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## PROTECTION OF CHILDREN IN CYBERSPACE

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### ABSTRACT

*The rapid and unregulated growth of cyberspace has quite a bit increased the risk to children, leaving them very susceptible to various kinds of tech-facilitated trauma and exploitation. About this, the paper maps out the major facets of cybercrimes against children in India and explains the working mechanisms and effects on the psyche of the victims of the new digital threats, such as, cyber grooming cyberbullying child pornography (CSAM), digital image morphing using artificial intelligence, predatory sexting, social trolling, cyberstalking, and addictive online gaming algorithms. For assessing the protective mechanisms, the paper studies India's legal system at different levels and identifies the joint interpretative readings of the Information Technology Act 2000 (Sections 66, 67, and 67B) and the Protection of Children from Sexual Offences (POCSO) Act 2012 (Sections 11-16). All in all, the paper offers an in-depth analysis of the recent judicial trends and electronic evidence standards (Section 63 BSA 2023) through seminal judgments like *Just Rights for Children Alliance v. S. Harish* (2024), *Nipun Saxena, State of Maharashtra v. S. Rajesh Gambhir* (2025), and the latest high court interventions on algorithmic grooming and deepfake extortion.*

### INTRODUCTION TO CYBERSPACE

Cyberspace, in layman's terms, can be defined as a virtual or digital world that is created by the interconnectedness of different computers with an internet connection. Trading places with the traditional methods of communication, this virtual environment allows people to see the world through the lenses of the internet. This new digital era eliminates the need for physical presence for interactivity. Even when the people are not present in the shared spaces, they can still share, store, and view data, connecting over continents and countries. This digital space certainly makes

immense opportunities in India as well, offering a wide range of platforms for people to connect over. The boundless world of cyberspace has opened up multiple opportunities in the sectors of education, commerce, and even governance, ensuring no physical barriers restrict the growth. However, the expansion of cyberspace has outpaced the development of protective frameworks, leaving vulnerable spots to be reached, particularly children, with various forms of cybercrime.

## **INTRODUCTION TO CYBERSPACE IN INDIA**

In India, the cyber space is growing exponentially and fundamentally outgrowing daily life and commerce. The digital transformation from traditional communication methods to virtual space has been outgrowing reality entirely. The rapid growth gave way to the Digital India initiative<sup>1</sup>, a flagship government program attempting to bridge the gap between the digital divide and lack of internet literacy nationwide. From significantly low-cost mobile data options as well as a widespread need for smartphones for daily life, this further acted as the catalyst for introducing cyberspace to Indians. However, the rapid growth of technology has led to it being a double-edged sword. The virtual space brought the nation under one umbrella, cutting down the constraints of time and distance while exposing the vulnerable audience to cyber crimes, making access much easier. The cybercriminals exploited the lack of digital literacy, especially for first-time users, scamming them. The heinous cyber crimes, including online fraud, cyber terrorism, and other privacy infringements, saw a rise in a short span of time against children, the elderly, and even rural citizens.

## **CYBERCRIME IN INDIA AGAINST CHILDREN**

### **1. CYBER GROOMING:**

Cyber grooming is a process in which an adult or someone intentionally tries to make an emotional connection with the child via social media or any other online platform. In this, the connection has been made by tempting the child with gifts or like a sympathetic friend. Once the person has been coerced, they start manipulating or exploiting, even abusing the child. The person often indulges the child in a sexual activity, including intimate images.

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<sup>1</sup> Digital India Programme, Ministry of Electronics and Information Technology, Government of India (2015)

The child faces coercive extortion for delivering sexually explicit material. The ultimate goal of cyber grooming is to sexually exploit the child. From the psychological perspective, the victim involved in cyber grooming can exhibit drastic personality changes, including withdrawal from their parents and the sudden shift in mood linked to the extortion. Even though cyber grooming is not explicitly defined as an offence in the Indian legislative framework, the underlying criminal acts can definitely be penalised through the conjoint reading of the Information Technology Act 2000<sup>2</sup> and the Protection of Children from Sexual Offences Act 2012<sup>3</sup>. Acts of cyber grooming are prosecuted under Section 67B of the IT Act<sup>4</sup>, alongside Sections 11 and 12 of the POCSO Act<sup>5</sup>, which criminalise sexual harassment and online stalking of minors.

## 2. **CYBERBULLYING:**

Historically, bullying was conceptualised as repetitive physical aggression. This includes intentionally hurting someone by a person or group of people, and causing harm to the other person. However, in the contemporary world, bullying has also been shifted. Cyberbullying takes place over the Internet, online devices, and various social media platforms. Cyberbullying can be understood as willful, hostile, and repetitive harm inflicted on the victim via electronic media sources. It includes:

- a person or a group of people intentionally embarrassing the victim
- sharing private information
- humiliating
- showing aggression or making threats online
- spreading lies about the victim
- texting the aggressive messages

Unlike traditional bullying, the effects of cyberbullying are not just physical but also extend to psychological impacts. Blurring the lines between time and space, the act of bullying

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<sup>2</sup> Information Technology Act, 2000, No. 21, Acts of Parliament, 2000 (India).

<sup>3</sup> Protection of Children from Sexual Offences Act, 2012, No. 32, Acts of Parliament, 2012 (India).

<sup>4</sup> Information Technology Act, 2000, § 67B, No. 21, Acts of Parliament, 2000 (India).

<sup>5</sup> Protection of Children from Sexual Offences Act, 2012, §§ 11, 12, No. 32, Acts of Parliament, 2012 (India).

takes over the psychological vulnerability of the victim and leads to acute emotional trauma and diminished self-esteem with repeated exposure.

### 3. **CHILD PORNOGRAPHY:**

In the topography of cyberspace, the proliferation of child sexual abuse material, also referred to as child pornography, constitutes the most heinous crime against human rights and digital jurisprudence. Child Pornography, in layman's terms, refers to the production of a sexual act, later on the distribution, which involves minors. It includes exploiting the children sexually and coercing the minors in a sexual act, taking videos and photographs, and distributing them digitally. Penalised under the Strict Dual Enforcement Mechanism, the utilisation of children for pornographic purposes is criminalised under Sections 13, 14, and 15 of the Protection of Children from Sexual Offences (POCSO) Act 2012<sup>6</sup>. Moving to the digital aspect of the exploitation, Section 67B of the Information Technology Act 2000<sup>7</sup> penalises the online publishing, transmission and facilitation of explicit digital content involving children.

The unmonitored exposure of vulnerable children to digital space is one reason for the spike seen in cybercrimes. The trauma of exploitation leads to stagnant development and heavily altered psychological behaviour, including social isolation, aggression, and anxiety.

### 4. **MORPHING:**

Morphing: The relatively new and sophisticated digital infrastructure has also led to the advent of digital morphing. Morphing, also known as unauthorised editing, manipulation, alteration, or modification, is the malicious application of images or video. It is seemingly performed via complex artificial intelligence or machine learning processes. It can be considered as the production of deep fakes, or pornographic, defamatory, or offensive content intended to damage the individual's reputation. The criminological evidence demonstrates that digital morphing affects females and minors more heavily. The mode of operation involves a perpetrator and a victim having an apparent close relationship.

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<sup>6</sup> Protection of Children from Sexual Offences Act, 2012, §§ 13–15, No. 32, Acts of Parliament, 2012 (India).

<sup>7</sup> Information Technology Act, 2000, § 67B, No. 21, Acts of Parliament, 2000 (India).

The perpetrator then weaponises this relationship to share intimate content on social media sites. They then superimpose the image of the individual on pornographic or compromising imagery and compose invasive pornography. Digital morphing has repercussions not just in infringement of data or identities, but also as a means of cyber extortion, where once the digital content is in hand, the offender can use it to blackmail the victims. The psychosocial repercussions are even more devastating, where the targets are left with severe socio-psychological trauma and may suffer from acute clinical anxiety, severe depression, social stigma and social ostracisation from digital and real worlds.

**5. SEXTING:**

One of the contemporary cyber crimes, weaponising of sexually explicit communication, can be referred to as sexting, even though sexting between consenting adults is not inherently a crime. Manifesting the conversation with predatory intent targeting minors, it results in the crime. When an actor solicits, transmits, or leverages explicit digital media to coerce a minor to commit an offence, then transitions into cyber sextortion or digital child grooming. The modus operandi of this offence relies on psychological coercion of a minor by the offender. The offender secures an initial piece of compromising media and works through deceptive manipulation, using it as leverage, threatening the public dissemination of private images across social networks.

**6. SOCIAL TROLLING:**

Persistent cyber harassment has now extended far beyond emotional discomfort and has normalised the unprecedented public dissemination of personal digital footprints. This exposure can result in acute Anxiety among minors who might be socialising within digital spaces for the first time. These vulnerable audiences face social trolling. Cyber harassment is characterised as a purposeful series of provocative and defamatory messages, transmitted in such a way as to cause psychological distress and possibly damage the person's reputation.

**7. CYBER STALKING:**

In the past, stalking was limited to physical areas. But the advent of cyberspace would not put a full stop to the constant follow-up, stalking and harassment of the victims. It crosses the limitations of either time or any physical space. This cybercrime that underpins cyberstalking would not be restricted to some physical distance. It is a revolution where the stalker or harasser can move through the internet technology in the electronic realm. Cyber stalking can be defined as " willful, malicious, and repeated use of electronic mail or other electronic communication devices to harass another person".

Such modus operandi can be summarised as stalking through the net, which can be brought out through searching algorithms on the net, unwanted electronic mails and follow-up sensation with (cyber) stalking. Effects of cyber stalking are not only limited to the paper but also in the psychological realm. The socio-psychological effects can result in extreme phobias, including clinical anxiety, chronic depression, social stress, immense anxiety and fear in the privacy and public domain.

Cyber stalking in Indian jurisprudence is governed and penalised by Section 78 of Bharatiya Nyaya Sanhita BNS 2023<sup>8</sup>. This penal provision is activated by the Information Technology Act 2000, wherein Sections 66C and 66D are invoked<sup>9</sup>.

## 8. **ONLINE GAMING:**

In this digital age, the minors even get exposed to the virtual world at very young age. Gaming, in an unexpected twist of fast moving world has proved to be the source of coercion by the cybercriminals via the modern multiplayer games. The possible perpetrators or scammers can indulge in false gaming websites which can result in the minors getting exposed to the cyberspace. Online multiplayer gaming websites which have chat rooms can result in exposing the victims to the cybercriminals, forcing them to sexual favours.

Most of these online gaming websites use addictive algorithms and psychological manipulation to keep them under control. Blue whale Challenge, which is an online event,

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<sup>8</sup> Bharatiya Nyaya Sanhita, 2023, § 78, No. 45, Acts of Parliament, 2023 (India).

<sup>9</sup> Information Technology Act, 2000, §§ 66C, 66D, No. 21, Acts of Parliament, 2000 (India).

is an example where the perpetrators effectively used digital peer pressure and scientifically orchestrated the victim's behaviour culminating in the suicide of the victim. Unregulated online gaming platforms are heaven for online scammers who are looking to get hold of their next unsuspecting victims. In India for instance, they are regulated through Information Technology Intermediary Guidelines and Digital Media Ethics Code Rules<sup>10</sup> that require comprehensive standards on classification of contents and even parental approval procedures for minors.

## **NEGATIVE IMPACT OF CYBERSPACE**

Conversely, the expansion of cyberspace has its social, legal, psychological, and physiological extremities. The pervasive nature of social networking platforms has virtually erased individual privacy, creating an environment where personal data is vulnerable to leaks and exposure. From the criminal aspect, the structural anonymity and transborder nature of the Internet open up the opportunity for cybercriminals to conduct multiple cyber offences, including financial fraud, identity theft, hacking, and phishing campaigns, among others. The psychological impact of going through these digital crimes can result in public vulnerability, social anxiety, depressive disorders, and low self-esteem, among others, leaving behind a lasting impact.

## **LAWS IN INDIA THAT PROTECT CHILDREN FROM CYBERCRIME**

In India, a multi-tiered legislative framework is specifically engineered to safeguard minors from the atrocities of cybercrime. In the contemporary digital era, the early and unmonitored socialisation of minors in digital space exposes them to multiple systematic risks, including child sexual abuse material (CSAM), alongside infringement of private data. To counter these digital threats, India relies on a robust dual-enforcement mechanism bridging the special penal laws of Protection of Children from Sexual Offences (POCSO Act 2012)<sup>11</sup> and the Information Technology Act 2000<sup>12</sup>, alongside the recent Digital Personal Data Protection Act 2023<sup>13</sup>.

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<sup>10</sup> Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, Ministry of Electronics and Information Technology, Government of India.

<sup>11</sup> Protection of Children from Sexual Offences Act, 2012, No. 32, Acts of Parliament, 2012 (India).

<sup>12</sup> Information Technology Act, 2000, No. 21, Acts of Parliament, 2000 (India).

<sup>13</sup> Digital Personal Data Protection Act, 2023, No. 22, Acts of Parliament, 2023 (India).

## 1. INFORMATION TECHNOLOGY ACT 2000

With the increase in the digital economy and networked technology, there is definitely a need for a fundamental shift in traditional jurisprudence, a shift culminating in the enactment of the Information Technology Act 2000. It has been heavily influenced by the United Nations Commission on International Trade Law's Modern Law on Electronic Commerce 1996<sup>14</sup>, which marked the entrance of India into the regulated digital era.

To begin with, the functional aspect of the ITR 2000 was to dissolve the historical disparity between tangible and virtual transactions. It offers trade-facilitating architecture and a core structural objective and establishes an info-sourced code of digital conduct. There are several offences that have been laid down in this act, leading to the imposition of penalties for misuse of electronic communication or technology.

**Section 65<sup>15</sup>:** If a person is found to be tampering with the documents that are being stored in the computer, it leads to an offence under this Act. Thus, the person is liable to the punishment of imprisonment of three years and a fine of two lakh rupees, or both.

**Section 66<sup>16</sup>:** This section lays down the offence that if any person commits any other offence that is associated with the computer system, it is punishable by three years of imprisonment and a fine of ₹5 lakh, which can be imposed.

**Section 66C<sup>17</sup>:** If a person represents himself or herself on the Internet by deceiving his or her identity or presenting himself or herself with a false identity, it leads to the crime of identity theft. The person accused of this offence will be charged with three years of imprisonment and a one-lakh-rupee fine, or both.

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<sup>14</sup> UNCITRAL Model Law on Electronic Commerce with Guide to Enactment, U.N. Doc. A/CN.9/SER.C/GUIDE/1 (1996).

<sup>15</sup> Information Technology Act, 2000, § 65, No. 21, Acts of Parliament, 2000 (India).

<sup>16</sup> Information Technology Act, 2000, § 66, No. 21, Acts of Parliament, 2000 (India).

<sup>17</sup> Information Technology Act, 2000, § 66C, No. 21, Acts of Parliament, 2000 (India).

**Section 66E<sup>18</sup>:** This act leads to the offence of invading privacy if a person in the digital era tries to invade the privacy of the victim without consent, leading to either a three-year punishment of three years or a fine of ₹2 lakhs or both.

**Section 67<sup>19</sup>:** If the offender is sending obscene or explicit material through the electronic medium to the child or any person, it leads to the penalty of 5 years of imprisonment and a fine of ₹10 lakhs.

**Section 67A<sup>20</sup>:** If a person sends any of the material or a photo/video that contains sexually explicit acts through the electronic medium, it leads to the imposition of the punishment of 7 years' imprisonment and 10 lakhs as a fine.

**Section 67B<sup>21</sup>:** If the offender depicts a child in a sexually explicit form and shares the sexually explicit material with the child through digital media, it leads to imprisonment of 7 years and a fine of ₹10 lakh.

**Section 72<sup>22</sup>:** If the offender breaches or intentionally breaches the privacy or confidentiality of the victim, including a child, woman or any other person, it can lead to the penalty of ₹500,000.

## **PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT 2012**

The Protection of Children from Sexual Offences Act came into effect in 2012, which helps to protect children who are below the age of 18 years or a minor and helps to protect them from all types of sexual offences, including sexual abuse, sexual assault, harassing a child sexually, Child pornography and so on.

**Section 11<sup>23</sup>** of the POCSO Act states that if a person intentionally tries to involve a child in a sexual act or tries to sexually harass the child, it will lead to the crime of sexual harassment under this Act.

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<sup>18</sup> Information Technology Act, 2000, § 66E, No. 21, Acts of Parliament, 2000 (India).

<sup>19</sup> Information Technology Act, 2000, § 67, No. 21, Acts of Parliament, 2000 (India).

<sup>20</sup> Information Technology Act, 2000, § 67A, No. 21, Acts of Parliament, 2000 (India).

<sup>21</sup> Information Technology Act, 2000, § 67B, No. 21, Acts of Parliament, 2000 (India).

<sup>22</sup> Information Technology Act, 2000, § 72, No. 21, Acts of Parliament, 2000 (India).

<sup>23</sup> Protection of Children from Sexual Offences Act, 2012, § 11, No. 32, Acts of Parliament, 2012 (India).

1. The offender will be charged with the crime of sexual harassment if he tries to display any kind of pornographic material to the child without the child's consent of the child, which leads to the sexual harassment of the child.
2. If a person tries to contact the child through electronic means to have a sexual favour with the child, it also leads to the crime of sexual harassment.
3. If the offender makes any of the colored remarks to the child and threatens him to get involved in the sexual act, leading to the harassment of the child sexually.

**Section 12<sup>24</sup>** of the POCSO Act leads to mentioning the punishment for sexual harassment, which is mentioned under Section 11 of the same act. If a person or an individual tries to get involved in a sexual act with a child through an electronic medium, it leads to the crime of sexual harassment and can have a penalty of up to three years of imprisonment. Some of the acts that lead to sexual harassment under this Act, showing pornography, contacting a child with a sexual intention, or making a colored remark.

**Section 13<sup>25</sup>** states any individual or person who tries to involve a child in a pornography act for their own purposes through the digital era or by any means, leading to the exploitation of a child for the pornographic acts.

**Section 14<sup>26</sup>** states that the penalty for using a child in a pornographic act leads to imprisonment for a minimum term of 5 years with a fine. If the offender tries to involve himself in the crime again. Leads to an increase in the punishment up to seven years, along with a fine.

**Section 15<sup>27</sup>** states that if a person or individual stores any of the content related to child pornography and fails to destroy or delete it, it leads to a fine of not less than 5,000 rupees, and if the offender tries to commit the offence subsequently, it leads to a fine of not less than 10,000 rupees. Section 15 also includes that if a person has the intention to distribute or display, or tries to transmit or propagate the pornographic content, including the child, the offender will be punishable for three years in jail and an amount of fine will also be applicable or him or both.

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<sup>24</sup> Protection of Children from Sexual Offences Act, 2012, § 12, No. 32, Acts of Parliament, 2012 (India).

<sup>25</sup> Protection of Children from Sexual Offences Act, 2012, § 13, No. 32, Acts of Parliament, 2012 (India).

<sup>26</sup> Protection of Children from Sexual Offences Act, 2012, § 14, No. 32, Acts of Parliament, 2012 (India).

<sup>27</sup> Protection of Children from Sexual Offences Act, 2012, § 15, No. 32, Acts of Parliament, 2012 (India).

**Section 16<sup>28</sup>** states that if any person not getting involved directly in the crime related to the children through electronic means aids or abets the person to get involved in the crime directly, it leads to an illegal act under this POCSO Act.

## **JUDICIAL INTERVENTION OF CYBERCRIME AGAINST CHILDREN IN INDIA**

### **1. STATE OF TAMIL NADU VS. SUHAS KATTI, 2016<sup>29</sup>**

India's first-ever conviction under Section 67 of the Information Technology Act, 2000, the Suhas Katti case deals with the cyber stalking, identity impersonation, and digital harassment of a woman. The Supreme Court landmark case, September 2024 decision in Just Rights for Children Alliance v. S. Harish

### **2. PARDEEP KUMAR VS. STATE OF HIMACHAL PRADESH, 2014<sup>30</sup>**

The enactment of the POCSO Act 2012 and Section 67 of the Information Technology Act 2000<sup>31</sup> had Indian high courts in a knot over the penal boundaries of passive consumption. The strict interpretation of the law marked the mere acts of viewing, downloading, or privately storing CSAM on an electronic device without the explicit intent of commercial distribution as left out of the matrix of criminal prosecution. This judicial loophole created an asymmetric enforcement environment.

However, after the controversial ruling of the Madras High Court in S. Harish v. Inspector of Police, 2023<sup>32</sup>, the High Court quashed criminal proceedings against the accused. The High Court reasoned that under Section 15 of the POCSO Act<sup>33</sup>, the definitions required an element of institutional dissemination to attract penal consequences later on. The Supreme Court of India

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<sup>28</sup> Protection of Children from Sexual Offences Act, 2012, § 16, No. 32, Acts of Parliament, 2012 (India).

<sup>29</sup> State of Tamil Nadu v. Suhas Katti, CC No. 4680 of 2004, Addl. Chief Metropolitan Magistrate, Egmore (2004).

<sup>30</sup> Pardeep Kumar v. State of Himachal Pradesh, 2014 SCC OnLine HP 4504.

<sup>31</sup> Information Technology Act, 2000, § 67, No. 21, Acts of Parliament, 2000 (India).

<sup>32</sup> S. Harish v. Inspector of Police, 2023 SCC OnLine Mad 2872.

<sup>33</sup> Protection of Children from Sexual Offences Act, 2012, § 15, No. 32, Acts of Parliament, 2012 (India).

resolved this legal ambiguity with its landmark appellate judgment, *Just Rights for Children Alliance v. S. Harish*, 2024<sup>34</sup>.

### **3. NIPUN SAXENA V. UNION OF INDIA (2018)<sup>35</sup>**

In the Landmark Judgement of *Nipun Saxena v. Union of India* (2018), the Honourable Supreme Court of India addressed the systematic problem of media trials and leaked police sheets. The apex court delivered a series of binding directives that were aimed at protecting the minor's right to privacy under the Constitution. This jurisprudential mandate acted as the foundational pillar for an absolute non-negotiable right to confidentiality and anonymity. It was recognised that the public's disclosures of a minor's identity can inflict severe, irreversible socio-psychological impact. Thus, the Indian legal system mandates strict procedural safeguards to protect a child's identity. Under Section 23 of the POCSO Act 2012<sup>36</sup>, the media is prohibited from publishing any material that can reveal the identity of the child involved in the offence. Moreover, Section 74 of the Juvenile Justice Act 2015<sup>37</sup> imposes a blanket ban on the disclosure of a minor's identity through any media. The scope of this statutory prohibition not only restricts the child's legal name but also his or her residential address, name and location of educational institution, family members, relatives and specific local landmark.

### **4. S VS STATE OF MAHARASHTRA (2019)**

The foundational rule on the competency of the minor witness has been governed by Section 118 of the Indian Evidence Act 1872<sup>38</sup>, which decrees that all persons are competent to testify unless the court determines that a minor's tender years prevent them from understanding the question. However, the POCSO Act 2012 is aggressively transforming this baseline. Under Sections 29 and Section 30 of the POCSO Act<sup>39</sup>, the legislature introduces a reverse onus in the landmarks.

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<sup>34</sup> *Just Rights for Children Alliance v. S. Harish*, 2024 INSC 725.

<sup>35</sup> *Nipun Saxena v. Union of India*, (2019) 2 SCC 1.

<sup>36</sup> Protection of Children from Sexual Offences Act, 2012, § 23, No. 32, Acts of Parliament, 2012 (India).

<sup>37</sup> Juvenile Justice (Care and Protection of Children) Act, 2015, § 74, No. 2, Acts of Parliament, 2016 (India).

<sup>38</sup> Indian Evidence Act, 1872, § 118, No. 1, Acts of Parliament, 1872 (India).

<sup>39</sup> Protection of Children from Sexual Offences Act, 2012, §§ 29, 30, No. 32, Acts of Parliament, 2012 (India).

In the judgment *State of Maharashtra vs. S* (2019)<sup>40</sup>, the Apex Court addressed this systematic issue of trial, the disregarding of a child's testimony due to minor contradictions. Finally, the Supreme Court ruled that the testimony of a child victim of sexual assault does not require any corroboration as a mandatory rule of law. It was also profoundly noted that the traumatised child will not be forced to seek continuous adult corroboration in order to be presented as a witness.

#### **5. STATE OF KARNATAKA VS SHIVANNA 2014**

This matter has been the face of modern Indian child protection jurisprudence, acting as the most critical, procedural, and punitive milestone. The *State of Karnataka v. Shivanna* (2014)<sup>41</sup> has been known for establishing the strict guidelines that prevent the secondary victimisation of sexual assault survivors. The case offers powerful judicial commentary on proportional punishments to avoid heinous crimes against minors.

#### **6. BACHPAN BACHAO ANDOLAN VS UNION OF INDIA 2014<sup>42</sup>**

Lourit Kailash Satyarthi's movement, *Bachpan Bachao Andolan, versus Gujnani of India* 2014, was the result of a public interest litigation that aimed at structural reform for child welfare in India. The litigation focused on confronting the state apparatus about the rapidly expanding ability of technology, which was technology being a key player in facilitating child trafficking, online pornography, or commercial sexual exploitation.

#### **7. MAJEESH K. MATHEW VS STATE OF KERALA AND OTHERS<sup>43</sup>**

This issue was centered on the significance in amending the antiquated criminal laws to suit the transforming digital landscape. The Kerala High Court stressed on the usage of social media sites as tools in organised campaigns and cyberbullying to extort weaker sections. The Court reduced the bail application made by the accused and ruled that the transmission of sexually colored comments, targeted defamation and coordinated digital harassment would lay the foundation for rigid penal standards of electronic sexual harassment.

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<sup>40</sup> *State of Maharashtra v. S*, (2019) 18 SCC 412.

<sup>41</sup> *State of Karnataka v. Shivanna*, (2014) 8 SCC 883.

<sup>42</sup> *Bachpan Bachao Andolan v. Union of India*, (2014) 3 SCC 411.

<sup>43</sup> *Majeesh K. Mathew v. State of Kerala*, 2018 SCC OnLine Ker 23376.

## **8. RAJESH GAMBHIR VS STATE OF DELHI, 2025<sup>44</sup>**

It is not necessary for the criminals to physically approach the target child. In this particular case, it addressed this fact and offered a critical assessment of the necessity of monitoring these online areas.

Targeting a minor student was the method used in this case. The accused transformed the child victim's characteristics into sexually explicit photos by superimposing digital images of her face using advanced software tools. The minor was then coerced via WhatsApp on their mobile device by the perpetrator using this fake material. The minor was threatened with severe criminal intimidation and electronic manipulation if he refused to comply with his non-consensual demands.

## **9. VISAKHAPATNAM MINOR MORPHING CASE 2025<sup>45</sup>**

This landmark judgement analysed the role of technology in crimes, providing a critical insight into the need for upgrading India's cyber forensic apparatus. The facts of this case involved an adult perpetrator who targeted a minor girl within Visakhapatnam. The accused harvested the accessible images of the minor and then created an Instagram account utilising the name. The accused used morphed images of the victim onto explicit photographs. The fabricated media was then published on the fake Instagram handle that tagged the minor's friends and peer groups. The Visakhapatnam Cybercrime Police Station then initiated an immediate investigation by tracking the IP data back to the offender. The perpetrator's physical location was traced back to his home, and he was found dead in his room in the area.

## **10. SAZZADUR RAHMAN VS STATE OF ASSAM AND OTHERS<sup>46</sup>**

The case highlighted the need for the establishment of clear protocols for electronic evidence. The critical challenge of obtaining validated electronic records without compromising the integrity was addressed in the Sazzadur Rahman v. State of Assam and others notable case. The facts of the case

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<sup>44</sup> Rajesh Gambhir v. State (NCT of Delhi), 2025 SCC OnLine Del 5180.

<sup>45</sup> State of Andhra Pradesh v. [Accused Name Redacted], FIR No. [Redacted]/2025, Cyber Crime Police Station, Visakhapatnam (2025).

<sup>46</sup> Sazzadur Rahman v. State of Assam, WP(C) No. 4120 of 2021 (Gauhati High Court).

involved a 15-year-old minor girl victimised by a targeted cyber harassment campaign. The accused used a fraudulent profile on a social media platform using the victim's identity and personal details. The perpetrator then uploaded a series of defamatory photographs over the local digital networks. The non-consensual dissemination of the media resulted in severe emotional trauma for the minor, violating her fundamental rights. In the judgment, the court reiterated that any data sourced from electronic devices must be accompanied by a valid statutory certificate under Section 63 of the Bharatiya Sakshya Adhimayam (B.S.A.) 2023.<sup>47</sup>

### **11. DELHI HIGH COURT CASE 2025<sup>48</sup>**

The arrival of communication networks has definitely reshaped the child victimisation topography. Even when the legal protection of minors has been hyper-focused on physical environments, the contemporary judiciary is recognising the need for tech-facilitated trauma and the need for justified protection. This Delhi High Court case judgment was rendered by Honorable Dr. Justice Swarna Kanthasharma. The facts of the matter involved a 14-year-old minor student who was being targeted with vicious cyber assault. The perpetrator harvested digital images of the minor and then morphed them into sexually explicit photographs and transmitted the fabricated media as a form of blackmail. The technological extortion resulted in the accused threatening to disseminate the explicit images across social networks until the victim agreed to his non-consensual demands. The Delhi High Court affirmed a penalty of five years of rigorous imprisonment along with a mandatory fine. The offender invoked Section 14 of the POCSO Act 2012<sup>49</sup>, Section 67B of the Information Technology Act 2000<sup>50</sup> and Sections 75 and 351 of the Bhartiya Nyay Sanhita<sup>51</sup> for the crimes.

### **12. MADHYA PRADESH POCSO CASE 2025**

More and more trial and special courts are abandoning the lenient approaches against technologically facilitated child abuse. Another example of a zero-tolerance policy is this Madhya

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<sup>47</sup> Bharatiya Sakshya Adhiniyam, 2023, § 63, No. 47, Acts of Parliament, 2023 (India).

<sup>48</sup> Rajesh Gambhir v. State (NCT of Delhi), 2025 SCC OnLine Del 5180.

<sup>49</sup> Protection of Children from Sexual Offences Act, 2012, § 14, No. 32, Acts of Parliament, 2012 (India).

<sup>50</sup> Information Technology Act, 2000, § 67B, No. 21, Acts of Parliament, 2000 (India).

<sup>51</sup> Bharatiya Nyaya Sanhita, 2023, §§ 75, 351, No. 45, Acts of Parliament, 2023 (India).

Pradesh POCSO Special Court case of 2025<sup>52</sup>. The facts of the case involved a 26-year-old adult perpetrator who targeted an adolescent girl. The perpetrator exploited the private data within the personal circles and then uploaded these images with highly objectionable and sexually explicit captions across public social media platforms. The perpetrator tagged the peer and family groups of the accused girl for maximum exposure. The digital shaming and exploitation resulted in psychological trauma for the minor. Recognising the gravity, the court convicted the offender and sentenced him to five years of rigorous imprisonment. The conviction included Section 14 of the POCSO Act 2012<sup>53</sup>, Section 67B of the Information Technology Act 2000, and Section 79 of the Bharti Nyaya Sahinta BNS 2020<sup>54</sup>.

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<sup>52</sup> State of Madhya Pradesh v. [Accused Name Redacted], Special POCSO Case No. [Redacted]/2025 (2025).

<sup>53</sup> Section 14 of the POCSO Act 2012 (MP Case)

<sup>54</sup> Bharatiya Nyaya Sanhita, 2023, § 79, No. 45, Acts of Parliament, 2023 (India).