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Combating Threat of Child Sexual Abuse in the Online Gaming World: A Critical Analyses of the Indian Laws

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Abstract

Online gaming has become quite popular among teenagers due to the continuous advancements of technologies, availability of affordable gaming gadgets, good internet connection, etc. But at the same time, the vulnerability of children has significantly increased. Many children have become easy targets of online frauds, sexual abuse, manipulations, etc. The cases of verbal abuse, child sexual harassment, bullying etc. in the online gaming world, has created an unsafe environment for children. India has become a huge market for online gaming but poor regulatory control over gaming world and increasing cases of child sexual abuse on such platforms has created a dangerous environment for children. Bullying, verbal abuse, sexual abuse, sexual harassment, etc have become common practices in online gaming world and the measures for age restrictions, parental control, verifications, etc. are also quite poor. Poor platform accountability, improper cyber risk management, weak law enforcement, etc. have been continuously increasing the threats of child sexual abuse in online gaming world. Lack of attention of legal authorities towards this issue will keep increasing the vulnerabilities of children. Hence, it is immediately required that the online gaming world in India should be strictly monitored to prevent any case of cybercrimes and child sexual abuse. By adopting the doctrinal method of research, the authors have examined the needs to combat the threat of child sexual abuse in the online gaming world.

Keywords: Child sexual abuse, Online gaming, Abuse in the gaming world, POCSO Act, Promotion and Regulation of Online Gaming Act, 2025.

Introduction

Since the past few years, especially since the COVID-19 days, the popularity of online games has immensely increased worldwide but these online games have become platforms for

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various kinds of dark crimes as well.² Online gaming provides an opportunity to play video games along with the facility to connect live through the internet with other gamers, public or friends. Poor regulations and lack of monitoring allow various kinds of perpetrators to bully and abuse other vulnerable gamers. Child sexual abuse in the online gaming world is one of such dangerous activities the risk of which is rising day by day.³ The anonymity, cross-border reach, hacking, immersive nature of virtual platforms, etc. have turned the online gaming world as an emerging platform for sexual predators. The meteoric rise of online gaming, spurred the onset of the COVID-19 pandemic, has transformed gaming into the wake of the COVID-19 pandemic and has revolutionized a new avenue for entertainment and communication.

Table 1: Trends in Children's Internet Usage (2023)⁴

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 Report⁵

Due to the advancement of technology and availability of at least all the advanced features in a smartphone, it has become necessary for everyone to own a smartphone. It is not wrong to say that owning a smartphone has become a basic need today and minors are also not

² 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 September 22, 2025).

³ 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 September 22, 2025).

⁴ NITI Aayog, "Online Safety for Children: Protecting the Next Generation from Harm" (June 2025).

⁵ *Ibid.*

excluded in this regard. The above table also shows that minors owning a smartphone has become a normal phenomenon. Generally, it is expected that the minors should use smartphones for study purposes, or to contact with parents, to attend online classes but the above tables shows that gaming is the most common activity especially among the children below 15 years. The table also shows that social media, which has become quite dangerous for children, is also quite popular among children aged between 6-18.⁶

With the rapid evolution of technological progress has transitioned from an extravagant gadget to indispensable all-encompassing device, and even children are no longer exempt from technological revolution. Although they were initially serving academic needs, to facilitate communication with guardians, and support online education. Perpetrators have started using advanced technologies to commit online sexual abuse and minors have become their easy prey.⁷ Technologically advanced games, availability of affordable gaming gadgets, good internet connection, etc. attract the teenagers to play live online games but they massively ignore the status of their vulnerability. Lack of protective measures by these careless gamers make them more vulnerable and enhances the chances of them for being targeted not only for bullying and online sexual abuse but they also become easy targets for various kinds of cybercrimes as well. Due to the popularity and attractiveness of various online games parents are also helpless in front of many stubborn teenage gamers and they are continuously failing to enforce the measure of strict parental control. In past, many children have become easy targets of online frauds, sexual abuse, manipulations, etc. In this way, the cases of verbal abuse, child sexual harassment, bullying etc. in the online gaming world, has created an unsafe environment for children.⁸

Recent data also shows that the internet is not safe for children. Requests for sharing sexual content, vulgar demands, meet for sex, image sharing without consent and online extortion are some emerging problems. These requests are quite common *between 1% and 20% of internet-using children*.⁹ There are live streaming features and chat functions in various gaming platforms through which the perpetrators can easily make contacts with vulnerable

⁶ National Cyber Security Centre, "Child Internet Safety Report 2023" 5 (2023).

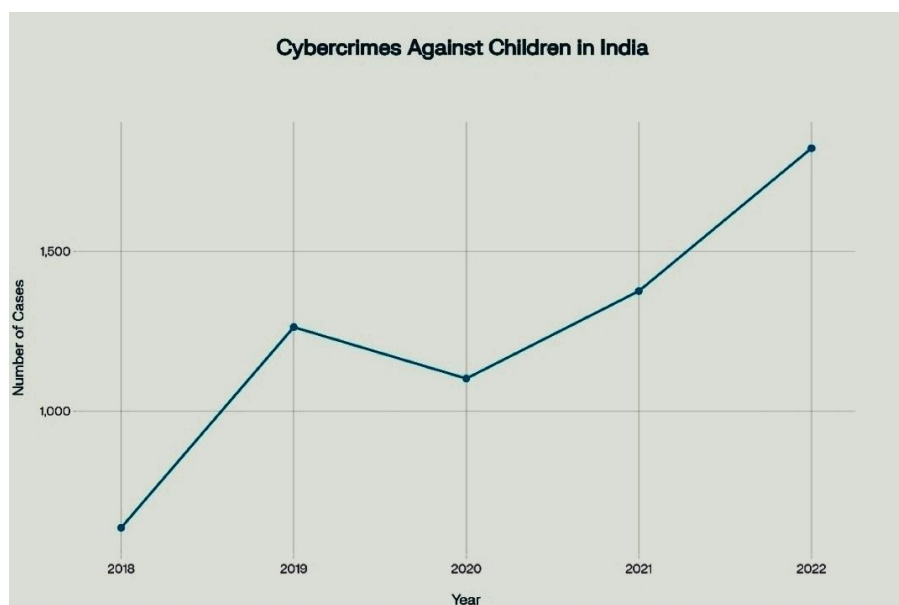
⁷ Mr. Pushpendra Kumar Anuragi, Dr. Anjum Hassan, *et.al.*, "Protection Of Children From Online Sexual Abuse, Extant Legal Framework And Indian Constitution" 13 (3) *Frontiers in Health Informatics* 5106 (2024).

⁸ National Crime Records Bureau, "Crime in India 2022" 102 (Ministry of Home Affairs, 2023).

⁹ 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 September 23, 2025).

minors and manipulate them. Sexist remarks, hateful language, cyberbullying,¹⁰ harassment, demands for sexual favours, etc. have become quite common on the gaming platforms but the addiction of games, the dream to become professional games, the risk of financial losses, etc. forces the innocent children to remain silent and face the exploitation. At the same time, these gaming platforms also indirectly aid the perpetrators by allowing them to enjoy the right to privacy and secure anonymity. Even when a perpetrator is blocked or reported then it is still quite easy for him to instantly create a new account. In this way, instead of toothless platform guidelines, only strict laws with effective implementation can safeguard innocent children from various kinds of abuse in the gaming world. Lack of these measures will keep increasing the vulnerabilities and number of child victims every year.¹¹ The below graph shows how cybercrimes against children in India are continuously rising since the recent past years.

Graph 1: Cybercrimes against children in India 2018-2022



Source: NCRB report, 2022.

Total 1,62,449 cases of crimes against children were reported in 2022 with an 8.7% increase compared to the previous year. Among all forms of crimes against children, 1823 cases of cybercrimes were reported in 2022 with a shocking 32% increase compared to the previous

¹⁰ Louise H. Klose and Sarven S McClinton, 'Pro Gamers' & Cyberbullying: Workplace bullying & sexual harassment in professional video gaming', ResearchGate, April 2024, available at <https://www.researchgate.net/publication/380123103_Pro_Gamers_Cyberbullying_Workplace_bullying_sexual_harassment_in_professional_video_gaming> (last visited on September 23, 2025).

¹¹ National Cyber Security Centre, "Online Safety in Gaming: A Report on Child Protection" 15 (2023).

year.¹² All forms of cybercrimes against children have significantly increased in the recent past years but there is a high jump in cases of cyber pornography/hosting or publishing obscene sexual materials depicting children and cyber stalking of children. The Internet has become quite dangerous for adolescents.¹³ Unregulated and widely ignored online gaming platforms are emerging as one of the prime hubs of child sexual abuse. Lack of parental monitoring and poor regulations compromise child safety and well-being in the online gaming world.

Child sexual abuse in online gaming world commonly manifests through **grooming, sextortion, live streaming and in-game chats, distribution of illegal content, etc.** In Grooming, predators win the trust of minors by posing as peers or authority figures to manipulate children into sharing intimate content or agreeing to meet offline. Sextortion involves threatening exposure of sensitive content with the aim to force children to indulge in sexual acts or share sexual material. In live streaming and in-game chats abusers exploit chat features, voice channels & live interactions with the aim to demand sexual content or to expose children to explicit acts. In distribution of illegal content, online gaming platforms become easy mediums for exchange of child sexual exploitation material.¹⁴

Children have always been a very easy target of exploiters and this exploitation does not always solely happen because of poor physical strength of minors but lack of awareness of child safety laws, remaining non-vocal against crimes committed against victims, failure in instantly reporting crimes against children, carelessness by parents, poor implementation of laws, etc. are many other factors as well which create an easy atmosphere for exploiters to target minors.¹⁵ India has taken various strict legal initiatives to protect children from various kinds of crimes but still due to poor enforcement and due to low reporting rates many children have become easy prey of exploiters. Even the available data also shows that children are not safe in the online world and their vulnerabilities are increasing day by day as

¹² 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 September 25, 2025).

¹³ 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).

¹⁴ 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 September 25, 2025).

¹⁵ National Crime Records Bureau (NCRB), "Annual Report on Cybercrimes and Child Protection" (Ministry of Home Affairs, New Delhi, 2022).

more children get exposed to the dangerous world of the internet. The below data shows a shocking truth which reveals that the internet has become a prime medium to target children for sexual abuse and if stern preventive actions are not taken then gaming platforms have potential to become a major source of child sexual exploitation.

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

S.No.	Cybercrimes against children reported	2019	2022	% increase
1	Cyber pornography/hosting or publishing obscene sexual materials depicting children	102	1171	1048%
2	Cyber stalking	45	158	451%
3	Other cybercrimes	153	416	171%

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

During the COVID-19 days, the cases of cybercrimes had rampantly increased and children were also not spared during this time.¹⁶ The above table shows that there was a shocking 1048% increase in the cases of cyber pornography/hosting or publishing obscene sexual materials depicting children from 2019 to 2022. The cases of cyber stalking of children had also gone up by 451% from 2019 to 2022 and apart from cyber pornography/hosting or publishing obscene sexual materials depicting children and cyber stalking, there was a 171% increase in other forms of Cybercrimes against children.

As said above, the internet has become a prime medium to target children for sexual abuse and if stern preventive actions are not taken then gaming platforms have potential to become a major source of child sexual exploitation. Studies have already showed a disturbing rise in child sexual abuse material (CSAM), sexual grooming, abuse and exploitation through chat functions, live streaming and multiplayer features in online games.¹⁷ The troubling rise in cybercrimes targeting especially in online gaming communities that calls for immediate

¹⁶ D. Manoj and others, "Behind the screens: Understanding the gaps in India's fight against online child sexual abuse and exploitation", *ScienceDirect*, December 9, 2024), available at <<https://www.sciencedirect.com/science/article/pii/S2950193824000883>> (last visited on September 26, 2025).

¹⁷ 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)

stringent measures. Online predators use the shield of anonymity to groom, coerce, and coerce vulnerable minors, frequently through chatrooms, live and social interactions.

Indian Legal Framework & Child Protection in the Online Gaming World

India has become a huge market for online gaming but poor regulatory control over gaming world and increasing cases of child sexual abuse on such platforms has created a dangerous environment for children. Bullying, verbal abuse, sexual abuse, sexual harassment, etc have become common practices in online gaming world and the measures for age restrictions, parental control, verifications, etc. are also quite poor. Poor platform accountability, improper cyber risk management, weak law enforcement, etc. have been continuously increasing the threats of child sexual abuse in online gaming world. Lack of attention of legal authorities towards this issue will keep increasing the vulnerabilities of children. Hence, it is immediately required that the online gaming world in Indian should be strictly monitored to prevent any case of cybercrimes and child sexual abuse. There are some guidelines but India needs strong and strict laws to prevent child sexual abuse in the gaming world.¹⁸

International standards have already been set to protect children from various kinds of exploitation.¹⁹ **Article 19, 34, and 35 of the UNCRC²⁰** asks the states to prevent sexual abuse of children which includes the prevention of online sexual abuse as well. India has ratified the UNCRC in 1992 and has enacted various child friendly laws on the lines of UNCRC. The **Protection of Children from Sexual Offences (POCSO) Act, 2012²¹** is a special law in India to criminalise all forms of sexual abuse and exploitation of children. This Act is also expected to strictly deal with emerging forms of child sexual abuse crimes and for this purpose the POCSO Act has now strict provisions against any illegal activities on digital platforms as well. But still it lacks to take effective actions against online gaming platforms which are emerging as one of the prime hubs of child sexual abuse.

¹⁸ National Commission for Protection of Child Rights, “Guidelines to Regulate Child Protection in Online Gaming” (NCPCR, 2023).

¹⁹ United Nations Convention on the Rights of the Child 1989, arts 19, 34, 35.

²⁰ *Ibid.*

²¹ (Act 32 of 2012).

Table 3: SOP on Handling Online Gaming Related Cyber Crimes: POCSO Act

13 & 14	Using child for pornographic purposes
15	Storage of pornographic material involving child
16	Abetment of an offence
3&4	Penetrative Sexual Assault
5&6	Aggravated Penetrative Sexual Assault
7&8	Sexual Assault
9&10	Aggravated Sexual Assault
11&12	Sexual harassment

Source: Handling Online Gaming Related Cyber Crimes Standard Operating Procedures (September 2022)²²

The POCSO Act is still incomplete and it truly lacks to take effective actions against online gaming platforms which are emerging as one of the prime hubs of child sexual abuse. The first problem lies with the definition of child pornography. In a recent landmark Supreme Court decision, it has been recommended to replace the term “*child pornography*” with “*child sexual abuse material (CSAM)*”²³. This decision also expanded the ambit of the POCSO Act to include not just the distribution, but also the viewing, storage & private possession of CSAM and these all activities have been declared crimes under the POCSO Act.²⁴ Replacement of term “*child pornography*” with “*child sexual abuse material (CSAM)*” can certainly increase the level of monitoring. It can give authorities and clear powers to deal with sexual activities happening on the online gaming platforms.

Child sexual abuse in online gaming world commonly manifests through grooming, sextortion, live streaming and in-game chats, distribution of illegal content, etc. Though the POCSO does not specifically mention child sexual abuse on the online gaming platforms but

²² Government of Gujarat, “SOP on Handling Online Gaming Related Cyber Crimes” (Education Department, 2022), available at <https://cawach.gujgov.edu.in/dist/documents/sop/cyberAwareness/Online_gaming.pdf> (last visited on September 27, 2025).

²³ Radha Ranjan and Anupam Sinha, “Child Pornography Laws In India: A Comparative Legal Analysis with Global Frameworks” 11 *The Research Journal* 87-89 (2025).

²⁴ *Just Rights for Children Alliance & Anr. vs. S. Harish & Ors.*, 2024 INSC 716.

enhanced awareness and strict application of this Act have potential to take actions on the emerging illicit issues on the online gaming platforms. **Section 11 & 12** of the POCSO Act, criminalise sexual harassment, including online grooming or stalking. **Section 14 and 15** in the POCSO Act²⁵ are the most important section against any illegal activities on digital platforms but this section looks quite weak and incomplete to prevent cases of child sexual abuse on online gaming platforms. Due to widespread popularity of online games among children it has to be clearly mentioned in the **Section 13**²⁶ that the gaming conversations, internet chats, videos calls, live streaming, etc. all come under the ambit of the POCSO Act and the cases of violation should be strictly punished under **sections 14 & 15**. The POCSO Act also imposes a duty on a person (including gaming platform moderators) to report a crime. In this regard, **Section 19 & 21** mandates that any person who knows of such an offense must report it or face imprisonment. These measures will be quite successful in creating a fear in the minds of potential perpetrators because the Act creates a legal presumption of culpability for accused persons under **Section 30**,²⁷ shifting the burden to the accused to prove innocence in such cases.

In the context of increasing cases of child sexual abuse on online gaming platforms, there is an urgent need to strengthen the POCSO Act to strictly deal with the cases like-²⁸

- Adults connecting with minor gamers,
- Cyberbullying with minors gamers,
- Online grooming of the minor gamers,
- Vulgar chats, sexting, leud demands, live streaming of child sexual abuse
- Child Sexual Abuse/Exploitation Material
- Commercial Sexual Exploitation of Child
- Virtual Rape
- Webcam Child Sexual Tourism/Online Child Sexual Tourism.

In the Information Technology (IT) Act,²⁹ **section 67B** criminalises the publishing and transmission of “*material depicting children in sexually explicit acts*”.³⁰ This offence is

²⁵ (Act 32 of 2012), ss. 14 & 15.

²⁶ *Ibid*, s. 13.

²⁷ *Ibid*, s 30.

²⁸ Andrea Varrella, “Terminology Considerations on Trafficking of Children for Sexual Purposes Based on the Luxembourg Guidelines” 5(1) *Journal of Human Rights and Peace Studies* 36 (2019).

²⁹ (Act 21 of 2000).

³⁰ *Ibid*, s. 67B.

cognizable and non-bailable which shows the strictness towards this issue but it does not directly confront challenges like grooming or AI-generated “virtual” children. The IT Act, with the Intermediary Guidelines and Digital Media Ethics Code Rules, 2021 (amended 2023), has established duties for intermediaries (which also includes gaming platforms) to actively prevent CSAM. **Rule 3** of the IT Rules, 2021 (Intermediary Guidelines), obligates intermediaries (which covers gaming platforms) to remove CSAM within 24 hours of a complaint. But the penalty or consequences on failures is quite soft. It causes a gaming platform to lose "Safe Harbor" protection if it fails to remove questionable CSAM content. Though it makes the company liable for the crimes of its users, the government needs to amplify the liability of the intermediaries (including gaming platforms) with harsh consequences including hefty penalties.³¹

Strict implementation of the existing laws/rules is also an issue. The gaming platform intermediaries must act diligently to avoid hosting or sharing child sexual abuse related contents and must immediately remove CSAM if notified, as safe harbour protections under **Section 79**.³² To remove any kind of confusion the government should clearly notify that gaming conversations, internet chats, video calls, live streaming, etc. all come under the ambit of the IT Act & Rules; and the cases of violation should be strictly punished under **sections 67B** and other relevant sections of the IT Act.³³

In India it is a crime to use a child for creating pornographic content.³⁴ It is also a crime in India to publish any content in electronic form in which a child is shown performing sexually explicit activities.³⁵ Due to the seriousness towards this issue, child pornography has now mostly become invisible from porn sites but the exploiters and paedophiles are still able to exploit children through various other mediums and they are fearlessly able to create, publish/sell and distribute child pornographic contents.

³¹ Ganesh Makam, “Regulatory Landscape of Online Gaming in India: Challenges and Prospects”, *SSRN*, June 22, 2023, available at <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4484558> (last visited September 27, 2025).

³² *Ibid.*, s. 79.

³³ Basant Singh and Purnima Prabhakar, “Beyond the Bet: Legal and Policy Dilemmas in India’s Online Gaming Sector” 7 *International Journal for Multidisciplinary Research* 1 (2025).

³⁴ *Supra* note 20.

³⁵ *Supra* note 24.

Children have always been a very easy target of exploiters and this exploitation does not always solely happen because of poor physical strength of minors but lack of awareness of child safety laws, remaining non-vocal against crimes committed against victims, failure in instantly reporting crimes against children, carelessness by parents, poor implementation of laws, etc. are many other factors as well which create an easy atmosphere for exploiters to target minors. India has taken various strict legal initiatives to protect children from various kinds of crimes but still due to poor enforcement and due to low reporting rates, many children have become easy prey of exploiters. Even the available data also shows that children are not safe in the online world and their vulnerabilities are increasing day by day as more children get exposed to the dangerous world of the internet. The below data shows a shocking truth which reveals that the internet has become a prime medium to target children for sexual abuse and if stern preventive actions are not taken then gaming platforms have potential to become a major source of child sexual exploitation.

The Role of the Judiciary in Safeguarding Minors from Online Abuse

In foreign jurisprudence, the U.S. Supreme Court ruling in *Ashcroft v Free Speech Coalition (2002)*³⁶ has balanced free speech concerns with regulations against child pornography, influencing online content moderation policies. Recently in a significant case titled *Jane Doe v. Roblox Corp (USA)*³⁷ parents sued a gaming platform for failing to prevent a predator from grooming their child. Though the final decision on child sexual exploitation still has to be given in this case, it highlights the growing push to hold gaming platforms accountable in failure of preventing predators from targeting children. The UK has been seeing numerous cases of online grooming through gaming platforms. Now, the Sexual Offences Act 2003 and the Online Safety Act 2023 has been passed there to prosecute online grooming.³⁸

In India, the decision in *Shreya Singhal (2015)*³⁹ has strongly defined the intermediary liability framework under the IT Act. It is a liability on intermediaries to remove the illegal content, including child sexual abuse material. In *Avnish Bajaj v State (2005)*,⁴⁰ the necessity for online platforms to exercise due diligence in content management was highlighted to

³⁶ *Ashcroft v Free Speech Coalition*, 535 US 234 (2002).

³⁷ 53CV-25-101

³⁸ Nick Titchener, "Sexual grooming: what is it according to UK law?", *Lawtons Solicitors*, July 21, 2019, available at <<https://www.lawtonslaw.co.uk/resources/sexual-grooming-what-is-it/>> (last visited September 27, 2025).

³⁹ *Shreya Singhal v Union of India* (2015) 5 SCC 1.

⁴⁰ *Avnish Bajaj v State* (2005) 1 SCC 560.

explain the responsibilities of intermediaries in preventing child exploitation online. The decision in case *Anvar P.V. v P.K. Basheer (2014)*⁴¹ is important to highlight the importance of electronic evidence in prosecuting online abuse cases. This ruling facilitates convictions based on digital communications often encountered in gaming-related offenses.

On 23rd September 2024, the landmark judgement in *Just Rights for Children Alliance & Anr. vs. S. Harish & Ors.*⁴² was given by a division bench of Chief Justice D.Y Chandrachud and Justice J.B. Pardiwala. The Hon'ble SC overturned the order of Madras HC and declared that viewing, storing & possessing child pornography is an offense under section 15 of the POCSO Act and the stopped proceedings against the accused were restarted. It was said that the term "Child Pornography" does not fully cover the seriousness of crimes against children and Justice Pardiwala suggested an appropriate terminology in place of child pornography which was "child sexual exploitative and abuse material" that he abbreviated as 'CSEAM'.

Before the recent SC judgement, ambiguity was existing because the Indian laws have not explicitly provided any provision where it has been said that consumption of child pornography in private space will be a crime. It also nowhere explicitly mentioned that storage of child pornographic content for personal consumption will also be a crime. The SC has already said that the aim behind designing of the POCSO Act is to protect the dignity of the children through which the behaviour & acts which tend to discomfort, harass, or demean minors were intended to be criminalised.⁴³ As said above, the consumption of pornographic contents has become so normalised these days and now at least everyone can easily access these contents but people should know the laws and understand their responsibilities as well to boycott child pornography and they should instantly report if anybody shares or sells any vulgar contents related to children. In the name of enjoyment nobody should be allowed to watch a content even privately in which children are represented in any vulgar & indecent ways. It has already been declared in a judgement that the IT Act through its Section 67B criminalises every kind of act pertaining to child pornography which applies on viewing child pornography as well.⁴⁴

⁴¹ *Anvar P.V. v P.K. Basheer* (2014) 10 SCC 473.

⁴² 2024 INSC 716.

⁴³ *Attorney General for India v. Satish*, 2021 INSC 762

⁴⁴ *P.G. Sam Infant Jones v. State represented by Inspector of Police*, 2021 SCC OnLine Mad 2241.

The distribution and consumption of child porn cannot be easily stopped unless India clearly defines in the POCSO Act and in the IT Act that accessing, storing and privately watching child pornographic contents will be considered as a crime. In a recent judgement⁴⁵ the SC has given a historical judgement by declaring that mere possession or consumption of child pornography will be considered as a crime. After this judgement it has now clearly become an offence to watch child porn and it does matter where a person managed to access it from or he had no intention to share it with others⁴⁶. It was very necessary to make it a crime to watch child porn. In the demand and supply factor, the demand for consumption for porn encourages more pornographic contents to be supplied. If watching child porn is criminalised then creation of it can also be prevented in an efficient way. Now fear of this judgement will prevent the potential exploiters and paedophiles from filming, distributing, purchasing or watching any pornographic content involving children.

The cases of child sexual abuse and child pornography on online gaming platforms have not been directly dealt in the above discussed cases but the rulings can be appropriately applied on the online gaming platforms to safeguard innocent children from perpetrators. India needs to recheck the legal definition of “pornography” because various semi-porn, soft porn and vulgar contents are easily made, recorded, circulated and streamed on various platforms without any censor. These contents are so sexually explicit that they have to be treated similarly as pornography, the biggest example here is the OTT⁴⁷ and social media platforms. In various cases minors themselves are allowing them to be part of vulgar and indecent contents for example just to gain some followers and the greed of few likes has made many minors to post their vulgar reels or clips in which they perform sexually intriguing things. The SC⁴⁸ by using the term “Child exploitative contents” has set a great example which will help in preventing children from becoming a part of pornographic or semi pornographic contents. Still, it is expected from the government to bring specific provisions in the relevant criminal laws to safeguard children from sexual abuse cases emerging on the online gaming platforms.

⁴⁵ *Just Rights for Children Alliance & Anr. vs. S. Harish & Ors.*, 2024 INSC 716:

⁴⁶ Radha Ranjan and Anupam Sinha, “Child Pornography Laws In India: A Comparative Legal Analysis with Global Frameworks” 11 *The Research Journal* 86 (2025).

⁴⁷ OTT (over-the-top) is a method of delivering content over the internet, rather than through traditional broadcast TV, satellite, or cable boxes. Services are offered directly to viewers via the public Internet, rather than through an over-the-air.

⁴⁸ *Supra* note 36.

Emerging Regulation in India: The Promotion and Regulation of Online Gaming Act, 2025

On many online gaming platforms, pornography and vulgar contents are used to gain popularity and to attract gamers.⁴⁹ Though the IT Act, BNS and POCSO can be applied to prevent and punish such cases, a strict law has to be introduced to strictly deal with such cases on the gaming platforms. The Indian Gaming Act 2025, officially titled "The Promotion and Regulation of Online Gaming Act, 2025,"⁵⁰ represents a landmark legislative move by the Indian government to regulate the online gaming sector. The Act has frameworks to regulate and promote safe and skill-based gaming activities like e-sports and online social games. This bill also aims to impose a ban on online money games involving real-money stakes.⁵¹ But this newly passed Act fails to address serious concerns such as the horrors of child sexual abuse within the online gaming world.

Toothless law in terms of prevention of child sexual abuse and the need for parental and self-care: There were expectations from the Online Gaming Act, 2025 to introduce specific provisions regarding prevention of child sexual abuse activities on the gaming platforms. But the Act majorly focuses on the financial aspects in the online gaming world. In this way this attempt will only develop a toothless law in terms of prevention of child sexual abuse. Adding the provisions related to misuse of online gaming platforms for child sexual abuse and addition of strict punishments and heavy penalties would have been a remarkable step. This missed opportunity has to be compensated by improving the existing laws regarding child sexual abuse.⁵² Now, it is much needed to strengthen the POCSO Act and IT Act to create specific provisions for proper parental consent, parental control, age verification, etc. and to prevent the potential abusers from coming in contact with vulnerable minors. Awareness of minors against cybercrimes have also to be enhanced and they must be taught how to care and protect themselves from potential abusers.

⁴⁹ Government of Gujarat, "SOP on Handling Online Gaming Related Cyber Crimes" (Education Department, 2022), available at <https://cawach.gujgov.edu.in/dist/documents/sop/cyberAwareness/Online_gaming.pdf> (last visited on September 27, 2025).

⁵⁰ (Act No. 32 of 2025).

⁵¹ Vineet Bhalla, "Why has the government banned online money games, and what could be the economic impact of the new law?", *Indian Express*, August 29, 2025, available at <<https://indianexpress.com/article/explained/explained-law/govt-ban-online-money-games-dream11-impact-10216473/>> (last visited on September 28, 2025).

⁵² Basant Singh and Purnima Prabhakar, "Beyond the Bet: Legal and Policy Dilemmas in India's Online Gaming Sector" 7 *International Journal for Multidisciplinary Research* 1 (2025).

Conclusion

In India it is a crime to use a child for creating pornographic content. It is also a crime in India to publish any content in electronic form in which a child is shown performing sexually explicit activities. Due to the seriousness towards this issue, child pornography has now mostly become invisible from porn sites but the exploiters and paedophiles are still able to exploit children through various other mediums and they are fearlessly able to create, publish/sell and distribute child pornographic contents. The authors here conclude that the online gaming world has been emerging as a favourite platform for sexual predators to target minors for sexual abuse and pornography.

Digital tools have clearly reshaped how kids in India interact, learn, and spend their free time. Yet alongside these changes, new dangers have emerged - children now face growing threats from advanced online sexual abuse. Although laws like the POCSO Act (2012) and the IT Act (2000) show government efforts to protect young people, criminals adapt quickly. Because of this shift in tactics, stronger enforcement is needed - one that understands technology deeply, responds with precision, yet remains flexible under pressure. Still, progress depends less on rules alone but how well they keep pace with real-world harm.

Child sexual abuse once limited to mainstream sites now moves toward loosely monitored digital areas, especially multiplayer games. Online play spaces, commonly seen as harmless fun zones, quietly host offenders using hidden identities and secure messaging tools. Predators take advantage of young players' emotional openness, slipping past defenses through private audio talks or gift-based interactions. Because these connections unfold in real time - shaped by chat, voice, rewards - they allow slow-building manipulation masked as friendship. Seeing video games only as leisure overlooks their role in enabling harm; they must also be viewed as settings where supervision and rules matter.

One major hurdle when tackling this problem stems from how rules are written versus how they play out on the ground. Even though current laws like the POCSO Act and Section 67B of the IT Act make it illegal to produce, share, or hold child sexual abuse material (CSAM), confusion remains about whether these apply clearly to newer online spaces - gaming conversations, live video streams, or virtual groups. Because interpretations differ, enforcement tends to shift unpredictably across cases. Offenders then find ways through weak spots tied to unclear definitions or borders between jurisdictions. To close those openings, lawmakers must update statutes so every kind of digital exchange falls unambiguously under legal scope. Only then can protection become truly complete.

Notably, gaming firms and online platforms now shape how users interact, demanding fresh scrutiny of their responsibilities. Because these intermediaries are shielded unless they know about illegal acts, gaps remain when damage spreads quickly. When toxic material moves fast across networks, waiting passively makes little sense. Instead, automated tools could detect risks early, paired with continuous oversight and dependable checks on user age. Resolving complaints without delay might become standard if rules required it. Penalties that carry weight would push companies to treat children's well-being as central - not optional. What matters grows clearer: response times define impact.

Beginning with stronger national laws, India might look abroad for useful examples - like the UK's 2023 Online Safety Act, requiring tech companies to safeguard users, particularly minors, from damaging material. Instead of scattered rules, a single law in India could bring coherence to current legal gaps and reduce overlap across agencies. Far beyond filtering posts, any new act ought to require clear algorithms, routine evaluation of platform risks, and external monitoring bodies to ensure compliance. Ending here would miss how structure shapes safety; real change lies in blending accountability with visibility into automated systems.

Improving both technology and institutions matters just as much when fighting online child abuse. Spotting and stopping CSAM depends on powerful methods - AI that identifies harmful content, blockchain to trace activity, plus forensic techniques built for digital evidence. Upgrading internet security networks helps, especially if police units receive focused education on new threats. Since criminals operate across countries, teamwork between agencies becomes unavoidable. Progress hinges not only on tools but also on shared strategies among nations.

One overlooked aspect involves the ongoing problem of unreported cases. Because of social shame, worry over retaliation, limited knowledge, or confusing processes, many children and those responsible for them avoid coming forward. As a result, perpetrators can act without much chance of being caught. Easy-to-use reporting options designed with young people in mind are needed - spaces where privacy is protected. Alongside these, help like mental health care and guidance through legal steps should follow naturally. Education efforts aimed at families and neighbourhoods need strengthening so more understand how serious these acts are - and what paths exist toward justice.

Young minds often learn best when lessons meet them where they are - schools shape more than academics, they guide behavior online too. Because classrooms influence daily habits, weaving cyber safety into regular subjects helps students spot dangers before harm occurs.

Although banning phones during school hours might reduce exposure briefly, real progress comes through teaching judgment, self-awareness, and smart decisions behind screens. Lessons must grow as fast as new risks appear, adjusting across ages and cultural contexts without delay. What works at one stage rarely fits another, so flexibility becomes essential over time.

One way to move forward is by building shared duty around protecting children across communities. Governments and institutions must step up, yet so too must groups like tech creators, schools, citizens, and nonprofits. Instead of working apart, alliances among child advocates and NGOs often strengthen how widely messages spread, how loud voices become, and how closely actions are watched. Often, these players help turn high-level plans into real outcomes where people live.

Still, spreading knowledge about laws should come first as a way to stop problems before they start. Not knowing the law might not excuse illegal actions, yet people still claim it when charged with online crimes against children. What stands out is how governments need fresh, far-reaching ways to communicate - using social platforms, local outreach, school lessons - to make sure individuals understand what happens legally if they take part in or help exploit minors.

Above all, tackling child sexual abuse in today's digital world involves many layers - success depends on flexible, ongoing efforts across multiple fronts. Though new laws are essential, they achieve little without strong implementation, advances in tech tools, stronger organisations, and active public involvement. Online games becoming spaces where harm occurs shows how fast dangers shift online, calling for steady attention and early countermeasures.