

# Sexual Offences on the Children: More Legal Need of Protect Children from Cyber Crime

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## ABSTRACT:

The Children are the Responsible Citizens of India and what will be the general impression of our Country in the opinion of other Countries will depend on the Personal Character of Children. High Court give direction to the state government issued sweeping direction to the state government to develop an integrated and time- bound strategy to tackle rapidly rising incidents of cyber- crime across the state. The court also stressed the urgent need for institutional coordination and structured preventive mechanisms. Children should be protected from “online grooming” and to minimize the online sex crime on child National commission for Women have do recommendation to the Government of India to do necessary amendment in the POCSO Statutes and give severe punishment to the offender.

**Keywords:** victim, modesty, offensive, media, crime, innocent, technology

## INTRODUCTION

Children are Responsible Citizens of India and many legal safeguard are included in The Constitution of India to Protect Children from sexual offences. Children should be protecting from sexual abuse. To do insult and use offensive language on the children is made punishable offence in The Bharatiya Nyaya Sanhita, 2023(Act 45 of 2023). Indian Judiciary is aware to Protect Child Rights and always doing effort to Protect children from sexual offences. Prosecution-conviction-sentence is the set method in criminal law but age profile of the population should be kept in mind when hearing the sexual offence matters committed by offender. Indian Judiciary is always careful to avoid potential problems which will be faced by the children in future if offender is convicted by the Court of Justice then court have regular watch the safety of innocent children . Attraction toward each other of opposite sex men-women are natural phenomenon and it start generally after conversation with each other. Elope of opposite sex Children from home is general news today and such event are convert into kidnapping and abduction of child by relatives of child are increasing sexual offences events todays and number of events to Register First Information Report by relatives of children to commit sex crime on his child are increasing rapidly at present. Use of social media by age group of 16 to 24 are increasing rapidly and threatening to children for sextortion and money is also increasing rapidly which is big problem. Sexual offences on the children were prevalent during Vedic Period, During Mohammedan dynasty, during British rule within India and at present also. Indian Judiciary are careful about such events and sexual relations are made by minor girl and minor boy but due to legal age limit fixed by law to give free and full consent for sexual

intercourse such relationship convert into crime. This research problem has been a combination of three distinct concepts; sexual offences on the children, severe punishment to guilty party, and Child Rights on the Sexual offences when children become victim by use of social media. Reason relating with sexual offences on the Children is to be discussed in relation with these distinct concepts.

Sexual offences on the Children being committed during Vedic Period, during princely rule, Mohammedan dynasty, during British rule within India and at present time also. There were severe punishment provision on the offender but even though number of sex crimes on the children are increasing rapidly.

Legal Age of to give free and full consent for sexual intercourse for woman are fixed different during different time in the Indian Penal Code , 1860 and legal age limit is increased at different times so Court of Justice is careful to decide the sex crime on the children cases.

POCSO Act,2012 have been enacted by Parliament of India after direction given by Apex Court of India in re Sakshi versus Union of India( Dated 26-05-2004).Purpose of POCSO Act,2012 is to protect Children from Gang Rape, use of Children in Pornographic Performance, To Protect Children from Prostitution, Sexual harassment misuse of children on social media etc. ,This study is centralized to protect the child rights.

### STATEMENT OF THE PROBLEM

Foremost discussion for the whole of the research paper is on sexual offences on the children and careful effort done by Indian Judiciary to restraint sexual offences on the Children within India. Court of Justice are careful to prevent the sexual offences on the children but crime are increasing rapidly in the Country so for this I have to focus upon the following issues,

- Are children are safe from sexual offences in the Country in the period of social media?
- Are legal development related to child rights are successful to obtain the desired result?
- Are work of Court of Justice have been to the acquired degree so as to restrain sex crime on children?

### REVIEW OF LITERATURE

The Review of literature has been an explanation belonging to texts relevant so as to Likely to experience of social media to increase the Sexual Offences on the Children in India through misuse of Information Technology so there is more legal need to protect Children from Sexual Offences. Texts give a general review of which types of sexual offences were widespread in India from Vedic Period to up to now and what effort was done by the Ruler from Past time to at present. The Literature can be traced on three connected objects that is to say Child's Rights, Laws which have been enacted to prevent Sexual offences on the Children, Likely to experience of social media to increase the sexual offences on the Children. In this research, all these three ideas are taken and they are identified from the review of literature and they have a relationship in which one thing affects or depends on another.

This literature gives understanding of which types of sexual offences on the children were popular during the Vedic period and which types of punishment were given by the judge to the Offender. It was Prevalent during Vedic Period that” if a virgin violates another virgin, she should be fines 200 pay three times the bride-price and receive 10 whip. When a woman sexually assault a person who has never had sexual intercourse however her head ought to be shaved immediately-alternatively 2 of her fingers

should be cut off-and she should be paraded on a donkey”[1].Furthermore in this text it is mentioned and explained the role of judge during Vedic Period in relation to prevent sex crimes on Children.

In the princely rule in India Arthasastra was used as source of law, main body of Book- Chanakya Arthasastra which was main source of Criminal law during Princely rule in India was used as genuine statutes.”Sahasa” was the meaning used for crime during Princely rule in India and three type of offences were classified in Degree First, Second and Third and to eliminate the crime from the society Kantak Shodhan was the punishment to weeded out the crime from the society. Death Sentence was also given to the offender according to types of offence [2].

In the Mohammedan dynasty in the matter of crime violation were based on religion. Koran was the foundation of criminal jurisprudence. Punishment was given by the Mir Abdul. Justice was done on legal decision that must be followed in later matter. It is mentioned here that during this period no cyber crime were prevalent in India as per knowledge of the researcher [2].

During British rule in India Indian Penal Code(XLV,1860) was passed and came into force in the 1861.Chapter 16 is related to offence against human body and section 354 , section 375 , Section 376 related to sexual offences. In a case decided by the Supreme Court of India it mentioned that “Non Production of Medical report is of no consequence when other evidence of rape is reliable and sufficient [3]

United Nations Convention on Rights of Child (2-09-1990): This Convention is organized to protect child rights and care nurture and protection of children is the responsibility of parents so state is responsible to protect child rights and children should be protected in the vulnerability condition.

POCSO Act,2012 India ratified and signed the United Nations Convention on the Rights of Child and have enacted POCSO Act,2012 In the Act Special Court of Children are Established and For Bail Provision of Code of Criminal Procedure are apply now Provision of The Bharatiya Nagrik Surakasha Snhita, 2023(46 connected with 2023)are apply.

In the POCSO Act special protection are given to the children during testimony relative of children will be present on which children have faith and calling for again and again are prohibited in this Act. Medical aid given to children is first priority and provision to give financial assistance to children for rehabilitation is included in this Act

In The Bharatiya Nyaya Sanhita, 2023 punishment for Rape is ten years which can be increased up to imprisonment for life and under Section 79 Word, gesture or act intended to insult modesty of woman is made punishable for three years and shall also be liable to fine.

In the Information Technology Act,2000(21 connected with 2000) it is mentioned under” section 67 that whoever publish or transmits or causes to be published or transmitted in the electronic form any material which is feeling or showing an offensive sexual desire or appeals to the encouraging an excessive interest in sexual matters either if its effect is of the type about to be mentioned to tends to lead away from what is natural added to corrupt persons who are likely, having regard to all relevant circumstances to read, see or hear the situation under consideration contained or embodied in it is declared offence for which punishment of three to five year of imprisonment shall be given with penalty of Rupees up to 10 lakh.

In South Korlia 1.20 Lakh Home Security camera were hacked and its footage was sold for sexual exploitation which increase the worriness in the world which make it possible the spying in homes.default password is reason for this so Different Alphabet with numeric should be used to protect the home camera in online and offline mode[7].

Online Sexual Offences against Children are a diverse and rapidly growing category of crimes facilitated by technology, with devastating and lasting consequences for victims. These crimes are a global concern, often involving both known and individuals (such as peers or family members) and unknown adults, and their prevalence is increasing with widespread internet access among children.

Daily News Paper-on the basis of News Published by the Government of Rajasthan have establish 65 Anti Romeo Squad to protect the Women in the State from Sexual Offences and there is 12 per cent decrease the offences against women in the State in the year of 2025[8].In a criminal case Pocso Court number-3 Pali District of Rajasthan have convict the 22 year old accused to committing the Rape of 17 year old minor girl for imprisonment for life till last breath with one lakh Rupees fine. accused do commit the Rape of victim till 21 days and he give threat to the father of victim that do not harass to the family member of accused otherwise he will kill to the victim. Prosecution present the pen drive in support of evidence in which accused was giving threat to the father of victim in his voice[8].Indian Judiciary is more active to minimize the sexual offence against children through cyber crime in this matter High Court of Judicature for Rajasthan” issued sweeping direction to the state government to develop an integrated and time- bound strategy to tackle rapidly rising incidents of cyber- crime across the state. The court also stressed the urgent need for institutional coordination and structured preventive mechanisms. The court also directed government to constitute a joint white paper committee comprising representatives from the departments of education, Home, information technology and communication, and social justice and empowerment, among other stakeholders to prepare a comprehensive white paper analyzing current cyber-crime trends, demographic patterns and preventive and rehabilitative mechanisms. The preliminary document, the court said must be submitted before It by December 8, 2025, after being examined by the chief secretary. The court took on record data provided by the police which said that in 2024 more than 10,000 complaints of cyber-crime involving a fraud of over Rupees 795 crores were reported. As per government data, over 11,000 cyber fraud complaints have been lodged in 2025 so far, with a fraud amounting to Rupees 678 crores. Observing that a majority of offenders and victims belongs to 16-27 year age group. Court said that,” Easy access to smartphones, expanding digital platforms, and inadequate digital literacy have created fertile ground for misuse, further exacerbated by peer pressure and lack of structured cyber –ethics education.”Court said cyber-crime transcends geographical boundaries and conventional policing, stating that the nature of offences such as online fraud, impersonation, cyber-bullying, identity theft, and circulation of illicit content demands a preventive and “reformative rather than purely punitive approach.” The Court also ordered that creation of standardized cyber aware awareness framework to be implemented uniformly across schools, colleges, coaching centres, and community institutions, including quarterly sensitization sessions, counseling for parents and training of specialist cyber-resources persons.”

National commission for women” recommend that the Protection of Children from Sexual Offences (POCSO) Act does not address ‘online grooming’ explicitly, The National Commission for Women (NCW) has recommended that a new clause be introduced in the law to clearly define it and provisions be incorporated for punishment, which should not be less than seven years and may extend to life imprisonment. The fine to be imposed on the offender should not be less than Rupees 15 lakh, the NCW suggested in a report, which make a strong pitch for protecting children from sexual exploitation online by clearly criminalizing ‘online grooming’ and ensuring that the law keeps pace with emerging threats in the digital age. The recommendations on ‘online grooming’ is part of over 200 suggestions made by the

NCW in its report on cyber laws related to women, aimed at addressing legal and institutional gaps in India's response to cyber offences.”[10]

In a case Agra Court give punishment of 20 years ‘imprisonment to a 70 year old farmer from Aligarh for raping a 11-years old girl based on the child testimony, medical evidence and witness statements. The Court also imposed a fine of Rupees 16,000, directing that Rupees 8,000 be given to the girl as compensation. Special Public Prosecutor said that the incident took place in September 2024 when girl was alone at home and the convict, a resident of the same locality entered her house after learning that no adult were present. The man attempted to lure the child by giving her Rupees 100 before assaulting her. In her complaint, the mother said her husband died around four years ago. She recounted that her daughter had stepped outside for a moment, during which the man slipped into their home. The man was arrested soon after the complaint was filed and remained in jail throughout the investigation. The Court examined the evidence and convicted him [11].

### **OBJECTIVES OF THE STUDY**

Importance of this study is to have detailed investigation and analysis so as to address challenge of sexual offences on children with reference to Rajasthan state from a legal prospective and to ascertain the success of court of Justice to prevent sex crime on child through taking inspiration from international law. Therefore, one of the objectives of this study is to find out relation between POCSO Act so as to prevent sexual offences on children within India and to evaluate the success of this Act so as to safeguard the child rights. Later on this study trace out the changes brought over the years in the criminal statutes to prevent sexual offences on children with respect to India and evaluate the relationship between these legal measures which are required to prevent the sex crime on child with a balanced arrive at which is a fair combination of above laws and child rights.

The Objective of this study is

- To study the nature and extent of sex crime on children which are to be restrain with the help of international legal instruments.
- To study the have being laws and regulatory mechanism in India with reference to Rajasthan State.
- To knows whether Court of Justice have been successful so as to safeguard the Child Rights with respect to India.

With respect to the last mentioned analysis doctrinal and non doctrinal research are connected in with fact finding being put in an application. Further material of literature and evidence present by the prosecution are taken in consideration. Quantative Data, Judgment given by the Court of Justice etc. are taken in record to reach the new conclusion.

Facts and statistics are used for reference or analysis with regard to learning as to reach new conclusion which have been derived to the following sources-Judgment of Court of Justice, International legal Statutes, Report of various institutions, News papers, Books and expert Committee Reports, Law ministry of central Government Reports, Direction given by Court of Justice etc. In addition to this The Constitution of India, magazines, PhD thesis, International convention etc. are also referred so as to obtain outcome of a detailed investigation and analysis so as to connect a relation between sexual offences on child and child rights. Researcher performs a detailed investigation and analysis of material belonging to principal and outcome of principal sources with regard to achieving a reason for children's sex crime. The result pertaining in such situations are depicted here.

The Second portion is based on detailed investigation and analysis of subject, wherein, source to obtain principal facts and statistics of research are two Groups i.e. (i) Group of Police Personnel and (ii) Counsel Group. The Group of Police Personnel is expert in the investigation when information of alleged offence is given to the Police and police start to collect the evidence against the accused. The Counsel Group is expert in the subject –matter of code. Counsel performs duty as a public prosecutor on the State side and defends the accused on the defendant side and contradicts the statement of the witness of prosecution. The experience of both the Groups is very vital for this study.

### **DATA ANALYSIS**

For the empirical research questionnaire is being used to collect data. Two expert groups are chosen by the researcher and separate questionnaire are prepared by the researcher for both expert group. Question framed are of objective type of questions for both two groups. researcher have do visit to take response of police personnel ,and do visit to the police station, cyber cell of the District police head quarter, police choki of medical colleges of five District in Rajasthan State, office of the District Superintendent of police. Researcher has prepared separate Questionnaire for Counsel Group and have prepared Objective type question for the counsel group and have do visit to the Five District Sessions Court. Both Group express their opinion the there is more requirement to enact new laws which may be helpful to minimize the sexual offences against children and present Statutes are partially successful to prevent the sex crime on child. For Doctrinal research Researcher use relevant lawful principle, theories of expert, judgment of Supreme Court of India, High courts, statutes enacted by parliament, international convention report etc. are used. Data are collected in table form and comparative analysis has to be done of the study of both Doctrinal and non Doctrinal research and conclusion is drawn.

### **ETHICAL CONSIDERATIONS**

As a researcher has included individual participants for empirical study and collected primary data from them, it is the responsibility of the researcher to uphold ethical consideration. Researcher has assured to the Member of expert group that their identity will not be disclosed. Rajasthan is large state so researcher have chosen only five District to do study on the subject.sex crime on child is big issue so five District is chosen for study. Time, money are another limitation of this research study.

### **CONCLUSION**

On basis of information revealed through Law Ministry, central Government, NCW and direction given by High Court indicate that like Australia strict restriction should be imposed on children below 16 years of age to use Of Social media. Government of India should fix the minimum age of children for use of social media. Government can check the age of children on the basis of Date of Birth Certificate, Aadhar Card and on basis of School Documents. Strict legal action should be taken by the Government of India to prevent the access of the children on the social media which is full of illicit materials for the purpose to prevent the children to become psychological disabled. Special police investigation officer should be appointed for investigation of the case. Enactment of new law may be helpful to prevent the sex crime on child

### **REFERENCES**

1. Olivelle Patrick The Law Code of Manu, Oxford Great Britain : Oxford University Press. P 150

2. Shri Narnia Gaur. IPC(45 Connected with 1860) Civil Lines Allahabad. P 3
3. Gaur SN. IPC(XLV Connected with 1860) AIR 1983 SC 911 : 1983 Cr LJ 1285. Allahabad India : Divedi & Company: 2005. P 1534
4. Ministry of Law and Justice. (2012) POCSO Act.
5. Ministry of Law and Justice. (2023) BNSS.
6. Ministry of Law and Justice. (2023) BNS.
7. Dainik Bhaskar kota Edition 04-12-2025 pp 9
8. Dainik Bhaskar Kota Edition 19-12-2025 pp 7
9. Dainik Bhaskar Kota Edition 21-12-2025 pp 1
10. The Times of India Jaipur Edition 19-11-2025 pp 8
11. The Times of India Jaipur Edition 01-12-2025 pp 3, 6