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Surge in Cybercrime against Children in India amid the Pandemic

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ABSTRACT

According to the most recent NCRB data, there was a more than 400% rise in cybercrime cases involving minors in 2020 compared to 2019, with the majority of them involving the publication or transmission of materials showing children in sexually explicit acts. Due to the COVID-19 induced lockdown in India, internet activity of most people increased, leading to an expected increase in the rate of cybercrimes. Our research work is based on the quantitative analysis of cybercrime cases under the IT Act and Indian Penal Code in top vulnerable states and cities in India. The purpose of this Paper is to objectively assess the cybercrimes against minors in India in light of the country's current Law and Order situation and make recommendations. We can define cyber law as it is the part of the legal systems that deals with the Internet, cyberspace, and with the legal issues. It covers a broad area, encompassing many subtopics as access to and utilization of the Internet, and online security or online privacy.

Keywords: *Cybercrimes, Digital Crimes, IT Act, Indian Penal Code, Children, Cybercrimes in Lockdown.*

I. INTRODUCTION

The epidemic has been a trying moment for people all throughout the world. People experienced a variety of issues, including a shortage of healthcare services, anger with the lockdown, and isolation, as well as losing employment and company revenue and losing loved ones to the fatal illness. The COVID-19 virus has proven to be a calamity, resulting in many fatalities, as well as mental, physical, and emotional suffering for millions of individuals all over the world. The pandemic has not only claimed the lives of millions of people, but it has also caused hardship for many others who have lost their jobs or had to close their businesses due to lockdown, for those who have lost the only family member capable of earning a living, and for children who have lost both of their parents at the same time.

But it doesn't stop there! While people were battling the epidemic, another tragedy was spreading like a virus: online and mobile crime. Meanwhile, although individuals were utilising

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the internet and mobile phones to keep themselves occupied and diverted throughout the epidemic, other people were exploiting these services and harassing people. During the epidemic, cybercrime involving the internet and mobile phones was gaining popularity and rising.

II. CYBERCRIME AGAINST CHILDREN DURING THE PANDEMIC

Children, especially those who have been abandoned either because of the loss of both their parents to the COVID-19 virus or who have been temporarily separated from their parents because either of them has contracted the disease. They are the weakest and easiest targets, these cybercrimes. Where parents are hospitalized and children are placed in or are not cared for, such children are at higher risk of cyber abuse as there is no one to look after their online activities. Children are spending more time on virtual platforms due to school closures amid the COVID-19 pandemic, which has exposed them to the risk of online harassment and cyberbullying. During the lockdown and with schools closed, parents had to rely on technology and digital solutions to keep their children learning, entertained and connected to the outside world. Children are spending more time online for various entertainment, social and educational purposes. But not all children have the necessary knowledge and resources to keep themselves safe in the online world. The government has taken certain protective measures in curbing child abuses i.e., Child help line number, an emergency service number for children to help them in cases of abuse and violence. This helpline has received more than 92,000 calls in the second week of lockdown in India in April 2020. The number of calls of children in distress and fear increased by 50 percent in just 11 days from March 25th, 2020. The Supreme Court of India took suo-moto cognizance of the matter to eliminate the risk of abuse and violence against children during the pandemic.³

The pandemic has made the situation even more vulnerable for children as they are helplessly exposed to the online world for their educational purposes. Most children, especially those from Class 1 to Class 5, are little familiar with the use and ethics of technology and the Internet. Therefore, it becomes very easy for sexual predators and other cybercrime, criminals to hack and manipulate these children's devices. A child does not know whether it is safe to visit that particular website or not, or whether a particular image/video should be downloaded and hence, is easily manipulated to indulge in unethical activities and cyberbullying.

³ Walia "Govt helpline receives 92,000 calls on abuse and violence in 11 days Read more at: https://economictimes.indiatimes.com/news/politics-and-nation/govt-helpline-receives-92000-calls-on-abuse-and-violence-in-11-days/articleshow/75044722.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst

Most frequently committed cybercrimes during the pandemic

Cybercrime against children

While children engaged on the internet and virtual platforms for their educational purposes, they were unaware of its dark side. Parents, teachers and children had to depend helplessly on these virtual platforms to meet the educational needs of the children, but at the same time, children were being exposed to cybercrime criminals, who were exposed to manipulation and harassment were easy targets. carried out against children during the pandemic while engaged in educational and recreational activities are as follows:

➤ Sexual abuse of children

Online child sexual abuse covers a wide range of behaviours and situations. Typically, this includes grooming, live streaming, consumption of child sexual abuse material, and coercion and blackmailing children for sexual purposes. Adult engaging child in conversation about sexual acts and sending nude or pornographic pictures of himself or herself to a child or exposing himself via live streaming. Asking the child to watch pornographic images/videos and perform sexual activity, expose himself, or share a sexual image Taking or making and sharing or showing pornographic images of children.

➤ Pornographic/sexually explicit content for children

Often children are exposed to pornographic material by accidentally typing the wrong web address or term into a search engine and unexpectedly find that they are on a site they did not intend to visit. Nevertheless, early exposure to sexually graphic material has the potential to have negative effects and potentially harmful effects on children.

➤ Cybersex trafficking

Cybersex trafficking, also known as live streaming sex abuse, includes sex trafficking and live streaming of forced sex acts and/or rape on webcam. Victims are abducted, threatened, or duped and transferred to "cybersex dens". This base can be anywhere where cybersex smugglers have a computer, tablet or phone with an internet connection. Criminals use social media networks, videoconferencing, pornographic video sharing websites, dating pages, online chat rooms, apps, dark web sites, and other platforms.

➤ Cyberbullying

This includes harsh, mean derogatory or cruel comments and messages against the victim. Children are easy to bully because of their innocent nature and it becomes even easier for criminals to bully children on virtual platforms. due to cyberbullying; Wanting to avoid school

classrooms via virtual platforms, abruptly stop using internet and computer devices, want to remain secretive about their digital lives, distress and emotional instability among children.

➤ **Child grooming**

The offender befriends the victim by forming an emotional and trusting bond with the child for the purpose of sexual abuse. Children are easily trusted and hence, it becomes very easy for criminals to form such a bond with them. Once the bond is formed, the offender starts molesting the child to have sex. Grooming of children through online platforms and social media has been one of the most committed cybercrimes during the pandemic. Child groomers were able to conduct and gain trust of children online and due to the ignorance of children and parents about the dark side of the internet world, it became easier for them to do so.

Above mentioned are some of the infamous cybercrimes committed against children during the pandemic. The children and parents of such children have been becoming victims of such crimes. This tells us about the need to educate children as well as parents about the cyber world and how they can protect themselves from cybercrime offenders.

III. WHY ONLINE CRIMES AGAINST CHILDREN HAVE INCREASED DURING THE PANDEMIC IN INDIA?

While children spend more time on the Internet to access education and other communication purposes, children have also become more vulnerable to many risks, especially online sexual abuse, grooming, or sexual temptation, sexting, vulnerability to pornography, production and in terms of circulation. Child sexual abuse material, cyber-bullying, online harassment and cyber-victims, and many other privacy-related risks. Due to the closure of schools and taking online classes, children were seen to experience risk, which had a serious impact on them. As a result of the COVID pandemic, measures taken to contain the spread of the pandemic have resulted in the closure of schools and the movement of virtual learning environments. Children also spent most of their time online for social, educational, and entertainment purposes, although they were not necessarily exposed to any such risks.

Cybercrime against children has increased during the pandemic significantly in India in the year 2020. Data from the National Crime Records Bureau showed that in 2019, 306 cybercrime cases were registered against children, but in 2020 the number rose to 1,102. As the penetration of internet has increased in our country, so are the incidents of cybercrime including online crime against children.⁴ According to the NCRB data, Uttar Pradesh (170), Karnataka (144),

⁴ Cyber-crime against children has increased in India <https://www.indianmandarins.com/news/cyber-crime->

Maharashtra (137), Kerala (107), and Odisha (71) are among the top five states related to cybercrimes against children. According to the Bureau's data, a total 842 cases of online crimes against children were registered in 2020, of which 738 cases were related to publication or dissemination of material depicting children in sexual acts. According to a UNICEF report (2020), 13 percent of children and people aged 25 or under in South Asia use the Internet at home. The report also noted that only 14 percent of school children (3-17 years old) in low-middle income countries have internet access at home.⁵

Karnataka reported a 1,340 percent increase in the number of cybercrimes targeting children in 2020 compared to the previous year, and ranks third in India among states reporting the highest number of crimes in this category. According to the National Crime Records Bureau data, 144 cybercrimes against children were registered in Karnataka in 2020, an increase of 1,340 per cent against 10 in 2019. Most cases relate to publishing or disseminating material depicting children in explicit sexual acts. Of the 144 cases registered in the state, 122 are related to cyber pornography involving children. NCRB data shows that Karnataka is followed only by Maharashtra (207) and Uttar Pradesh (197) followed by Kerala (126) and Odisha (71), with the highest number of cybercrimes targeting children. Top five states are included, Maharashtra and Uttar Pradesh have registered a growth of 195.71 per cent and 101.02 per cent respectively as compared to Karnataka.⁶ (Table:1)

As per the data shared by NCRB, in 2020, the country registered 50,035 cybercrime cases across all categories, up from 44,546 in 2019. In all the cases taken together, a total of 18,420 persons were arrested and 18,189 charge sheets were filed. NCRB data shows that only 1,369 were convicted. National Crime Records Bureau (NCRB), despite a rise in cybercrime against children, only one person was convicted out of 116 people arrested for cyber stalking children in the country in 2020.⁷

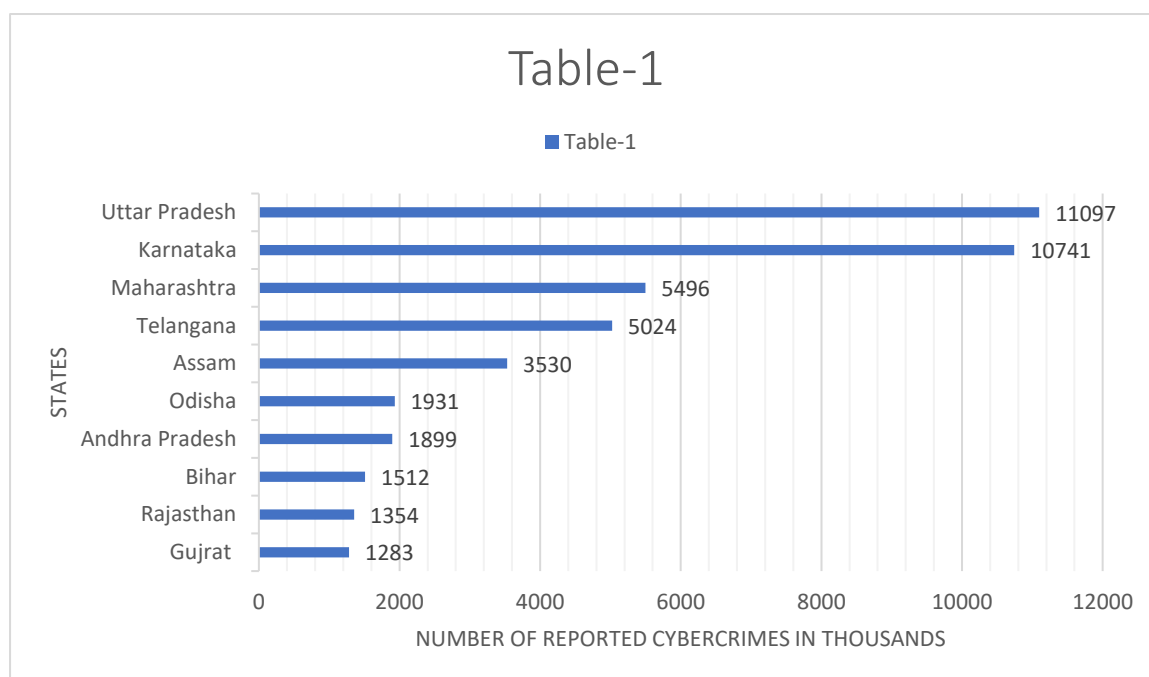
against-children-has-increased-in-india/23651 (last visited 22-03-2022)

⁵ Cybercrime against children increase by 400 percent in 2020 <https://groundreport.in/cybercrime-against-children-increase-by-400-percent-in-2020/> (last visited 22-03-22_

⁶ Karnataka sees 1,340% rise in cybercrimes against kids <https://www.newindianexpress.com/states/karnataka/2021/nov/15/karnataka-sees-1340-rise-in-cybercrimes-against-kids-2383645.html> (last visited 22-03-22)

⁷ Maharashtra beats Uttar Pradesh, tops in cybercrime against children list <https://www.bgr.in/news/maharashtra-beats-uttar-pradesh-tops-in-cybercrime-against-children-1032857/> (last visit 31-03-22)

States have the highest number of cybercrimes reported across India in 2020



⁸ SOURCE: NCRB

I have seen many cases where parents have forced their children to delete social media applications due to unpleasant experiences. It is worrying that even children below the age of eight are becoming victims of cybercrime. Some parents are also the reason, because they themselves post pictures of their children on social media just to get attention.

Cybercrimes against Children's Law in India

Online crimes against children are covered by a series of laws –

- (i) The Protection of Children from Sexual Offences (POCSO) Act, 2012 is a necessary part of the law that individually addresses sexual offenses committed against children. POCSO illegalize cybercrime against children including child pornography, cyber stalking, cyber bullying, defamation, grooming, hacking, identity theft, online child trafficking, online extortion, sexual harassment, breach of privacy.
- (ii) The Information Technology (IT) Act, 2000 is the primary law dealing with cybercrimes against children and adults in India. It is complemented by various rules that have been made under it.
- (iii) The Indian Penal Code (IPC), 1860 protects persons including children from all offences. IPC includes some cybercrimes which are forms of customary crimes such

⁸ Number of cybercrimes reported across India in 2020, by leading state <https://www.statista.com/statistics/1097071/india-number-of-cyber-crimes-by-leading-state/> (last visit 31-03-22)

as theft, fraud, forgery, mischief and defamation. In some cases, these legislative provisions overlap and an accused can be charged with multiple offenses under relevant provisions of IPC, POCSO and IT Act. If an accused is convicted under all three acts, he/she is punished under the provision which provides for the greater punishment.

IV. CYBERCRIME AGAINST CHILDREN & KIDS CASES

Experts believe Online bullying and Internet stalking are becoming more prevalent annoyances for the city's students, with people harassing or stalking them via electronic communication such as email, networking sites, and texts. **Rittika Sharma (Name Change) case:** Rittika Sharma, who was a student in a reputed Delhi school was stalked by a Facebook friend whom she unfriended months ago and whom she gave all her information including residential address, school address and even cell phone number. She told her brother regarding this and her brother filed a complaint against this. After this incident Delhi police organised an awareness programs where all the students were told not to send their personal details to any stranger.⁹

A horrifying occurrence occurred when some people interrupted a Standard 6 online lesson from a Kolkata school, started making lewd noises, and threatened the girls with rape and murder. According to a story by The Times of India, the event occurred on June 23 when several individuals attended the online class session and began making lewd noises. The invaders allegedly began assaulting the girls and accusing them of rape and murder after that. The intruders ceased speaking when the children, startled, informed their instructor and parents.¹⁰

Ritu Kohli's Case: While discussing cyber stalking and Cyber bullying, Ritu Kohli's case is the case one should mention. Ritu Kohli's Case was the first cyber stalking case reported in India. A girl named Ritu Kohli filed a complaint in 2001 that someone else is using her identity in social media and she was deliberately getting calls from different numbers she was also getting calls from abroad. A case was also filed under Section 509 of Indian penal code.¹¹ In India, the Suhas katti case is the first to set a precedent in the area of cyber-harassment. A girl

⁹ Cyber Bullying: A Disregarded Issue In India <https://www.legalserviceindia.com/legal/article-2358-cyber-bullying-a-disregarded-issue-in-india.html> (last visited 16-04-2022)

¹⁰ Intruders Hack Online Classes, Abuse & Threaten Girl Students Of Rape And Murder In Kolkata, IndiaTimes (2020), <https://www.indiatimes.com/news/india/intruders-hack-online-classes-abuse-threaten-girl-students-of-rape-and-murder-in-kolkata-516435.html> (last visited Oct 10, 2021).

¹¹ State of Maharashtra v. Manish Kathuria (2001); in this case, Ritu Kohli filed a complaint with the Delhi Police alleging that someone, Manish Kathuria, had misappropriated her identity and other personal information. The accused illegally utilised to online-chat with unknown people and uploaded multiple filthy messages with mala fide purpose. Ritu Kohli's personal phone number may be found on the website www.mirc.com. Following that, Ritu Kohli While being disturbed by multiple strange phone calls, I became aware of such a thing for the first time. nature of malice In the absence of any explicit legislation, Delhi Police have lodged this case. under section 509 of the IPC for insulting Ritu Kohli's modesty Following that, through IP location address,

brought the complaint when she received filthy texts about her. The case included online stalking and harassment of a lady. It was filed in February of 2004, and the Chennai cyber crime unit was successful in obtaining a conviction, **Suhas Katti v. State of Tamil Nadu**.¹² The two ladies were detained under Section 66A of the IT Act for allegedly posting offensive comments on Facebook about Mumbai's entire closure following the death of a prominent figure. "According to Section 66A of the IT Act, anybody who transmits information that is unpleasant, incorrect, or causes discomfort, danger, irritation, insult, hostility, harm, or ill will through the use of a computer system or telecommunication is subject to jail¹³" **Shreya Singhal Vs Union of India**. The CEO of Baze.com, Avnish Bajaj, was detained under the Provisions of section 67 of the IT Act for scanning online pornographic material. Someone else, on the other hand, was selling CDs containing pornographic content through the Baze.com website. Avnish Bajaj V State of Delhi.¹⁴

V. CONCLUSION

Many youngsters have become victims of different cybercrimes throughout the epidemic time. During India's shutdown, the rate of cybercrime surged dramatically. In 2020, there were 704 Cybercrimes against children and women reported, and 504 in 2021. (till July). The information presented above shows that the lockdown and widespread discontent drove criminals to act violently. Cyber stalking, sextortion, cyber hacking, cyber bullying, sexual abuse (including sending sexually explicit and pornographic information to the victim), cybersex trafficking, and phishing are the most prominent cybercrimes performed against women during the pandemic. Sexual Abuse of Children, Cybersex Trafficking, Cyber Bullying, Child Grooming, and other cybercrimes done against children during the epidemic are the most prevalent. During the lockdown, women and children, who are the most vulnerable members of society, were easy targets for cybercriminals and sexual predators. The Indian legal system has a number of rules in place to combat cybercrime against women and children. A victim's first and most important

¹² Suhas Katti v. State of Tamil Nadu Citation No. 4680 of 2004 The woman filed the complaint after she was harassed and received obscene messages on numerous social media platforms with the goal of insulting her. The messages were delivered by a man who was highly interested in marrying her but when she declined, he began sending these messages.

¹³ Shreya Singhal Vs UOI AIR 2015 SC 1523 The court considered three principles while making its decision: dialogue, advocate, and provocation. The court held that just discussing or even advocating for a subject, no matter how unpopular, is at the core of free expression. The court determined that section 66A is vague, infringes on the right to freedom of expression, and includes even harmless speech within its scope. Read more at: <https://www.lawyersclubindia.com/articles/landmark-judgments-on-cyber-law-14025.asp> (last visited 08-05-2022)

¹⁴ Avnish Bajaj Vs State (NCT) of Delhi (2008) 150 DLT 769 According to the court, Mr. Bajaj was not involved in the broadcast of pornographic information. The Baze.com website, which receives a commission and derives money from purchases and advertisements placed on its pages, could not display such content.

action should be to file a cybercrime complaint with the nearest cybercrime cell or on the National Cybercrime Reporting Portal, or if none of these platforms are available, the victim should file a FIR with the local police station. The laws of the IT Act (Information Technology Act of 2000), the IPC (Indian Penal Code of 1860), and the POCSO (Protection of Children from Sexual Offenses Act of 2012) ban the above-mentioned cybercrimes against children, as well as punishing the perpetrator with harsh jail and fine penalties.
