



## **PSYCHO-LEGAL PERSPECTIVE IN CHILD SEXUAL EXPLOITATION IN CYBERSPACE: A STUDY FROM THE FRAMEWORK OF IT ACT, 2000**

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### ***Abstract :***

The addressal of online sexual offences against children is quite complex. With the rapid expansion of internet leading effortless cyberspace accessibility, the online space has become pernicious when it comes to the rights of children. With the lack of research and insufficient awareness, the addressal of child sexual exploitation in cyberspace has led to the rapid expansion of child exploitation material whether it is live transmission of the assault or user generated content. The increasing prevalence of child sexual exploitation in cyberspace demands an integrated “psycho-legal” approach to address the multifaceted challenges of such heinous crime. The IT Act, 2000 and the POSCO Act, provide a robust legal framework in addressing and penalizing the sexual offences against children, there lacks addressal of long-term psychological impact it has on children such as impaired sense of self, anxiety, depression, PTSD etc. The paper also highlights the gap between legal mechanism and addresses the evolving technological advances and the importance of including mandatory psychological support for the victims

***Index Terms:*** child sexual exploitation, cybercrimes, cyberspace, IT Act 2000, psychological impact

## **I. INTRODUCTION**

*“Severe child maltreatment-including early and sustained sexual abuse-may interfere with the child's development of a sense of self.”*

*(Briere & Elliott, 1994)*

Wei (2011) “Child sexual abuse content is a permanent record of the sexual abuse of a child and it can be presented in any format, such as, an image, an audio recording, a drawing, or a story about the sexual assault of a child.”

India ranks fifth among the top five countries for hosting child sexual abuse material (CSAM), the first reported case being in 2004 of a 13-year-old girl who was abducted and raped, and her video was circulated in a CD. The Protection of Children from Sexual Offences Act (POCSO), 2012, was passed to comprehensively deal with the issue of sexual offences against children. It not only spells out the punishment for the offences but also lays out the support for the victims. But is this act alone enough to cover the crimes against children on the cyberspace? Sighting the faceless, borderless, and dynamic nature of the cyberspace where billions of pieces of information are processed and accessed every second, are these laws enough to protect the children against the heinous crimes against them? This further raises complex questions of defining the aftermath of abuse, how the victims can be helped, the psychological and social impact of abuse, and how it can be prevented. The rapid globalization of cyberspace in its dynamic nature has facilitated new forms

of exploitation against children. This reveals how accessibility and anonymity complicate the challenges law enforcement faces in tackling child sexual abuse and ensuring justice.

The recent judgement by the Supreme Court of India to rename the term “child pornography” to “Child Sexual Exploitative and Abuse material (CSEAM)” is a landmark decision that marks a significant legal and moral shift in the fight against child exploitation. The court has not only fortified legal protections for minors but also set a global precedent in addressing one of the most heinous crimes. The terms established the fact that such media does not represent children but the adults.

Sections 67, 67A, and 67B of the IT Act, 2000, serve as a comprehensive framework that reflects the legislative intent to penalize various forms of cyber sexual offences involving obscene or pornographic material. These provisions outline the remedies and prescribe punishments for offences committed through electronic means, protecting both adults and children.

- Section 67B(a) penalizes the “direct or indirect involvement” in dissemination, publication or transmission of child pornography.
- Section 67B (b) adds onto it by criminalizing the “acts of creating, propagating or engaging with or using” child pornography.
- Section 67B(c) makes “enticing or inducing” children through computer resources to engage in sexual acts with minors an offence.
- Section 67B(d) penalizes “any act” that can likely “aid, enable or support” online sexual abuse of children.

- Section 67B(e) criminalizes exposing or subjecting children to sexually explicit acts, and recording it in electronic form, violation of which shall be punished with imprisonment up to seven years and a fine of ten lakh rupees.

However, the psychological impact of child sexually abusive material on both victims and the consumers, including the law enforcement officers, cyber forensic investigators as well as on the offenders remains unanswered legally as well as ethically. There has been a limited amount of research conducted from the perspective of cyberspace with regards to child sexual exploitative materials. However, the reports suggest that the continuous victimization and a lifelong fear within the individuals, as the explicit images can circulate and resurface indefinitely over the cyberspace, raises concerns about the long-term psychological impact on the victims.

*“In children, anger is frequently expressed in behavioural problems, with abused children and adolescents displaying significantly more difficulties than what is found typically in the general population.” (Briere & Elliott, 1994)*

There is evidence that survivors of childhood sexual abuse are significantly at risk of a wide range of medical, psychological, behavioural, and sexual disorders. Clinical observations have shown a significant long term mental and social impact on the victims of child sexual abuse. Researches reveal strong correlation between childhood

maltreatment and an array of increased susceptibility of developing mental disorders. The emotional scars inflicted by abuse often lead to long-term psychological issues, including post-traumatic stress disorder (PTSD), depression, anxiety, impaired sense of self, and even self-harm which, at most case, persisting into adulthood. These children continue to experience more than usual diagnosis of PTSD, anxiety, and depression as they are yet to fully affirm that the media is permanently erased or destroyed from the cyberspace. Their additional diagnosis includes non-delusional paranoia, a common symptom of borderline personality disorder (BPD).

Besides being addictive, pornography also seems to be progressive. Research by Young and Cooper suggests that cybersex can be define as a form of psychopathology, reflecting neurotic and compulsive behaviours that align with characteristics of addiction. Offenders in possession or in trade of child sexually abusive material promote the further commission of the offence because of the continued demand and desire of new media. This is followed by people becoming desensitised by the abuse they see leading to seek out for more disturbing material.

Although there are less published studies on the direct impact of CSEAM on the police and other law enforcement members, there have been comments on the stress and trauma experienced by those who investigate into sexual offences. The feelings of cynicism, outrage, anxiety, depression, and isolation are pretty common. For many reasons the police

are more vulnerable to cynicism, i.e., an attitude that there is no hope for the world and a view of humanity at its worst. This is produced by their constant contact with offenders and what he perceives as legal injustice, such as lenient court decisions and plea-bargaining. Cynicism is an emotional plank deeply entrenched in the ethos of the police world and it serves equally well for attack or defence. When they succumb, they lose faith in people, society, and eventually in themselves. Nature of stress in policing is not only limited to psychiatric disorders but also cardiovascular, gastrointestinal, genitourinary, and immunology issues.

## **II. REVIEW OF LITERATURE**

According to a report by the India Child Protection Fund (ICPF) in April 2020, the consumption of child pornography in India surged by 95%. This data was sourced from ‘Pornhub’, one of the world’s largest pornographic websites, underscores the alarming rise in exploitative content (Reddy & Andhra University, 2022). Rogers (2008) highlights how the rise of the Internet and the ease of accessing images from home have further weakened the connection between the victim and the viewer. This detachment is intensified by the perception that cyberspace lacks reality. The instant and unrestricted accessibility of the online content enables paedophiles to manipulate and groom children, leading to serious crimes such as child pornography and trafficking (Bhadury, 2022).

The impact of explicit content extends beyond the victims. It also majorly affects the police and other law enforcement officers. A study by Juliette

Whelpton (2012), states the psychological effects on the computer forensic examiners working with child pornography. The study highlights the emotions of horror and disgust felt by the investigators upon their encounter with material. It also states the negative impact of the content on their personal lives. The investigators kept on thinking about the children and felt self-responsible to stop paedophiles, should they not succeed, would be their fault.

### **III. OBJECTIVES OF THE STUDY**

1. To examine the legal and psychological dimensions of CSEAM within the Indian context.
2. To examine the impact of CSEAM on victim and law enforcers.
3. To explore the role of cyberspace in increase of CSEAM and its consequences.

### **IV. METHODOLOGY**

The study adopts a qualitative approach. It focuses on an in-depth understanding of the legal and psychological aspects of CSEAM in the Indian context. It aims analyse the existing literature and reports and expert opinions allowing uncover the impact of CSEAM on victims, society, and investigators.

Data collection was done via journal articles, research papers, expert commentaries related to child sexual exploitation, cyber law framework in

India, and on psychological impacts. News articles and legal acts were also referred for the study.

## **V. CONCLUSION**

The act of Child Sexual Exploitative and Abusive Material is a crime not only against children but also against society. It has a drastic and lasting effect on society. The major issue in fighting the crime is the nature of cyberspace which is easily accessible and dynamic. Although the POCSO Act, 2012 unquestionably has a very wide scope but the rapid growth of technology and the extending internet database has a far-reaching audience and effect on the distribution of child pornography. While the IT Act, 2000 provides a solid foundation to cybercrimes, it also needs to reflect the psychological aspects of abuse which persist even in the adulthood of the victims. Not only the maker and distributor, but the possessor should also be held liable for CSEAM.

A holistic approach needs to be taken which will include strong psychological as well as legal framework in order to tackle and bring down the cases of child sexual abuse as well as viewing and distributing of the child sexual exploitative and abusive material.

Children are future of a nation. Any long-term harm in their physical or psychological well-being, which has the potential to persist into adulthood, is the harm to the nation's well-being and development.



## **VI. RECOMMENDATIONS**

1. Strengthening cooperation between law enforcement agencies, internet service providers, and social media companies to detect and child sexual exploitative and abusive material online.
2. The liabilities of intermediaries should also be defined and they should be held accountable as a whole.
3. Mandatory psychological support must be provided to the victims as well as the law enforcement officers within the legal process.
4. Intermediary platforms must develop stronger machine-learning and artificial intelligence tools to identify and remove harmful content before it spreads rather than only depending on the content being flagged.
5. Awareness and education programs to educate to parents and caregivers of the children should be held teaching them about cyberspace and safety.

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## **VIII. REFERENCES**

- Bhadury, S. (2022, July 5). *Child pornography in India: issues and challenges*. Retrieved January 28, 2025, from <https://journalppw.com/index.php/jpsp/article/view/8639>
- Briere, J. N., & Elliott, D. M. (1994). Immediate and Long-Term impacts of child Sexual abuse. *The Future of Children*, 4(2), 54. <https://doi.org/10.2307/1602523>
- Calam, R., Horwitz, N., Mezey, G., King, M., Victorian Institute of Forensic Medicine, & Victorian Psychiatric Case Register. (2001). Association between child sexual abuse and subsequent treatment for mental disorder: A prospective cohort study. *Journal of Child Psychology and Psychiatry*.
- Cooper, S. W. (n.d.). *THE IMPACT ON CHILDREN WHO HAVE BEEN VICTIMS OF CHILD PORNOGRAPHY* (By University of North Carolina Chapel Hill School of Medicine, Womack Army Medical Center, Developmental and Forensic Pediatrics, PA, National Center for Missing and Exploited Children, & Attorney General's National Task Force on Children Exposed to Violence).

- [https://www.ussc.gov/sites/default/files/pdf/amendment-process/public-hearings-and-meetings/20120215/Testimony\\_15\\_Cooper.pdf](https://www.ussc.gov/sites/default/files/pdf/amendment-process/public-hearings-and-meetings/20120215/Testimony_15_Cooper.pdf)
- Deshpande, A., Rathi, T. M., Kulkarni, A., & Singh, S. (2024). Child pornography in India - issues and challenges. *Multidisciplinary Science Journal*, 6, 2024ss0529. <https://doi.org/10.31893/multiscience.2024ss0529>
  - Gul, & Mohu Din. (n.d.). UNCOVERING THE LEGAL FRAMEWORK OF CHILD PORNOGRAPHY IN INDIA: AN ANALYSIS OF LAWS, POLICIES, AND CHALLENGES. *Indian Journal of Integrated Research in Law*. <https://ijirl.com/wp-content/uploads/2024/06/UNCOVERING-TH E-LEGAL-FRAMEWORK-OF-CHILD-PORNOGRAPHY-IN-IN DIA-AN-ANALYSIS-OF-LAWS-POLICIES-AND-CHALLENGE S.pdf>
  - Kaplan, M. (n.d.). *Taking paedophilia seriously*. Washington and Lee University School of Law Scholarly Commons. <https://scholarlycommons.law.wlu.edu/wlulr/vol72/iss1/4/>
  - Maniglio, R. (2009). The impact of child sexual abuse on health: A systematic review of reviews. *ScienceDirect*. <https://www.sciencedirect.com/science/article/abs/pii/S0272735809001093>
  - Maxim, D., Orlando, S., Skinner, K., & Broadhurst, R. (2016). Online Child Exploitation Material Trends and Emerging Issues: Research Report of the Australian National University Cybercrime Observatory with the input of the Office of the Childrens eSafety Commissioner. *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.2861644>
  - O'Donnell, I., & Milner, C. (2007). *Child Pornography: Crime, Computers and Society*. <http://ci.nii.ac.jp/ncid/BA84153176>
  - O'Donohue, W. T., & Geer, J. (1992). The sexual abuse of children: theory and research. In *L. Erlbaum Associates eBooks*. <https://ci.nii.ac.jp/ncid/BA18520773>
  - Reddy, G. T. & Andhra University. (2022). Child Pornography - an overview. In *International Journal of Innovative Research in Technology* (Vol. 8, Issue 10, pp. 309–310) [Journal-article]. [https://ijirt.org/publishedpaper/IJIRT154203\\_PAPER.pdf](https://ijirt.org/publishedpaper/IJIRT154203_PAPER.pdf)

- Rogers, A. (2008, April 4). *Child pornography's forgotten victims*. DigitalCommons@Pace.  
<https://digitalcommons.pace.edu/lawfaculty/541/#:~:text=The%20goal%20of%20this%20paper,pornography%20is%20a%20victimless%20offense.>
- Sachi Satapathy, & Sachi Satapathy. (2024, September 29). *Ending child pornography*. Deccan Herald.  
<https://www.deccanherald.com/opinion/ending-child-pornography-3212193>
- *The Big Picture: Pornography - Impact on Children & Society*. (n.d.). Drishti IAS. Retrieved January 28, 2025, from <https://www.drishtiias.com/loksabha-rajyasabha-discussions/the-big-picture-pornography-impact-on-children-society>
- Veeraraghavan, V. (2022). Forensic psychology. In *Unit-7 Police Psychology*. Indira Gandhi National Open University, New Delhi.  
<http://egyankosh.ac.in/handle/123456789/89897>
- Wei, W. (2011). Online child sexual abuse content: The development of a comprehensive, transferable international internet notice and takedown system. *NCJRS Virtual Library*.  
<https://apo.org.au/node/26410>
- Whelpton, J. (2012). *The psychological effects experienced by computer forensic examiners working with child pornography*.  
[https://uir.unisa.ac.za/bitstream/10500/6217/1/dissertation\\_whelpton\\_j.pdf](https://uir.unisa.ac.za/bitstream/10500/6217/1/dissertation_whelpton_j.pdf)