

A STRENGTHENING THE INDIAN LAWS TO COMBAT THE EMERGING THREATS OF CHILD SEXUAL ABUSE IN THE ONLINE GAMING WORLD

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Abstract

The craze for online games in India is touching new heights everyday and it is getting popular day by day among teenagers. Affordable gaming gadgets built with advanced technologies are also aiding in this popularity growth. But online games are not limited to the extent of gaming adventures only, these days many online gaming platforms provide facilities of access to public profiles, live streaming, live chats, live comments, collabs, private messaging, sharing of personal information, etc. At the same time, the legal control on the activities in online gaming platforms is quite weak, which has created a vulnerable situation for all the minors using online gaming platforms. Predators have now started using these gaming platforms to target minors for stalking, bullying, grooming, manipulating, deepfake, sextortion, distribution of vulgar content, etc. Insufficient platform liability along with poor parental control has also been making many children victims of sexual abuse. These emerging cases on online gaming platforms must be immediately stopped with strict implementation of laws. The author in this paper has highlighted this emerging issue and has recommended some much needed legal reforms. The need for parental control, widespread awareness and the required behavioural changes for personal safety have also been highlighted in this paper. The main focus has been on the Indian cyber laws and special focus has been given on strengthening the liabilities of the intermediaries in case of failure to protect children from predators.

Keywords: : CSAM, Child sexual abuse, Abuse in the online gaming, world, POCSO Act, IT Act & Rules, Promotion and Regulation of Online Gaming Act, 2025

1. Introduction

Just like social media Just like social media platforms have connected every internet user, similarly worldwide popularity of online games is immensely increasing day by day and online gaming platforms are also emerging as an entertaining platform combined with social media facilities. There are many popular online gaming platforms where most of the facilities of social media are also available. These platforms are not limited to the extent of gaming adventures only because they also provide facilities of access to public profiles, live streaming, live chats, live comments, collabs, private messaging, sharing of personal information, etc. India is also not untouched from this development. Now smartphones have become a necessary gadget to have and the percentage of minors owning a smartphone is also rapidly increasing which is giving them vast exposure to the outside world. But misuse of these gadgets, lack of awareness, failure in the protection of minors by the intermediaries and poor parental control has made minors highly vulnerable for cyber crimes and sexual abuse.¹

Table 1: Trends in Children's Internet Usage (2023)²

Age Group	Average Hours Spent Online per Day	Percentage Owning a Smartphone	Most Common Activities
0-5 years	1.5 hours	N/A	Educational videos, games
6-10 years	2.5 hours	60%	Social media, gaming, videos
11-15 years	4 hours	85%	Social media, online chats, gaming
16-18 years	6 hours	95%	Social media, online forums, shopping

Source: Child Internet Safety 2023 Report³

The above table shows that many minors have now got access to smartphones and they are spending a decent time every day in gaming activities. It shows that the craze for online games in India is touching new heights everyday and it is getting popular day by day among teenagers. Affordable gaming gadgets/smartphones built with advanced technologies are also aiding in this popularity growth. These changes have rapidly happened in recent years and the emerging illegal activities on these platforms have remained highly ignored by the responsible authorities. It has led to the development of online gaming platforms as hubs of various kinds of dark crimes.⁴ Predators have now started using these gaming platforms to target minors for stalking, bullying, grooming, manipulating, deepfake, sextortion, distribution of vulgar content, etc.⁵ Violation of privacy, foreign predators, cross-

¹ Mr. Pushpendra Kumar Anuragi, Dr. Anjum Hassan, *et.al.*, “Protection Of Children From Online Sexual Abuse, Extant Legal Framework And Indian Constitution” 13 (3) *Frontiers in Health Informatics* 5106 (2024).

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² NITI Aayog, “Online Safety for Children: Protecting the Next Generation from Harm” (June 2025).

³ *Ibid.*

⁴ Catharina Drejers and others, ‘It’s All in the Game - an Exploration of Extensive Communication on

Gaming Platforms and the Risks of Online Sexual Grooming’, *ResearchGate*, January 2024, available at <https://in.docs.wps.com/module/common/aiGuide/?sid=sII7Mr_BZmL_LxQY#1756571174256> (last visited on December 22, 2025).

⁵ Anuradha Gandhi and Rachita Thakur, ‘Sexual Harassment in Online Games- India’, *Lexology*, July 20, 2023), available at <<https://www.lexology.com/library/detail.aspx?g=7939c253-353a-4b9d-978f-43dc78465360>> (last visited on December 22, 2025).

border reach, anonymity, hacking, etc. excessively aid operators. Insufficient platform liability along with poor parental control has also been making many children victims of sexual abuse.

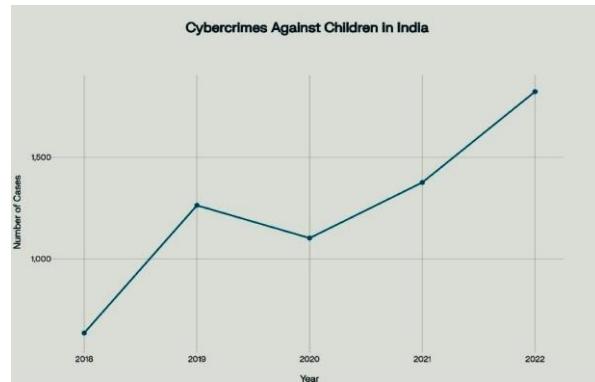
II- Vulnerability and Shocking increase in Cybercrimes against children in India

As shown in Table 1 that there is a significant number of smartphone owners between the age gap 6-18 and between the age gap 16-18 the percentage of owners has increased to 95%. This remarkable development shows the impact of digitalisation in India but it has also created an easy medium for the predators to target innocent minors for various types of crimes. The presence of children on online gaming platforms has totally become unsafe for them.⁶ Predators have now started using these gaming platforms to target minors for stalking, bullying, grooming, manipulating, deepfake, sextortion, distribution of vulgar content/CSAM etc.⁷ Misuse of smartphones/modern gadgets, lack of awareness, failure in the protection of minors by the intermediaries and poor parental control has made minors highly vulnerable for cyber crimes and sexual abuse. There is supporting data as well which shows that children are getting vulnerable day by day due to their presence on online gaming platform:

"Data collected for the Disrupting Harm project, including from six ASEAN member states, showed that between 1% and 20% of internet-using children experience requests to share sexual content, meet for

sex, have their images shared without consent, or face online extortion."⁸

Graph 1: Cybercrimes against children in India from 2018 to 2022



Source: NCRB report, 2022.

Since the last few years, cases of cybercrimes against children have been on rise and these cases are expected to increase more due to emerging vulnerability of children on the online gaming platforms. In 2022, according to the NCRB report, there were a total 1,62,449 cases of crimes against children which involved 1823 cases of cybercrimes against children. This data reveals how children are getting more vulnerable in the era of digitalisation.

Table 2: Shocking increase in Cybercrimes against children from 2019 to 2022

S.No.	Cybercrimes against children reported	2019	2022	% increase from 2019 to 2022

⁶ Dr Mark Kavenagh, "Child Sexual Exploitation in Online Gaming: Risks and Realities", UNICEF, November 17, 2023, available at <<https://www.unicef.org/eap/blog/child-sexual-exploitation-online-gaming>> (last visited on December 25, 2025).

⁷ Oliver J. Merry and Kate C. Whitfield, 'The Landscape of Sexual Harm in the Video Game,

Streaming, and Esports Community' 40(13-14) *Journal of Interpersonal Violence* 3307 (2024)

⁸ Dr Mark Kavenagh, 'Child Sexual Exploitation in Online Gaming Risks and Realities', UNICEF, November 17, 2023, available at <<https://www.unicef.org/eap/blog/child-sexual-exploitation-online-gaming>> (last visited on December 23, 2025).

1	CSAM	102	1171	1048%
2	Cyber stalking	45	158	451%
3	Other cybercrimes	153	416	171%

Source: National Crime Records Bureau (NCRB) report, 2022

The cases of CSAM (Child Sexual Abuse Materials) including child pornography, hosting obscene sexual materials depicting children or publishing it has increased 1048% from 2019. The cases of cyber stalking of children has also increased upto 451%⁹ This is an alarming revelation because the number of minors using the internet is continuously increasing. Lack of strict monitoring and poor intermediaries liability will encourage the predators to harass and abuse children through online mediums¹⁰ and this has already started happening on online gaming platforms.

III- Legal Framework in India and Liability of intermediaries

*Jane Doe v. Roblox Corp (USA)*¹¹ is a recent case in the USA in which a gaming platform has been sued by parents in its failure to prevent child grooming by predators. To take actions against online grooming,¹² the UK has also passed the Sexual Offences Act 2003 and the Online Safety Act 2023. In India, the POCSO Act and various landmark judgments have helped to create a child friendly environment. But still more reforms are required to tackle emerging problems.

Now internet chats, videos calls, online sharing of contents, etc. have become one of prime modes of acquiring and sharing child porn & abusive contents. The privacy rule provides a shield and it allows people to transfer pornographic contents very easily with each other. WhatsApp videos, contents on Telegram and similarly there are various other platforms where vulgar videos and photos can be shared very easily. In this digitalised world every person can create his own website or social media page and these mediums can be very easily misused by publishing vulgar contents on them.¹³ But the consumption of vulgar content has become so common that people without any fear are posting, selling and distributing such content. A case in which a person was accused of sharing child pornographic videos and photos on his social media account had approached HC to quash the FIR against him.¹⁴ This shows that the accused had no fear of law when he posted child related vulgar content on his social media account and later he had the audacity to approach the Hon'ble HC to quash the FIR filed against him. The HC on finding a genuine grounds of starting legal proceedings against the accused refused to accept the defence of the accused in this quashing petition.

It is much needed for the POCSO Act to strictly prohibit creation, storage or circulation of any kind of child sexual abuse material. In the landmark judgment of *Just Rights for Children Alliance & Anr. vs. S. Harish & Ors.*,¹⁵ the SC has also recommended replacing the term “*child pornography*” with “*child*

⁹ Government of India, “National Crime Records Bureau, Crime in India 2022” (Ministry of Home Affairs, 2023), available at <<https://www.data.gov.in/catalog/crime-review-year-2022>> (last visited on December 25, 2025).

¹⁰ Novianti, “Online Child Sexual Exploitation and Abuse (OCSEA) of children and adolescents: A Systematic Literature Review” 29(2) *Psikologika Jurnal Pemikiran dan Penelitian Psikologi* 281 (2024).

¹¹ 53CV-25-101

¹² R. P. Iyer, *Regulation of Online Content in India: Challenges in Preventing Abuse and Misuse*, 2023, at 56.

¹³ Prof. N. K. Saini, *Child Exploitation and Digital Platforms: The Role of Privacy in Promoting Abuse*, 2022, at 102.

¹⁴ *Nupur Ghatge v. State of Madhya Pradesh* (MCRC No. 52596 of 2020),

¹⁵ *Just Rights for Children Alliance & Anr. vs. S. Harish & Ors.*, 2024 INSC 716.

sexual abuse material (CSAM)¹⁶ in the POCSO Act. This landmark judgment has already declared viewing, storage & private possession of CSAM as crimes. It is much needed for the authorities to strictly apply these legal measures on the illicit activities happening on the online gaming platforms.

Predators on online gaming platforms can be criminalised under **Section 11 & 12** of the POCSO Act for online grooming or stalking. For taking actions against child pornography on online gaming platforms, **Section 13, 14 and 15**¹⁷ can be implemented; but for creating threat of laws **Section 13**¹⁸ should be immediately amended to specifically include the gaming conversations, videos calls with minors, live streaming involving children, etc. under the ambit of the POCSO act. Intermediaries should also be made responsible of abetment or failure in cases of reporting a crime on their gaming platforms. Liabilities of the gaming intermediaries have to be strengthened and if they fail to report a crime, **Section 19 & 21** should be applied against them.

From the judgment of *Shreya Singhal (2015)*¹⁹ it is quite clear that an intermediary has a liability to remove vulgar/sexually abusive content. To manage online content by the intermediaries, exercising due diligence has also been declared in the case of . In *Avnish Bajaj v State (2005)*.²⁰ In the IT Rules, 2021 (Intermediary Guidelines), **Rule 3** obligates gaming platforms (as intermediaries) to remove any CSAM within 24 hours of complaint. Failure in compliance

only snatches "Safe Harbor" protection of the intermediaries. It shows that the current legal regime is quite soft against intermediaries specially against online gaming platforms and there is an immediate need to amplify the liability of the intermediaries with harsh penalties and consequences.²¹ To maintain their safe harbour protections under **Section 79**²² of the IT Act, the online gaming platforms must immediately take actions against hosting or sharing CSAM on their platforms. In cases of failures, the actions must be taken under **sections 67B** of the IT Act²³ against online gaming platforms.

IV- Need for legal awareness and behavioural changes

Various kinds of vulgar content are available on social media platforms and the same kind of issues have now started emerging on online gaming platforms. People should have self control to not watch such contents and they are supposed to block and report about those contents. They should know that sharing or downloading such contents invites legal actions against them. It has already been said by the Kerala HC court²⁴ that in any format possessing or storing any child pornographic materials is a crime under section 15²⁵ if the accused had intention to share and transmit it. Now a new judgement of the SC²⁶ has made it also a crime to privately watch child porn. Now it is a crime to possess or store child pornography content whether the intention was to share or transmit it or not. Internet/social media users also have to become so

¹⁶ Dr. A.K. Gupta, *Cyber Laws and Child Protection in India: The Need for Stronger Regulations*, 2023, at 45.

¹⁷ (Act 32 of 2012), ss. 14 & 15.

¹⁸*Ibid*, s. 13.

¹⁹ *Shreya Singhal v Union of India (2015)* 5 SCC 1.

²⁰ *Avnish Bajaj v State (2005)* 1 SCC 560.

²¹ Dr. A.K. Sharma, *Regulation of Online Platforms: Strengthening Penalties for Non-Compliance*, 2022, at 55.

²² *Ibid*, s. 79.

²³ Dr. P. S. Agarwal, *Revisiting the IT Act in the Age of Online Gaming: A Legal Perspective on Child Protection*, 2023, at 36.

²⁴ *Ajin Surendran v. State of Kerala & Anr.*, 2022 KER 7207

²⁵ The Protection of Children from Sexual Offences Act, 2012 (Act 32 OF 2012), s. 15.

²⁶ Just Rights for Children Alliance & Anr. vs. S. Harish & Ors., 2024 INSC 716.

careful when they enjoy watching funny, pleasurable or erotic content on social media platforms or on other sites. In a case the Kerala HC²⁷ said that browsing or downloading any sexually vulgar contents involving children is a crime under Section 67(B) of the IT act.²⁸

The role of the general public also has become very important because they have to accept a duty to safeguard children around them. Their responsible behaviour can create an atmosphere in which exploiters can not dare to think of abusing or exploiting children. Parents have to responsibly fulfil their roles as caring parents unless their children do not become above 18. If parents are failing to take care of their children then they are indirectly inviting exploiters and abusers to target their children. It has already been declared in various judgments that the aim behind the introduction of the POCSO Act is to protect the dignity of children. Hence no kind of sexual exploitation or harassment of children should be tolerated.²⁹

Adult people should also be very careful when they come in contact with minors. They must know the kinds of offences explained in the POCSO Act and they should be aware that strict actions can be taken against them if they dare to exploit any child. Immature or fake relationships have become prominent tools to trap minors for forcing them to indulge in pornography. There is always a high chance of a minor being exploited in a relationship. There have been many cases where a minor was forced to make sexual relations and thereby intimate scenes were recorded which was later uploaded on porn sites or the exploiter shared it with his friends or it was shared as pornographic content through various other mediums. This strategy followed by the exploiters have to be explained to all the minors and these minors have to be

told about taking actions against such exploiters by utilising their rights against sexual abuse.

Minors have to understand about their rights explained in the POCSO Act. Strict implementation of this law can shape a bright future of minors by protecting them from exploiters. Minors have to be made aware about the kinds of sexual exploitation which they can face if they are coming in relationship with anyone. It is hard to prevent anybody from falling in love or entering into a relationship but they can be made to understand about their rights and they can be taught to maintain a healthy relationship without being exploited.

The role of NGOs has also become very crucial in this modern digitalised world. The biggest example can be seen in the recent historical case of ***Just rights case***³⁰ in which five NGOs had challenged the order of Madras HC. The SC in this case has set aside the judgement declared by the HC and all the legal proceedings started against the accused have been reinstated. The most interesting fact is that these five NGOs were not a party to the appeal when it was heard in the Madras HC but when the accused was given relief in the alleged crime the NGOs reached the Hon'ble SC to correct the mistake committed by the HC. Their initiative brought positive results and helped in the declaration of a historical judgement against child pornography. In this way various programmes started by NGOs and their contact with children can influence those children not only to become aware about their rights but their activism can also influence most of the children to work for protecting child rights and help in raising the voices if any child is going through any kind of ordeal. Normalisation of sexual abuse, soft porn and semi porn has to be prevented. Indecent use of children and consumption of child

²⁷ *Ibid.*

²⁸ The Information Technology Act, 2000 (Act 21 of 2000), s. 67B.

²⁹ Eera through Dr. Manjula Krippendorf v. State (Govt. of NCT of Delhi) & Anr., 2017 INSC 658.

³⁰ Just Rights for Children Alliance & Anr. vs. S. Harish & Ors., 2024 INSC 716.

related vulgar contents have to be prohibited which can only be done by strong actions under the POCSO act against child sexual exploitation, assault, harassment by not showing any kind of leniency towards the culprits.³¹

V- Industry Collaboration: Monitoring and Detection

Protecting child rights has always been a challenge in India.³² Monitoring online gaming platforms, detecting cases of sexual abuse and instantly taking actions is a much needed step. Accuracy in the detecting child trafficking, physical or online harassment of children, creation, sale & sharing of child pornographic content and accurately detecting who is watching child porn are some crucial steps for successfully implementing the recent judgement of the SC against Child porn. For example, *"On 29.01.2020, the All-Women's Police Station Ambattur, Chennai, Tamil Nadu i.e., the respondent no. 3 herein, received a letter from the Additional Deputy Commissioner of Police (Crime against women and children Branch) wherein it was mentioned that as per the Cyber Tipline Report of the National Crimes Record Bureau (NCRB), the respondent no. 1 herein is an active consumer of pornography and has allegedly downloaded pornographic material involving children in his mobile phone."*³³ That letter helped the same day in the registration of the FIR against the accused. In this way, for taking immediate actions against the offenders, all the state governments have to improve their technological infrastructure to monitor illegal cyber activities happening against children.

VI- Need for Effective Law Enforcement along with Adequate Self Care

Strict actions should be taken for using online gaming platforms for child sexual abuse purposes. But still a state of confusion persists because on social media and on various other online and digital platforms semi-porn, soft porn contents are still circulated daily and millions of people are easily consuming it. In this context, As said above, social media platforms have become very dangerous for minors. Minor girls are filmed dancing on vulgar songs and instead of being stopped from posting they are promoted to make more vulgar contents. These controversial contents help them in getting thousands of likes and followers. In various countries policies are made to regulate the use of Social media by minors. Teenagers are either stopped from using social media or they are allowed to use it in a limited way. But in India there is no strict structure of this sort and poor surveillance from the side of authorities and careless behaviour of the parents are making minor children of India easy targets of exploiters and paedophiles. India can make various strict laws but why children are failing to take self protective measures and why parents are not concerned about vulgar picturization of their minor children on social media platforms.

The definition of pornography also has to be changed as the technology is advancing. At the same time parents and children should also understand the importance of self protective measures. Laws are there to protect them and various strict laws can be made in future as well but parents and children have also to be made aware of sincere use of social media/online gaming platforms by making them understand the modern threats.

³¹ Nawabuddin v. State of Uttarakhand, 2022 INSC 162.

³² Asha Bajpai, Child Rights in India: Law, Policy, and Practice (3rd edn, OUP India 2018).

³³ Just Rights for Children Alliance & Anr. vs. S. Harish & Ors., 2024 INSC 716.

Lack of specific laws on emerging crimes on online gaming platforms makes it necessary to strictly implement the existing laws and measures. If strict actions are taken in India against “child exploitative contents” then all child related semi-porns, soft porn contents, etc. from the social media and other platforms also have to be deleted and strict actions have to be taken against people who are uploading such contents by exploiting children. Viewers also have to be warned not to watch any sort of vulgar contents and minors have to be told about their rights against sexual abuse and exploitation which will help them not become a part of semi porn, soft porn, vulgar reels, indecent videos, etc.

VII- Conclusion and suggestions

For perpetrators it has become quite difficult to share child pornography contents on porn sites but they are continuously evolving other mediums to exploit and share child pornographic and abusive contents. In this regard, unregulated and widely ignored online gaming platforms are emerging as one of the prime hubs of child sexual abuse. There have been many cases in recent years in which people have been accused of sharing, watching, accessing or storing child porns. There are various mediums like new websites, sharing of contents on apps, dark internet, sale of DVDs/CDs/Pen drives/microchips/magazines, etc. through which pornographic contents are still rampantly made available. Many rackets have also been busted in the past few years where filming, sale and distribution of child porn was happening and they were organising it for a long time without being easily trapped. It proves that child sexual abuse is still happening in various ways and this paper successfully proves how such online gaming platforms have emerged as new mediums for predators.

In India, the POCSO Act and various landmark judgments have helped to create a child friendly environment. But still more reforms are required to tackle emerging problems. In this regard following helpful suggestions are given to prevent child sexual abuse on the online gaming platforms:

- Strict measures should be taken to prevent adults connecting with minors on online gaming platforms.
- To take actions against online grooming, the UK has also passed the Sexual Offences Act 2003 and the Online Safety Act 2023. India also immediately needs such specific strict laws.
- It is much needed for the authorities to strictly apply these legal measures on the illicit activities happening on the online gaming platforms.
- Section 13 should be immediately amended to specifically include the gaming conversations, videos calls with minors, live streaming involving children, etc. under the ambit of the POCSO act.
- Intermediaries should also be made responsible of abetment or failure in cases of reporting a crime on their gaming platforms. Liabilities of the gaming intermediaries have to be strengthened and if they fail to report a crime, Section 19 & 21 should be applied against them.
- There is an immediate need to amplify the liability of the intermediaries with harsh penalties and consequences. To maintain their safe harbour protections under Section 79 of the IT Act, the online gaming platforms must immediately take actions against hosting or sharing CSAM on their platforms. In cases of failures, the actions must be taken under sections 67B of the IT Act against online gaming platforms.

- Minors should be made legally aware and they also be taught to take self-protective measures.

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