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## SAFEGUARDING CHILD ONLINE- AN EMPIRICAL STUDY FROM CAUSE TO EFFECT

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### Abstract

*An empirical study on protecting children online is presented in this paper, which traces the reasons behind their susceptibility to the consequences of being exposed to threats online. It uses a mixed-methods approach that combines qualitative interviews with parents, caregivers, and child protection specialists with quantitative surveys of children between the ages of 10 and 17. The study investigates children's use of the internet, their encounters with hazardous content, grooming, and cyberbullying, as well as parental knowledge and preventative measures. It evaluates the efficacy of existing safety precautions and identifies deficiencies in protective frameworks and digital literacy. The results are intended to help stakeholders, educators, and legislators increase children's online safety through evidence-based interventions and better digital environment legislation.*

**Keywords-** Child, Online, Cyber bullying, CRC,POCSO

### Introduction

***"Every child comes with the message that God is not yet discouraged of man." - Rabindranath Tagore.***

Childhood is an ambiguous concept, with many cultures acknowledging that children are more defenseless and vulnerable. Age restrictions reflect society's assessment of the maturation of children's abilities and responsibilities.<sup>159</sup> There are three ways to determine who should be considered a child for child pornography: scrutinizing the individual and determining if their features for classification, using biological characteristics, considering the individual's maturity, and prescribing an age. In this connection so many efforts have been made at international also national level so that they could live in a good environment because they are the base of any society, it is not anxiety but in practical could we react those target which

have been fixed at international level to protect the children from abuse like especially as the child pornography or not in still challenging matter? Two factors have supported the trend of the production of child pornography: firstly the introduction and availability of movies, videos, cameras, computers and software has made the production of child pornography quite cheap, and secondly- growth of Internet and technology has pushed up the ability to produce and distribute this material until unbelievable height. I would argue on this basis that it is predictable and inevitable, and that it remains justifiable to criminalize the use of children and to regard all sexually explicit representations of children as offensive.<sup>160</sup>

The issue of child rights in India stems from the frequently ambiguous legal definition of a child. A juvenile residing in India reaches the age of majority at 18. However, the definition of minors

<sup>159</sup>Alisdair A. Gillespie, *Child Pornography Law and Policy* (Routledge, 2011) p. 12.

<sup>160</sup>Government of India, 'Indian: Constitutional Law' <http://publications.gc.ca/Collection-R/LoPBdP/CIR/843-c.html> accessed 7 June 2023.

in Indian law contains several ambiguities. In the IT Act,<sup>161</sup> the primary Indian law governing computer-related activities, any person under 18 is considered a minor.<sup>162</sup> The POCSO Act provides a comparable definition of “child.”<sup>163</sup>

### Child Pornography–The Concept

The term “pornography” is derived from the Greek words porn (prostitute) and graphene (write) and refers to writing about sexual activity or erotic behavior that is intended to stimulate sexual desire. It is a wider concept that includes all works of art and literature with sexual or sex-related themes. Pornography is defined as material that is predominantly sexually explicit and primarily intended to stimulate sexual desire. Obscenity, a legal term for anything immoral, is frequently equated with pornography. In contrast, pornography refers specifically to the erotic content of books, magazines, films, and audio recordings.

In India, (POCSO) Act<sup>164</sup> punishes child pornography severely as it turns out. Child pornography is described in that enactment as any visual representation of material where sex involving a person under 18 is described or depicted, and includes any making or distribution or sale of such a visual representation.

### Impact of Internet and Social Media Applications

***“Any technology throughout history has been adapted by two things - first of all pornography and secondly, the paranormal”<sup>165</sup>***

The primary focus of this research centres on the offence of “child pornography.” With the rise of social media platforms such as Facebook, Twitter, and Instagram, pornography has become a prominent global menace. It refers to sharing private personal photos of an individual online without their consent, which were initially

taken with their consent during a romantic relationship but are now being spread to seek retribution following the end of the relationship. Former romantic partners disseminate their victim’s photographs on the internet, then propagated by numerous or myriad other websites, rendering their removal arduous or unfeasible.

The study has been conducted to investigate around the causes and factors accelerating child pornography with access to social media and internet being the topmost reason. What are the challenges and limitations of these technological solutions? What are the social and cultural factors that contribute to the spread of child pornography, and how can they be addressed? How can technology be used to prevent and combat child pornography?

To complete the study various stakeholders have been interviewed through questionnaires, interviews, and surveys to supplement the doctrinal analysis with practical insights from legal practitioners, law enforcement officials, policymakers, and other stakeholders.

### Parents and Children

Child pornography constitutes a critical global concern need immediate action via policy reform, technology interventions, and heightened public awareness. This study presents an empirical study derived from 24 survey responses collected from many stakeholders, including children, parents, law enforcement officials, academics, and internet service providers (ISPs). The study examines the incidence of child pornography, levels of knowledge, and the efficacy of current safety measures, while outlining deficiencies that must be addressed to safeguard children from online exploitation.

Based on the following questions the findings and conclusions were derived-

How often do you access the internet?

Which devices do you use for internet access?

<sup>161</sup>Information Technology (Amendment) Act, 2008, Explanation to s. 67B.

<sup>162</sup>Information Technology Act, 2000, s. 1.

<sup>163</sup>Protection of Children from Sexual Offences Act, 2012, s. 2(d).

<sup>164</sup>Protection of Children from Sexual Offences Act, 2012, No. 32 of 2012.

<sup>165</sup>James Alcorn (McLray 2005)

Have you ever received messages, images, porn videos that made you uncomfortable?

If you ever felt unsafe?

Have you been taught about online safety at school?

What do you think is the biggest risk of using social media?

Do you talk about online safety with your child?

Are you aware about the online threats relating to child pornography and child sexual grooming?

What are your biggest concerns relating to your child's internet usage?

**The study shows the below analysis-**

The poll reveals children are widely exposed to online environments that do not provide adequate protections. Apps and websites serve as direct, unsupervised lines for grooming and exchanging explicit content, acting as a catalyst. This is clear from high daily use on personal devices. Extreme and direct exposure to negative messages. Detection is hampered by app-level encryption and lack of cooperation. ISPs' partial or insufficient filtering.

The empirical evidence overwhelmingly validates the reality that, when it comes to enabling easy, private, and hard-to-police conduits of child pornography, websites, chatting applications, and dating applications serve as enablers of crimes.

**About Children-**

The survey findings reveal that 86% of children utilize the internet daily, indicating substantial exposure. Smartphones are the most used gadget for accessing internet and social media, followed by laptop and tablets. 47 percent youngsters said that they receive inappropriate texts, photographs, videos on various social media applications that they are using.

**About Parents-**

Parents are essential in protecting children

online; however, the results indicate differing degrees of oversight. Thirty-seven percent of parents assert that they consistently oversee their child's online activities, while forty-seven percent do so sporadically, and sixteen percent do not monitor it at all. The absence of constant supervision generate apprehensions, particularly when 75% of parents recognize the dangers linked to child pornography and cyber grooming. Notwithstanding their awareness, hardly 37% have engaged in this discussions with their children about the online safety. Additionally, parental apprehension on exposure to unsuitable information (57%), interactions with unfamiliar individuals (58%), and social media dependency (71%). The results indicates a necessity for increased proactive parental involvement in digital safety education.

**About the ISP'S**

The service providers have a critical role in preventing the spread of child pornography, although their responses reveal gaps in compliance. Fifty-one percent of ISPs employ automatic screening technologies, and sixty-one percent possess reporting systems; yet, thirteen percent implement no preventive measures all. In response to law enforcement inquiries, 42% offer immediate complete cooperation, 39% necessitate legal documents, and 19% reference legal or technical constraints. The primary obstacles ISPs encounter in combating child pornography are encryption technologies (66%), privacy issues (53%), and the absence of unified international legislation (45%). A notable 78% of ISPs endorse more stringent government restrictions, demonstrating the industry's readiness to implement enhanced compliance measures contingent upon legislative modifications.

About Actions against Children and Internet or other technology-

An overwhelming 84% of respondents saw child pornography as an escalating issue,

while merely 8% believe it is diminishing. Proposed strategies for addressing this issue encompass intensified law enforcement (70%), augmented parental oversight (54%), improved online education for children (70%), and more stringent regulations for Internet Service Providers and social media platforms (52%). General proposals emphasize the implementation of more stringent rules, the accountability of online platforms, the enhancement of parental control mechanisms, and the promotion of more collaboration among stakeholders. These observations underscore the necessity for a comprehensive strategy to alleviate online hazards and safeguard children in digital environment.

The emergence of science and technology has facilitated convenient and affordable access to knowledge, namely through the Internet, resulting in a significant issue concerning child pornography. The sexually explicit content accessible on internet/darknet is exceptionally inappropriate, general public and underage individuals, thereby constituting child pornography as a significant societal threat.

The political and legal authorities are determined to address child pornography and its related problems with severity. However, the lack of clear objectives or targets in the legislation designed to regulate child pornography may lead to confusion and disorder in the efforts to fight this crime. It is important to know that family and intimate acquaintances are the primary culprits of abuse.

Multiple laws and acts address the issue of child pornography. However, there are still gaps or loopholes that need to be addressed. Child pornography lacks a precise and explicit definition in the legislation of Thailand, the United States, and India. Moreover, the wide range of pornographic platforms poses a challenge in terms of website blocking and pre-censorship of child pornography content.

Parents and instructors are obligated to establish a morally and physically safe environment for children, shielding them from exposure to sexually explicit content. Inadequate education on pornography can result in antisocial conduct, misreading of minors, and a higher prevalence of individuals with pedophilic tendencies.

The regulation of child pornography in cyberspace is imperative due to its gravity. Authorities should prioritise efforts to prevent the exploitation and mistreatment of children, as well as their involvement in the production of child pornography, and take steps to prevent children from being manipulated and encouraged to engage in such activities.

Although strict legislation has been implemented to address the issue of child pornography, there are still existing loopholes. In the United States, any harm inflicted upon a kid is consistently refuted, and relying on severe fines will not entirely resolve the issue.

The preservation of freedom of speech and expression should not be compromised in the fight against child pornography. The harm inflicted upon the child has enduring consequences, as it not only exploits the child but also subjects them to severe physical abuse, including beatings, burnings, and torturous sexual acts.<sup>166</sup>

Cyberspace provides consumers extensive access to beneficial information and entertainment and exposes them to potential hazards and destructive content. The advent of digital technology has significantly transformed the landscape of the criminal justice system, rendering it an attractive domain for criminals across the globe. Cybercrime is an actual and rapidly expanding epidemic that is increasingly becoming a matter of worldwide concern. The battle against cybercrime is encountering specific technical and legal obstacles, such as rapid technology advancements and evolving

<sup>166</sup>ECPAT REPORT 2018.

trends regarding the locations of origin and methods of communication.

The research indicates that there is insufficient empirical evidence to justify a comprehensive prohibition on pornographic websites, as there is no clear correlation established between internet pornography and crimes perpetrated against women. The Supreme Court is now divided on the matter of implementing a comprehensive prohibition on pornography websites, as constitutional morality does not yield to popular morality. The perspective advocated by J.S. Mill's Harm Principle aligns with this standpoint, as it asserts that an individual's freedom can only be restricted when their behavior directly violates the rights of others.

Another issue pertains to the liability of Internet Service Providers (ISPs) in the prohibition of pornographic websites on the Internet and the regulation of cyber pornography through the implementation of hotline systems, rating systems, and filtering software. Section 79 of the IT Amd Act exempts intermediaries from legal responsibility if their role is to facilitate the interchange or sharing of information. Nevertheless, suppose the intermediary neglects their responsibility and fails to act diligently, aids or conspires in committing a crime, or does not promptly remove or restrict access to any websites upon receiving an order from the court or relevant government agency. In that case, they will be held accountable under this section.

The Material Technology (Procedure and Safeguards for Blocking for Access of Information by Public) Rules, 2009, establish official procedures for restricting public access to information. The liability issue for Directors arises when an ISP Company is not included as a party in the lawsuit/proceedings. The role of law is crucial in addressing the issues presented by cyber pornography, but relying just on legislation would not be entirely enough to manage these challenges effectively.

Child rights and child welfare encompass initiatives aimed at fostering the appropriate physical, social, and psychological growth of a kid while also safeguarding them against inhumane treatment and neglect. These consequences may include hyperactivity, decreased intellectual quotient, withdrawal symptoms, physical abnormalities, anxiety, diminished sense of responsibility, and rebellious emotions. The well-being of the entire community hinges upon the physical and emotional well-being of the kid, as a youngster who is ignored and abused will not be able to develop into a virtuous and accountable member of society.

Poverty and illiteracy are the primary factors contributing to the infringement of child rights in India. The issue of child labour, abuse, exploitation, poverty, nutrition, education, employment, and the protection of children's rights has become a persistent problem that cannot be resolved immediately. This issue arises from the insatiable desires of parents, relatives, employers, and society. Regardless of their socioeconomic status, children each have poignant narratives in which they endure and encounter daily perilous circumstances.

Child neglect is a significant concern that must be taken into account, as it has a profound impact on the overall well-being and development of the child. Many parents fail to comprehend the importance of furnishing adequate care and essential provisions for their child's holistic growth. The majority of parents don't know the child's essential needs, such as nutrition, attire, education, and healthcare, resulting in a life that is both socially and physically disadvantaged. Parents must give substantial attention to emotional support as well.

Children with emotional disturbances face challenges in developing into responsible citizens. A significant proportion of children are experiencing sexual assault within juvenile institutions, perpetrated by individuals who are not known to them, as well as by employees,

and occasionally even by their parents. Subsequently, the children who have experienced sexual abuse are permanently unable to live a life characterised by dignity and self-respect.

India has made substantial pledges to safeguard the fundamental rights of children, with advancements in critical metrics such as newborn mortality rates, child survival, literacy rates, and school dropout rates. Nevertheless, the problem of Child Rights violations in India remains entangled between legal and policy obligations towards children on one side and the consequences of globalisation on the other. The current legislation about children is weak, insufficient, and requires ongoing improvement.

#### Conclusion-

The researcher has conducted an analysis and determined that poverty, illiteracy, broken households, and peer influence are significant factors in the emergence of juvenile delinquents. The government should offer work opportunities to parents and foster awareness regarding the significance of education among them. The researcher advocates for creating an international organisation that addresses issues about infringing children's rights.

VPN techniques, proxy servers, and a multitude of newly created pornographic websites are still being used to access prohibited explicit information. Millions of viewers from various countries watch live broadcasts of sexual activities, including those involving children, through real-time transmission techniques on the Internet. The primary challenge lies in the loss of data and evidence about cases of child sexual abuse, which significantly hinders the apprehension of perpetrators.

Pornography is a widespread problem, where websites actively promote the uploading of explicit photographs or films depicting sexual activity, frequently captured through covert surveillance. As a result, viewers experience perpetual dread and anguish as they find themselves ensnared in an unending cycle of

terror. The cyber system is ineffective in eliminating and preventing the spread of sexually explicit content, including child sexual abuse (CSA) and movies depicting sexual abuse, assault, rape, and gang rape.

#### Suggestions-

- Implement more stringent regulations concerning child phonography and biometric access controls to prevent content publication and ensure swift dissemination of user information.
- Establish media platform responsibility for content published and user data management.
- Raise awareness about the hazards posed by artificial intelligence, automation, and online safety.
- Educate children on internet safety, making them aware of what is safe and what is not.
- Establish screen time limitations for children, including parental controls and content filters to ensure age-appropriate browsing.
- Restrict adult content to adults only, and allow parental control on devices to manage what children access.
- Encourage responsible internet usage, setting time limits, and restricting objectionable websites.
- Use parental controls and monitor children's online activities to ensure they are safe.
- Limit children's internet access to prevent social media abuse, and educate them on dangers like cyberbullying and online fraud.
- Enforce restrictions on social media usage for children under 18 years old, ensuring constant monitoring and guidance.
- Encourage children to be aware of online dangers and implement

multiple layers of safety measures.

- Impose strict content restrictions on movies, media, OTT networks, and TV channels to protect children from harmful material.
- Improve parental controls and privacy settings, ensuring that children engage with appropriate content and practice safe internet behaviours.
- Remove harmful or inappropriate videos from platforms and prevent access to pornographic sites.
- Increase monitoring of minors' internet use and restrict access to harmful content.
- Educate on the importance of digital privacy and teach children how to use the internet responsibly.
- Establish screen time limits and encourage open communication with children about their online experiences.
- Utilize child-friendly platforms and restrict access to content suitable for the child's age.
- Monitor social media activity by tracking conversations and ensuring privacy settings are properly configured.
- Conduct awareness initiatives for the general public about the risks of internet use and the need for monitoring.
- Promote the use of built-in parental controls on devices to ensure children's safety.
- Expedite inquiries related to online safety and maintain good communication with children regarding their internet activities.

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