

BETWEEN EXPLOITATION AND CRIMINALISATION: TOWARDS CHILD-CENTRED RESPONSES TO SEXTORTION IN INDIA

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Abstract

Currently in the midst of a digital revolution, which has brought world access to our fingertips, however, the flipside of the same is the rise in instances of corruption and exploitation, especially sexual exploitation targeting children. A form of this exploitation, sextortion, often disproportionately affects vulnerable children and despite its prevalence, there is a significant vacuum in acknowledging and defining it in Indian legislation: there is no penal provision for the crime. This legal blind spot, which fails to recognise the vulnerabilities of children who are either victims of exploitation or in some cases, groomed into becoming perpetrators, weakens preventive and punitive responses to this crime. This note comprehensively takes a child-focused view of the offence and analyses the current legal safeguards. It will also aim to show the unfortunate involvement of children, both as victims and offenders and the amplified prevalence of sextortion during the outbreak of the COVID-19 pandemic. It will argue for the recognition of sextortion as a standalone offence with child protections built into law and enforcement frameworks to ensure the digital safety and dignity of every child.

Keywords: sextortion, digital safety, online grooming, child exploitation, legal vacuum

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Sextortion in India: A Crime Without Definition

Sextortion, ‘*the practice of forcing someone to do something, particularly to perform sexual acts, by threatening to publish naked pictures of them or sexual information about them*’ (Cambridge University Press, n.d.) is not a standalone crime in the Bharatiya Nyaya Sanhita, 2023 (BNS) (formerly the Indian Penal Code, 1860 (IPC)). The offence is instead prosecuted under provisions of extortion (Section 308), Criminal Intimidation (Section 351) and Sexual Harassment (Section 75) along with certain sections of the Information Technology Act, 2000 (IT Act, 2000) creating a ‘patchwork framework’ such as Section 66E (violation of privacy), Section 67 (publication or transmission of obscene material), Section 67A (sexually explicit content), and, when minors are involved, Section 67B(c) (prohibiting online enticement of children). The Delhi High Court in *Soukin v. NCT of Delhi* (2024), the Delhi High Court denied bail to individuals who coerced a girl into a video call, recorded it, and threatened online dissemination. Charged under Sections 419, 420, 388, and 170 of the IPC (equivalent to Sections 111, 316, 308, and 184 of the BNS), the Court described sextortion as “*a profound violation of privacy*” and a “*significant social menace*.”

Furthermore, the IT Act partially addresses sextortion related behaviours which still highlight significant gaps. Threats to leak intimate images are covered under Sections 66E, 67, and 67A, which criminalise privacy violations and transmission of obscene or sexually explicit content, but these provisions do not capture the coercive or extortionate element of sextortion. The circulation of child sexual abuse material (CSAM) is criminalised under Sections 67B(a) and (b), yet blackmail or extortion using such material is not directly addressed. Similarly, online grooming and enticement of children fall under Section 67B(c), but sustained coercion or threats involving intimate content are not covered. Demands for sexual favours in exchange for silence are indirectly addressed under these provisions, highlighting the absence of a dedicated legal recognition of sextortion as a form of extortion coupled with sexual exploitation.

While these provisions allow for the offence to be prosecuted, there is yet no formal recognition of the crime or its psychological impact on a victim, especially a child. This gap further highlights the urgent need for a codified provision on “online grooming of a child” offence, which would not only

acknowledge threats posed by grooming but further enhance protections for minors before they fall victims to sextortion. The closest legislative step came through the Ranbir Penal Code (RPC) which explicitly introduced, named and criminalised sextortion.

Prior to the abrogation of Article 370 of the Constitution of India in 2019, The RPC, Jammu & Kashmir's own legal code, explicitly criminalised 'Sextortion' (Section 354E), a provision which was introduced through the Jammu and Kashmir Criminal Laws (Sexual Offences) (Amendment) Act, 2018. Section 354 E, a section applicable to persons of authority, fiduciary relationships or persons in public service who misused their position to demand sexual favours in exchange for benefits was both a unique and significant attempt to categorise the crime however, it narrowly focused only on abuse of power and did not include other forms of sextortion, such as threats arising out of misuse of intimate data and hacking to extort sexual favours.

The Protection of Children from Sexual Offences (POCSO) Act, 2012, a special legislation drafted for child victims of sexual abuse also extends penal provisions for children in digital settings. Offences such as sexual harassment (Section 11), use of a child for pornographic purposes (Section 13), and possession or circulation of child sexual abuse material (Sections 14 & 15) are criminalised as per the act. However, the Act does not address situations where the solicitation of children through the use of Information and Communication Technology (ICT) leads to in-person meetings (Manoj et al., 2025), leaving many cases unreported. In July 2025, a 17- year old rape survivor, who approached a police station to register her complaint, alleged that a sub-inspector (SI) in Uttar Pradesh's Rampur district demanded sexual favours in exchange for registering an FIR. The officer was later suspended (Times of India, 2025). While judicial action might have been partially possible under Section 199 of the BNS or Section 21(1) of the POCSO Act for failing to record a complaint, the coercive sexual conduct itself could not be prosecuted directly in the absence of a dedicated sextortion offence.

The National Crime Records Bureau (NCRB) has identified the increase in cases of online grooming, pornography, and circulation of sexually explicit material of minors. A 400% increase in cybercrimes involving children: from 164 in 2019 to 842 cases in 2020 (NCRB, 2021, Table 14A.2; NCRB, 2023, Table 14A.2) and 1,823 cases by 2021 (32% increase), with the majority

classified under cyber pornography (1,171 cases) and cyberstalking or bullying (158 cases) (NCRB, 2023). This analysis has been drawn from the NCRB data, which is likely to under-represent the true scale due to under reporting and inconsistent recording. Sextortion occurs in mostly two forms, first, involving individuals in positions of power who abuse their authority and secondly through image based techniques where threats are made to release intimate images or videos to obtain money, sexual favors, or other benefits. Both forms use power imbalances and cause psychological harm, but the ways they work are different, highlighting the need for child-focused legal protections that address the unique risks of each form.

This definitional vacuum has serious consequences: inconsistent charges, uneven sentencing, and lack of recognition of the psychological trauma specific to sextortion victims. Courts often stretch existing provisions, but the absence of a codified offence reduces deterrence. Recognising sextortion explicitly would ensure uniformity in law, improve reporting, and clarify intermediary obligations for takedown. India's failure to harmonise laws with realities of digital exploitation also undermines global commitments to combat online child sexual abuse material (CSAM), putting vulnerable children at risk both online and offline.

From Victims to Offenders: The Dual Victimisation of Children

As of January 2023, India had 692 million internet users, with approximately 30.4% being children' (Kemp, 2023). The absence of explicit legal recognition of sextortion in India creates a space where children may be coerced into sharing intimate images and, in some cases, drawn into exploitative acts themselves. In 2022, in Delhi, a bogus profile posing as a modelling agency groomed and forced a young girl into providing graphic photos, becoming a classic case of unfiltered content (Kumari, 2025), whereas in 2023 in Orissa, the police detained four minors and one adult accomplice, who allegedly lured victims into a sextortion ring through dating apps. They recorded intimate videos of the victims to extort money and valuables (Press Trust of India, 2023). These cases show children can be both victims and offenders in digital exploitation, either through direct participation or adult manipulation. This is further supported by NCRB data which documents minors as alleged offenders in categories such as non-consensual image sharing, online harassment, and digitally facilitated blackmail (NCRB, 2023, Table 14A.2). Common reasons why children, who by nature are curious, slide into cybercrime are due to lack of sex education

and the discomfort in talking about sex with their caregivers. Factors including gullibility, emotional instability, family neglect, peer group pressure and being motivated by money or fame are some of the common factors involved in children getting more attracted to cybercrime (Upadhaya, 2024).

In June 2025, the Karnataka State Commission for Protection of Child Rights (KSCPCR) in partnership with ChildFund India, released a report in which 900 children aged 8–18 years across five Karnataka districts- Bengaluru, Chamaraajanagar, Raichur, Chikkamagaluru and Belagavi were surveyed and 31 children reported meeting strangers they initially interacted with online. Alarminglly, 44 reported online sexual exploitation or abuse (OSEA), with only 15 cases reported to law enforcement (Khanna, 2025). The findings reveal children's exposure to online sexual harm and potential involvement in offending, highlighting the urgency of child-centred interventions.

In an attempt to safeguard children, some noteworthy initiatives have emerged as a response like Aarambh India's CSAM reporting portal- the 1st Internet Hotline in India for Reporting Online Child Sexual Abuse Imagery (Aarambh India, 2025) and UNICEF-supported police awareness trainings on how to be more trauma-informed for victims of cybersexual assault in Uttar Pradesh, India (UNICEF India, 2024). To make the system more child-friendly, it is important to have a justice system with statutorily clear legal provisions, well-trained and sensitised investigation officers and the adaptation of a child-centric approach. It is also important to begin conversations with children at an early age about internet safety, introducing digital literacy programs in schools and creating rehabilitative frameworks for victims who fall prey to sextortion.

Lockdowns, Online Exploitation, And The Rise of Sextortion Cases Involving Minors

The outbreak of the COVID-19 pandemic and its consequent lockdowns left children exposed to increased vulnerability to OSEA, including sextortion. With children being restricted to their homes and online platforms becoming essential for education, socialisation, and recreation, it parallelly exposed children to several digitally mitigated risks. In fact, the Maharashtra Cyber Cell registered over 100 First Information Reports (FIRs) related to CSAM during the pandemic, however, none of these cases resulted in convictions (Express News Service, 2020). The escalated cases of sextortion involving minors during

the pandemic exposed the inadequate digital safety infrastructure and lack of effectiveness of child protection mechanisms in India.

In a study carried out in 2023 by Child Rights and You (CRY) and Chanakya National Law University, Patna, parents across Maharashtra, Karnataka, West Bengal, and Madhya Pradesh were surveyed, and only 16 % of parents claimed to be familiar with any OSEA related laws. Just 30 % of the parents said they would go to the police station and file a complaint, while 70 % ruled out that possibility (DTE Staff, 2023). Several parents were unable to identify warning signs which led to cases of sextortion going unreported and unaddressed further weakening the child protection systems.

Beyond the lack of legal awareness, the pandemic period further weakened the mechanisms in place that offered support or protection. Many minors were unable to report abuse due to the bleak functioning of courts and law enforcement agencies being diverted towards pandemic control. These disruptions left several cases unreported and allowed perpetrators to continue to carry out the abuse. Addressing these gaps requires not only a clear legal definition of sextortion but also child-centred, structural interventions. Measures including in-camera proceedings for minors during court proceedings, rapid takedown orders for intimate content via intermediaries and amplify the usage of helplines and the Aarambh CSAM reporting portal. Also, Child Welfare Committees (CWCs) can provide critical support to children both as victims and as minors involved in offences, while restorative justice mechanisms offer pathways for rehabilitation rather than criminalisation. Integrating these legal, procedural, and support-based interventions strengthens prevention, protection, and redress, ensuring that vulnerable children are safeguarded while promoting survivor-centred justice is the only plausible solution.

The pandemic demonstrated how quickly vulnerabilities multiply in digital spaces when social structures collapse. Disrupted law enforcement, overwhelmed courts, and increased online exposure created a perfect storm for sextortion. It underscores the need for resilience planning within child protection frameworks: ensuring continuity of online reporting portals, fast-track virtual court hearings, and emergency psychosocial support. Future crises whether pandemics or natural disasters must integrate digital child safety as an essential service, rather than an afterthought, to prevent repeat patterns of widespread online abuse.

Conclusion

Sextortion, an insidious form of OSEA which disproportionately impacts minors, lacks an explicit statutory definition which coupled with reliance placed on provisions under the BNS, IT Act and POCSO Act, leaves a critical gap in both enforcement and prevention. This leaves children in a dual position of being positioned as victims and at times, as offenders, exposing deep failures in the current child protection and cybercrime framework. Recognition of sextortion as a standalone offence, incorporating child centric safeguards is a plausible solution. Furthermore, preventive measures such as promotion of digital literacy, rehabilitative support and parental awareness are equally important to ensure children are protected rather than criminalised in this digital era. Sextortion against minors is not merely a cybercrime but a violation that destabilises the very foundation of child rights in India.

The evidence from rising NCRB data, pandemic-era vulnerabilities, and disturbing cases of authority misuse confirms that India's present patchwork framework is insufficient. Addressing sextortion demands legislative clarity through a standalone provision, codification of online grooming, and aggravated penalties where children are targeted. It also requires trauma-informed policing, in-camera proceedings, and intermediary obligations for swift takedown of CSAM and extortion content. Parallely, CWCs must play a central role in ensuring psychosocial care for victims and restorative pathways for minors drawn into offending. Integrating legal reform with systemic child-centred protections through schools, parents, and civil society campaigns like Aarambh's hotline will ensure children's dignity, safety, and rights remain paramount in an increasingly digital society.

Ultimately, sextortion should be situated not just as a criminal law problem but as a challenge to India's constitutional promise of dignity, equality, and protection of children. A child-centred approach calls for harmonising domestic laws with international standards, investing in preventive education, and creating robust mechanisms of accountability for digital platforms. The way forward lies in combining legislative reform with systemic interventions that strengthen trust in institutions, encourage reporting, and ensure that children are rehabilitated, safeguarded, and empowered in the digital era.

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