's decision to stay out of key international frameworks such as the Budapest Convention hampers its ability to engage in global cooperation against cross-border cyber threats, limiting its effectiveness in combating crimes that transcend national boundaries.⁴⁴

⁴⁰ IWF, "Working To Stop Child Sexual Abuse Online", Internet Watch Foundation, available at: <https://www.iwf.org.uk/about-us/>, (May 17th 2025)

⁴¹ Convention on Cybercrime, Budapest, 2001

⁴² Digital Frontiers, "India and the Budapest Convention: Why not?", Observer Reserve Foundation, October 20th 2016, available at: <https://www.orfonline.org/expert-speak/india-and-the-budapest-convention-why-not>, (Visited on: May 17th 2025)

⁴³ United Nations Human rights, "Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography", United Nations, available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-rights-child-sale-children-child>, (Visted on: May 18th 2025)

⁴⁴ UNICEF, "Child Online Protection in India", UNICEF, available at: https://www.icmec.org/wp-content/uploads/2016/09/UNICEF-Child-Protection-Online-India-pub_doc115-1.pdf, (Visited on: May

IX. RECOMMENDATIONS FOR THE PROTECTION AGAINST CHILD PORNOGRAPHY

It is recommended to amend existing laws to explicitly include virtual and AI-generated content, to ensure clarity in legal definitions and address potential loopholes. Additionally, joining the Budapest Convention will enhance international cooperation in combating cross-border cybercrimes.⁴⁵ Investments should be made in digital infrastructure and training of law enforcement personnel to better prepare them to deal with online threats. Strengthening victim support services, including access to psychological counseling and reintegration programs, is essential for comprehensive care. In addition, active collaboration with technology companies should be encouraged to effectively monitor, detect, and remove child sexual abuse material (CSAM) from digital platforms.

X. CONCLUSION

India has made notable strides in addressing the grave issue of child pornography, particularly through legal frameworks such as the Protection of Children from Sexual Offences (POCSO) Act and the Information Technology Act, reflecting a growing national awareness of the urgent need to safeguard children from online sexual exploitation. However, despite this progress, several critical challenges continue to impede the complete eradication of such crimes. Weaknesses in the enforcement of existing laws manifested through delayed investigations, insufficient technical expertise among law enforcement, and fragmented inter-agency coordination undermine the effectiveness of current efforts. Moreover, the absence of standardized legal definitions and inconsistencies in interpreting emerging digital threats create exploitable gaps. When compared with robust international instruments like the Lanzarote Convention and the Optional Protocol to the Convention on the Rights of the Child (CRC), India's legal framework still falls short in terms of comprehensiveness, consistency, and victim support provisions. To address these deficiencies, India must adopt a more strategic and holistic approach that includes refining legal definitions, enhancing law enforcement training in digital forensics and child-sensitive procedures, and developing victim centric support systems encompassing counseling, legal aid, rehabilitation, and privacy protections. In parallel, India should bolster its global engagement by joining relevant international treaties, exchanging intelligence, and participating in collaborative cross-border initiatives. Given the transnational nature of online child exploitation, such coordinated responses are

essential. Ultimately, while India has laid foundational structures to combat child pornography, a more cohesive, well-resourced, and globally integrated effort is crucial to effectively shield children from the growing menace of online sexual abuse

⁴⁵ Singh Pallavi, Ranjan, Radha (2023). Cyber Crime Against Women In Cyber Space: A Critical Analysis of Indian

Legislations. Kanpur Philosopher UGC CARE Listed Journal, ISSN No- 2348-8301., 10(1(A), 79–85.