

From the Physical Risk to the Digital Threat: A Critical Analysis of Crimes Faced by Children and Women in India and the Legal Protections Under Indian Legal System

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Abstract

This research paper outlines the growing landscape of physical and also digital threats through cyberspace in India specifically targeting Children and Women, tracing the move from traditional physical risks to the increasing digital crimes. In this digital era, India experiences rapid digitalization; women and children are historically the most vulnerable communities who face a dual burden of violence and sophisticated online exploitation, including cyber stalking, creating AI images of women or children and sharing them on the internet, and digital grooming, etc.

The study provides a critical analysis of the socio-legal challenges intrinsic in these threats, assessing the effectiveness of existing legal frameworks such as the Bharathiya Nyaya Sanhita, 2023(BNS), the Information Technology Act, 2000(IT Act), and the Protection of Children from Sexual Offences Act, 2012 (POCSO Act). Despite a strong legislative building, this paper identifies significant gaps in enforcement, low digital literacy among victims. It concludes by proposing a strategy involving technological safeguards, Training to law enforcement agencies in order to tackle the cybercrime situations by using advanced tools and techniques, and complete legal reforms to bridge the gap between physical safety and digital security in the Indian context.

Keywords: Cybercrime, Women's Safety, Child Protection, Information Technology Act, POCSO Act.

1. Introduction

Women all over the world face a multiple number of crimes, most of which have their roots in gender inequality. These crimes most of them are Physical and sexual violence, including domestic violence, sexual assault, and harassment in public and private domains, to veiled crimes like human trafficking and forced labour. Women in different parts of the world also experience insensitive cultural and social crimes like female genital mutilation. With the increase in the online presence of our lives, crimes like non-consensual image sharing, and other types of cyber stalking and harassment have also made their presence felt. These crimes, apart from causing physical violence, create an environment of fear and insecurity, thereby encroaching upon the freedom, economic, and mental well-being of women, prompting the need for an all-encompassing legal imperative to safeguard their rights.

In the same way Children everyday are faced with a scary number of crimes that compromise their physical security, emotional health, and development or growth as individuals. This includes not just

physical and emotional abuse within the confines of their homes but some more recent phenomena like human trafficking and child labour. In recent years, especially with children growing up in the age of the Internet and its related evils, crimes against children have grown various crimes such as cyber bullying, Internet grooming, and child sex abuse material being some examples. Besides these crimes against individuals, children often find themselves in the midst of conflict due to violence within their communities.

Legal systems around the world, and particularly in India, have established a strong network of special laws that place importance on protection, dignity, and rehabilitation to defend women and children from crimes. For women, the BNS and the Protection of Women from Domestic Violence Act, 2005, broadly cover physical, emotional, and economic abuse, while the Sexual Harassment of Women at Workplace Act, 2013, provides for safety in working environment. Children get strict protection under the POCSO Act, 2012, which deals specifically with sexual offenses and propose child friendly judicial procedures, and under the Juvenile Justice Act, 2015, deal with the care and rehabilitation of children. The latest updates in these laws, such as the implementation of the BNS, include even more stringent punishment life imprisonment and the death penalty for heinous crimes along with policies for victim friendly processes, including audio video recording of statements and free medical treatment, to ensure that the legal process does not become a source of further trauma.

2. Physical Crimes against Children

2.1 Physical Abuse

There are many types of violence that children suffer today. It includes physical, emotional, and sexual violence. It occurs everywhere in the world and anywhere in a child's home, school, or even on the internet. And for many children, the source of the violence they are suffering is the people they trust the most.

Severe abuse and violence have serious lifelong effects on abused children. Abused children have serious learning disabilities, such as low self-esteem levels accompanied by depression, which may bring about self-injurious habits. Chronic stress resulting from violence obstructs the normal development of the brain and hurts other nervous system structures. Being a witness to violence can be disturbing.

However, much interpersonal violence escapes public view. This can be due to its implicit, if not active, condonation by society, as is often the case in corporal punishment. The victims are too young to reveal their experience and understand it. Children who experience repeated episodes of abuse often end up believing it is because of something wrong with them. [1]

2.2 Sexual related crimes against children

Increased child sexual abuse cases were disposed of than registered in India, marking a turning point in dealing with the long standing judicial backlog under the Protection of Children from Sexual Abuse Act, according to recent report.

According to the report 'Pendency to Protection: Achieving the Leaning Point to Justice for Child Victims of Sexual Abuse' prepared by the Centre for Legal Action and Behaviour Change (C-LAB) for Children, an initiative of India Child Protection, courts across the country disposed of 87,754 POCSO cases in 2025 against 80,320 new registrations. This pushed the national disposal rate to 109%. [2]

2.3 Child trafficking

Child trafficking can be defined as "the recruitment, transportation, transfer, harboring or receipt of a ch-

ild for the purpose of exploitation”.

National Crime Records Bureau reported In 2022, around 3,098 children below 18 years were rescued, while between April 2024 and March 2025, over 53,000 children rescued in the country due to child labour, trafficking, and kidnapping. [3]

2.4 Child marriage

"CHILD MARRIAGE" as defined under the "PROHIBITION OF CHILD MARRIAGE ACT" refers to marriages of female/girl below the age of 18 with male below the age of 21 years.

The sexual act by any man, as per the Bharatiya Nyaya Sanhita, 2023, against his wife who is below the age of 18 years amounts to the offense of Rape. The Supreme Court of India has further clarified the following: When the husband of a child bride commits penetrative sexual assault on his wife, it constitutes an offense of aggravated penetrative sexual assault, which is punishable under the Protection of Children from Sexual Offenses (POCSO) Act, 2012. The Bal Vivah Mukta Bharat campaign aims to reduce the prevalence of child marriage by 10% by 2026 and make India child marriage free by 2030. [4]

3. Physical crimes against Women

3.1 Domestic violence

Domestic violence refers to acts of violence that occur domestically between two individuals who are, or have been, in a domestic relationship. Domestic violence includes physical, sexual, emotional, mental, and financial abuse.

3.2 Emotional or psychological violence

Emotional or psychological violence that may include behaviors like control over finances, isolation from family and friends, constant humiliation, threats against children or threats to be injured or killed.

3.3 Family Violence

Family violence is a broader term than domestic violence. Family violence not only includes violence between adult couples, but also violence within the family, for example, elder abuse and teen violence towards parents. Family violence may be defined as a violent or threatening act, or any other act, that coerces or controls a family member or that instils fear in a family member.

3.4 Sexual violence

Sexual violence refers to acts of sexuality that have taken place where the required free consent was denied. Sexual violence therefore takes place whenever an individual has been coerced into performing any unwanted act of sexuality, including touching, harassment, intimidation, forced marriage, trafficking for the sake of sexual exploitation, sexual abuse, assault, or rape itself.

Sexual assault is one kind of sexual violence, but it does not include sexual harassment and other complex forms of sexual violence, for instance, technology-facilitated sexual violence and image based sexual violence.

3.5 Violence against women

Violence against women can be described as any act of gender-based violence with the potential or possibility of causing harm or suffering to women, both physically, sexually, and psychologically, as well as threats of violence and coercion, both in their public and personal life, and it accounts for all forms of violence experienced by women, such as physical, sexual, emotional, cultural, spiritual, financial, and other forms of violence based on gender. [5]

4. Digital crimes against children and women

4.1 Cyber bullying

Cyber bullying is the use of computers in a deliberate and obstinate manner to harass, hurt, and intimidate others and embarrass, humiliate, or threaten another party. Also, bullying through electronic media such as computers, tablets, and cell phones, this type of bullying is known as cyber bullying. Cyber bullying can take the form of messages and use the following applications, as well as online through social media, forums, and video games where users can watch with, and share materials. This could include the sharing of sensitive or personal information about another individual, which might prove to be embarrassing or degrading. Cyber bullying may often cross the line into illegal or criminal activities. It is one of the prevailing cyber threats to children and young people. Although cyber bullying can occur against anyone yet given the low levels of understanding of cyber threats, become easy victims of cyber bullying. When students bully, they usually target people who are considered weak, socially isolated, or not aware of social norms. This can be seen in a person or technology.

4.2 Cyber Grooming

It happens when an individual establishes an internet friendship with a youth and forces, or tricks, these individuals into having sexual intercourse with them. The cyber grooming can be accomplished through the use of video game technology websites, social media, email, chat rooms, instant messages, etc., by creating a fake account and pretending to be a child or having the same interests as of the child.

4.3 Pornography

It is the depiction of a young person as it relates to audio, video, or textual material participating in actual or fake sex behaviors via a number of mediums, including digital, optical, and electronic. It requires the utilization of a minor for sex-related activities. The second case is where representation exists whereby changes or modifications are made to imply a minor is having or engaging in sex acts. In essence, some children sexually abuse or exploit their peers, which has a direct effect on their health.

4.4 Online Gaming

There has been concern over children playing video games raised in a variety of contexts; Such worries over the way children use games, and whether they are addictive, are reiterated by legislators, parents, and the media on a regular basis. Digital technology and child expert at UNICEF Innocent, rights, Kardefelt-Winther said. "As more and more children around the world play online games, society needs to learn more about how we can help our children balance the many positive aspects of online gaming with some of the riskier or potentially harmful aspects." Because online gaming is one of the largest entertainment industries in the world, expanded internet capabilities, mobile technologies and affordable connected devices have opened the door to millions of gamers including large numbers of children.

4.5 Online Sexual Harassment

Unwelcome sexual advances, request or demand for sexual favour, and other verbal or physical conduct of a sexual nature. "Sexual harassment" means both "sexual advances" and "request or demand for sexual favours" when: "such conduct sexual character which one finds offense or frightful, as well as actions which are carried out in a manner that seeks to degrade the dignity of another (purpose). Sexting is another risk where Self-production and posting of intimate pictures, sexually explicit conversations, posting/sharing of intimate pictures.

4.6 Cyber Stalking

The term given to stalking in the context of "cyberspace" where information technology plays an integral role during the act of stalking is defined as Cyber stalking. Many areas of the web, such as

emails, chat rooms, message boards, groups, instant messaging, or key logging, can become the channel for the act of cyber stalking, and the actions could comprise threats, libel, defamation, sexual harassment, or any act intended to reduce or persuade or threaten the victim.[6]

5. Legal Protections under Indian legal system

There are several laws prevailed in India in order to protect the women and children from various crimes.

5.1 Protection of Women from Domestic Violence Act, 2005

The purpose of implementing the Domestic Violence Act was to afford a remedy that is an consolidation of civil rights of the complainant, protection, i.e., grievance suffered by a person against violence of any kind, especially occurring in the marital home, given that the civil law does not address the entire phenomenon, which is treated as an offence under BNS. The foremost purpose of enacting the law was to provide a remedy in civil law. The Act provides that in the first instance, the first order passed by a Magistrate on a complaint received by the aggrieved against a person would be civil in nature. If the said order is violated, it assumes the character of criminality. The Act provides for remedies to a woman subjected to Domestic violence, thus empowering the Magistrate to pass several orders to make such remedies effective. All these Proceedings are in the nature of a civil remedy only. [7]

5.2 Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

“Sexual harassment” refers to the unwelcome sexual conduct either overtly or implied, such as:

1. physical conduct of a sexual nature and sexual advances,
2. sexual favors asked or demanded,
3. making remarks of a sexually colored nature,
4. exhibition of pornographic material, or
5. any other type of unwelcome sexual conduct.

Obligation of employers to ensure safety in the workplace and sets up Internal Complaints Committees (ICC) and local complaint committees for harassment cases. Minimum three members in the ICC panel, where the presiding officer needs to investigate the matter. The aggrieved woman who wishes to file a complaint is required to submit six copies of the written complaint, along with the documents and the addresses of the witnesses to the ICC or LCC, within 3 months from the date of the incident and in case of a series of incidents, within a period of 3 months from the date of the last incident.

The ICC/LCC can extend the time limit for filing the complaint, for reasons to be recorded in writing, by a period of 3 months. The law also provides for friends, relatives, co-workers, psychologists, psychiatrists, etc. to file the complaint in cases where the aggrieved employee is unable to do so due to physical incapacity, mental incapacity, or death. [8]

5.3 Dowry Prohibition Act, 1961

Dowry is something that people in every community and religion have been doing for a long time. It is a problem that can really hurt the marriage system and affect the family for a long time. People do not really celebrate women instead they look at them as something that can be bought with dowry. Women have to deal with a lot of things and people think they are only worth something because of money or property not because of who they are. People are giving up on their dreams just because they are victims of dowry. Dowry is an issue that affects women and the dowry system is not a good thing for women. Women are more than dowry they are people, with hopes and dreams but the dowry system makes it hard for them to achieve their goals. The dowry system is a part of tradition and culture. It is not a good

part it is a part that hurts women and their families.

The Act was made to do some important things. It wants to make a society where people do not have to worry about dowry. It tries to make families and marriages more peaceful. The Act also wants to tell people how bad dowry customs are and to help people who are hurt by them. It gives support to those who are affected. The Act also protects people and kids. It makes sure that people do not use the law in a way. The Act is very important because it wants to stop the practice of dowry in society.

The main goal of The Act is to stop people from asking for and giving dowry. The Act promotes fairness and equal rights between partners. It helps to keep people from being bothered hit and treated badly at home. The Act also protects people from being treated emotionally abused and taken advantage of financially. The Act is made to protect women from the thing that is dowry.

The Act gives brides and grooms the power to say no to dowry demands. They can also help plan their marriage. If people agree to The Act and still give or take dowry they can go to jail for, up to five years. They can also be fined up to ₹15,000. They have to pay back the amount of the dowry, whichever is more. [9]

6. Major Acts Protecting Children

6.1 Protection of Children from Sexual Offences (POCSO) Act, 2012

The issue of child abuse is a huge problem worldwide. Children are young, fragile and rely on others. They face challenges like health issues, punishment, school stress and sexual abuse. The future of a country depends on how children grow up. They are the vulnerable people in society.

The Government of India is focusing on taking care of children their well-being and development. This is crucial because it will shape Indias future and how its children are educated.

As of January 2 2016 Indias population was 1.29 billion. Children make up 39% of this population. The Constitution of India protects the rights of all citizens, including children. Article 15 specifically mentions giving attention to children. It ensures that there are laws and policies, in place to safeguard their interests and rights. The Government of India wants to make sure children are safe and protected. Child sexual abuse is an issue that needs to be addressed. Children need to be cared for. Given the support they need. This will help them grow into happy individuals. The future of India depends on its children. They are the leaders and citizens of the country. It is essential to ensure they receive the care and protection they deserve. The Government of India is working to make sure childrens rights are protected.

The Protection of Children against Sexual Offences Act was made into a law in 2012. This law was made to protect children from being abused and exploited. The Protection of Children against Sexual Offences Act also says that there should be courts to try cases of child sexual abuse. It also says that the way evidence is recorded and the investigation and trial are done should be child-friendly.

According to the Protection of Children against Sexual Offences Act of 2012 a child is someone who's not yet 18 years old.

The Protection of Children against Sexual Offences Act says that the following are offences against children:

1. Penetrative sexual assault
2. Trafficking of children for sexual abuse
3. Aggravated penetrative sexual assault
4. Sexual assault

5. Using a child for pornographic purposes

The term aggravated is used when the child who is sexually abused is mentally ill or when someone the child trusts does the abuse. The Protection of Children against Sexual Offences Act is a law that applies to both boys and girls. The Protection of Children against Sexual Offences Act says that a child is anyone who's under 18 years old. It helps keep every child safe from abuse.

The Protection of Children against Sexual Offences Act makes sure that children feel safe throughout the process of going to court. The Protection of Children against Sexual Offences Act thinks that what is best, for the child is the important thing. [10]

6.2 Child Labour (Prohibition and Regulation) Act, 1986:

The term child labour is work that takes away the childhood of children their chances to grow up and be someone and their self respect. It hurts their bodies and minds. Child labour is when a child is made to do work that harms their body or mind and takes away their childhood chances to grow up or self respect. When kids are given jobs that take away their childhood chances to grow up or self respect and hurt their bodies or a mind that is child labour.

This is a problem with many reasons behind it, like people taking advantage of children for money not having enough money not being able to go to school and what society thinks. Many countries have laws that say no to child labour and want all kids to go to school so that kids are protected.

Governments, groups of people and communities are working together to stop child labour and make sure children can go to school and have a place to grow up and become someone. The Child Labour Bill was passed by both Houses of Parliament. The President gave his assent on December, 1986. It then became known as "The Child Labour (Prohibition and Regulation) Act, 1986". [11]

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