

---

## LEGAL FRAMEWORK ON ONLINE GROOMING IN INDIA - NEED FOR REFORM

---

Neha Kumari<sup>1</sup> & Vaibhav Vishal<sup>2</sup>

### ABSTRACT

Online grooming is a significant and growing concern in India, wherein perpetrators exploit digital platforms to manipulate and sexually abuse children. The use of the internet by children is constantly increasing which makes more children at risk of such offences. The law governing online grooming in India primarily includes the Protection of Children from Sexual Offences (POCSO) Act, 2012 and the Information Technology (IT) Act, 2000. However, despite these legal provisions, India lacks a dedicated law specifically addressing online grooming, leaving several gaps in legal enforcement. This research paper examines the effectiveness of the laws that currently address online grooming in India, discusses relevant case laws, makes a comparative analysis of laws governing online grooming in other countries and brings to light the gaps in the legal framework in India. In conclusion, this research paper highlights the necessity for more specific legal provisions to address the menace of online grooming and suggests various policy recommendations and legislative reforms to better protect children in the cyberspace.

**Keywords:** Online grooming, Protection of Children from Sexual Offences Act, 2012, Information Technology Act, 2000.

---

<sup>1</sup> Author is a Graduate and Post – Graduate from Chanakya National Law University, Patna, India.

<sup>2</sup> Author is a Graduate and Post – Graduate from Chanakya National Law University, Patna, India.

## RESEARCH METHODOLOGY

### AIMS AND OBJECTIVES

1. To examine the effectiveness of the current Indian legal framework in tackling online grooming.
2. To examine the key gaps and limitations within the IT Act, 2000 and POCSO Act, 2012 with respect to the evolving nature of online grooming and digital threats to children.
3. To compare India's legal framework on online grooming with international legal frameworks, highlighting strengths, weaknesses, and areas for improvement.
4. To develop policy recommendations and legal reforms aimed at strengthening India's ability to combat online grooming, ensuring better protection for children in the digital space.

### LITERATURE REVIEW

The following literature has been reviewed for the purpose of this study:

**A. "BEHIND THE SCREENS: UNDERSTANDING THE GAPS IN INDIA'S FIGHT AGAINST ONLINE CHILD SEXUAL ABUSE AND EXPLOITATION", CHILD PROTECTION AND PRACTICE VOLUME 4, APRIL 2025, 100088<sup>3</sup>**

This research study has highlighted the significant gaps in the laws on online grooming in India. It states that the IT Act and the POCSO does not address such situations wherein online solicitation of children leads to in-person meetings.

In contrast, some countries criminalize online grooming regardless of whether it leads to a physical meeting. For instance, in the UK, the Sexual Offences Act of 2003 criminalizes meeting a child after online sexual grooming, with penalties including up to two years in prison and registration as a sex offender. Similarly, the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 criminalizes attempting to meet a

---

<sup>3</sup> *Behind The Screens: Understanding The Gaps In India's Fight Against Online Child Sexual Abuse And Exploitation*, Child Protection And Practice Volume 4, April 2025, 100088.

child under 16 for sexual abuse after prior online interaction. Other countries, including Norway and New Zealand, have adopted similar laws.

In the US, Canada, and Australia, offenders can face up to 10 years in prison (Australian Criminal Code, 1899; Canadian Criminal Code, 1985; US Code, 2001). Furthermore, the penalties for grooming under the POCSO Act are inconsistent from those in the IT Act.

#### **B. “INTERNET CRIMES AGAINST MINORS AND LEGAL FRAMEWORK IN INDIA”, GURMEET KAUR, INDIAN JOURNAL OF PUBLIC ADMINISTRATION<sup>4</sup>**

In this article the author has analyzed the cybercrimes which are committed against children and has also assessed the existing laws in India regarding cybercrimes against minors. The author has highlighted the relevant legal provisions under the Indian Penal Code, 1860 and also under the Information Technology Act, 2000. The author has also discussed the provision under section 67B of the IT Act, 2000 which is relevant to this study on online grooming.

The author has also discussed the initiatives in the international arena such as the Lanzarote Convention and the United Nations Convention on the rights of the Child, 1989, the United State Children’s Internet protection Act (CIPA), 2000 and the Protection of Children and Prevention of Sexual Offences (Scotland) Act, 2005 which recognizes the concept of ‘grooming’ and has made it a punishable offence. The author has further highlighted the need for a specific legislation to deal with the issue of online child sexual abuse and exploitation.

#### **C. “PROTECTING CHILDREN FROM CYBERCRIME (LEGISLATIVE RESPONSES IN ASIA TO FIGHT CHILD PORNOGRAPHY, ONLINE GROOMING, AND CYBERBULLYING”, 2015<sup>5</sup>**

---

<sup>4</sup> Gurmeet Kaur, *Internet Crimes Against Minors and Legal Framework in India*, Indian Journal of Public Administration, May 2022, [https://www.researchgate.net/publication/360710492\\_Internet\\_Crimes\\_Against\\_Minors\\_and\\_Legal\\_Framework\\_in\\_India](https://www.researchgate.net/publication/360710492_Internet_Crimes_Against_Minors_and_Legal_Framework_in_India)

<sup>5</sup> Song, Janice Kim, *Protecting Children from Cybercrime: Legislative Responses in Asia to Fight Child Pornography, Online Grooming, and Cyberbullying*, World Bank, (2015), <https://openknowledge.worldbank.org/entities/publication/37d272eb-c481-5c58-8674-032fc34b19cb>

In page 43 of the report, the legislations criminalizing online grooming of children has been discussed wherein the laws of 17 Asian countries have been analyzed. Regarding India it has been stated that it criminalizes acts constituting online grooming, however it does so without using the terms “grooming” or “online grooming”.

Section 12 and section 2(1) (d) of the POCSO has been discussed along with section 67B (c) and section 67B (d) of the IT Act, 2000. The report has also made a comparative analysis of the law regarding online grooming in different countries and penalties for the offence (pg – 313).

**D. “ONLINE GROOMING OF CHILDREN FOR SEXUAL PURPOSES: MODEL LEGISLATION AND GLOBAL REVIEW”, INTERNATIONAL CENTRE FOR MISSING AND EXPLOITED CHILDREN<sup>6</sup>**

The study has mentioned research which highlight that children who have been through negative events in life and maltreatment have a higher susceptibility to fall prey to online grooming. However, there are also some studies which show that there is no such apparent connection between the two which demonstrates that “there is no typical victim and the most striking thing about children abused online is their heterogeneity”. It has also been mentioned that boys are also likely to be victims of online grooming but are less likely to groom. The study has also highlighted the connection between online gaming and child grooming. The study contributes significantly by giving a Model Legislation in order to combat online grooming which is relevant to this research paper.

**E. “SEXUAL GROOMING AS AN OFFENCE IN SINGAPORE” BY S CHANDRA MOHAN AND LEE YINGQ, (2020) 32 SACLJ<sup>7</sup>**

This article has analyzed the offence of sexual grooming in Singapore. The offence of sexual grooming of minors under the age of 16 was introduced in Singapore's Penal Code in 2007 to protect young Internet users from online sexual predators. However, there have been few reported cases under this provision and limited local legal commentary until the

---

<sup>6</sup> *Online Grooming of Children for Sexual Purposes: Model Legislation & Global Review*, International Centre for Missing and Exploited Children, <https://www.icmec.org/online-grooming-of-children-for-sexual-purposes-model-legislation-global-review/>

<sup>7</sup> S Chandra MOHAN and LEE Yingq, *Sexual Grooming as an offence in Singapore*, (2020) 32 SACLJ 96.

Penal Code Review Committee's 2018 review and the legislative changes in 2019.

This article examines the nature and rationale of the offence in Section 376E, its origins, and compares the Singapore provision to similar laws in the UK, Canada, Australia, and Malaysia. It also evaluates the recommendations of the Review Committee and whether the 2019 amendments improve the effectiveness of preventing and punishing online sexual predators.

#### **F. "TECHNOLOGY AND SEXUAL ABUSE: A CRITICAL REVIEW OF AN INTERNET GROOMING CASE" BY ENEMAN, GILLESPIE, & STAHL (2010)<sup>8</sup>**

This research paper emphasizes how information and communication technologies (ICT) aids grooming as it provides anonymity and makes it easy to gain access to the victims. The paper analyses a high profile online grooming case in Sweden. Following this case, Sweden criminalized online grooming in 2009. It further analyses the Swedish and English legislation on online grooming. This research paper also brings to light the inconsistencies in law and the challenges in enforcement especially in proving intention in grooming cases. Further, the paper criticizes the role of online platforms and digital communication in facilitating grooming and also explores AI monitoring as a preventive measure. The paper argues that child protection and digital rights must be balanced in order to provide effective legal intervention in cases of online grooming.

#### **G. "LEGAL DEVELOPMENTS AS TO 'CYBER GROOMING' ACTIONS FROM THE LANZAROTE CONVENTION TO NOW" BY DUYSAK (2023)<sup>9</sup>**

This paper highlights the rapidly growing use of the internet especially post the COVID – 19 Pandemic and how gaming and chat platforms are increasingly used by children nowadays. Commonly, children are targets of cybercrime such as online grooming which is a new type of criminal behavior. The author refers to the Lanzarote convention which considers online grooming as a crime and mentions that the Turkish law does not

---

<sup>8</sup> Eneman, Gillespie & Stahl, *Technology and sexual Abuse: a Critical Review of an Internet Grooming Case*, Conference: Proceedings of the International Conference on Information Systems, ICIS 2010, Saint Louis, Missouri, USA, December 12-15, 2010, [https://www.researchgate.net/publication/221599996\\_Technology\\_and\\_sexual\\_Abuse\\_a\\_Critical\\_Review\\_of\\_a\\_n\\_Internet\\_Grooming\\_Case](https://www.researchgate.net/publication/221599996_Technology_and_sexual_Abuse_a_Critical_Review_of_a_n_Internet_Grooming_Case)

<sup>9</sup> Merve Duysak, *Legal Developments as to "Cyber Grooming" Actions from the Lanzarote Convention to Now*, Athens Journal of Law, 2023, 9, <https://doi.org/10.30958/ajl.X-Y-Z>

criminalize it despite being a signatory of the convention. The study analyses online grooming under Turkish law and suggests measures for preventing the exploitation of children.

#### **H. "ONLINE GROOMING: AN ANALYSIS OF THE PHENOMENON" BY GANDOLFI ET AL. (2021)<sup>10</sup>**

This paper states that the internet has now become an important part of the lives of teenagers and states how the internet makes minors more susceptible to cybercrimes. The authors have conducted an analysis of 37 articles for acquiring evidence for its research. The paper estimates 9% to 19% as being the prevalence rate of online grooming. The paper further identifies and mentions risk factors for online grooming such as mental diseases, age, gender, relationship with parents etc. The study highlights the necessity and importance of educating children about safe internet usage which must start at the earliest and should continue throughout the adolescence.

#### **I. "PROTECTING CHILDREN FROM ONLINE GROOMING IN INDIA'S INCREASINGLY DIGITAL POST-COVID-19 LANDSCAPE: LEVERAGING TECHNOLOGICAL SOLUTIONS AND AI-POWERED TOOLS" – DR. DEEPIKA RANI (2024)<sup>11</sup>**

The paper mentions that the phenomena of online grooming has increased due to COVID – 19 pandemic and analyses how children must be protected in the post – COVID 19 digital era. It further analyses the tactics used by online groomers, the impact of grooming on children. The paper also analyses how technology can be used in preventing cases of online grooming such as using “parental control software” and “AI algorithms”. It further highlights the role of education in preventing online grooming. It makes suggestions such as improving the legal framework, making investments in technology prioritizing the safety of children in the increasing digital age.

---

<sup>10</sup> Cecilia E Gandolfi, Marco Mosillo, Gabriele Del Castillo, Giovanni Forni, Anna Pietronigro, Navpreet Tiwana, Alberto Pellai, *Online grooming: an analysis of the phenomenon*, National Library of Medicine, <https://pubmed.ncbi.nlm.nih.gov/32241103/>

<sup>11</sup> Deepika Rani, *Protecting Children from Online Grooming in India's Increasingly Digital Post-Covid-19 Landscape: Leveraging Technological Solutions and AI-Powered Tools*, May 2024, International journal of Innovative Research in Computer Science & Technology, [https://www.researchgate.net/publication/380588112\\_Protecting\\_Children\\_from\\_Online\\_Grooming\\_in\\_India's\\_Increasingly\\_Digital\\_Post-Covid-19\\_Landscape\\_Leveraging\\_Technological\\_Solutions\\_and\\_AI-Powered\\_Tools](https://www.researchgate.net/publication/380588112_Protecting_Children_from_Online_Grooming_in_India's_Increasingly_Digital_Post-Covid-19_Landscape_Leveraging_Technological_Solutions_and_AI-Powered_Tools)

**J. "GROOMING AND CHILD SEXUAL ABUSE IN ORGANIZATIONAL SETTINGS—AN EXPANDED ROLE FOR INTERNATIONAL HUMAN RIGHTS LAW" – AFROOZ KAVIANI JOHNSON (2023)<sup>12</sup>**

This paper challenges the commonly held view that grooming of children occurs mostly online and highlights the child sexual abuse which occurs in organizational settings by drawing on sources such as case reviews, government inquiries etc. The article also studies how grooming is dealt under the international human rights law and how its role can be further enhanced. It also makes suggestions as to how grooming can be tackled at both local and global levels.

**K. "THE BATTLE AGAINST ONLINE GROOMING: ASSESSING MALAYSIA'S LEGAL LANDSCAPE AND ENFORCEMENT MEASURES" – KAMARUDIN, ROSE & KAMARUDIN (2024)<sup>13</sup>**

The study aims to evaluate Malaysia's legal framework on online grooming and child exploitation and analyses whether they are sufficient to deal with the problem. It also analyses the efforts made to combat the problem of online grooming in the country. It also discusses collaboration between law enforcement and internet service providers. It further highlights the importance of international cooperation in cross-border investigations.

**L. "PREVENTION BY ALL MEANS? A LEGAL COMPARISON OF THE CRIMINALIZATION OF ONLINE GROOMING AND ITS ENFORCEMENT" – R. KOOL (2011)<sup>14</sup>**

It analyses the legal framework on online grooming in the UK and the Netherlands by

---

<sup>12</sup> Afrooz Kaviani Johnson, *Grooming and Child Sexual Abuse in Organizational Settings – An Expanded Role for International Human Rights Law*, *Journal of Human Rights Practice*, 2023, XX, 1 – 19, <https://www.semanticscholar.org/paper/Grooming-and-Child-Sexual-Abuse-in-Organizational-Johnson/ae75d3c9f6cf8fcaec3611f7e8affca4d4812567>

<sup>13</sup> Kamarudin, Rose and Kamarudin, *The Battle against Online Grooming: Assessing Malaysia's Legal Landscape and Enforcement Measures*, 9(36):365-371, *International Journal of Law Government and Communication*, June 2024, [https://www.researchgate.net/publication/382340391\\_THE\\_BATTLE\\_AGAINST\\_ONLINE\\_GROOMING\\_AS\\_SESSING\\_MALAYSIA%27S\\_LEGAL\\_LANDSCAPE\\_AND\\_ENFORCEMENT\\_MEASURES](https://www.researchgate.net/publication/382340391_THE_BATTLE_AGAINST_ONLINE_GROOMING_AS_SESSING_MALAYSIA%27S_LEGAL_LANDSCAPE_AND_ENFORCEMENT_MEASURES)

<sup>14</sup> Renée Kool, *Prevention by All Means? A Legal Comparison of the Criminalization of Online Grooming and its Enforcement*, *Utrecht Law Review*, Oct 2011, [https://www.researchgate.net/publication/228199416\\_Prevention\\_by\\_All\\_Means\\_A\\_Legal\\_Comparison\\_of\\_the\\_Criminalization\\_of\\_Online\\_Grooming\\_and\\_its\\_Enforcement](https://www.researchgate.net/publication/228199416_Prevention_by_All_Means_A_Legal_Comparison_of_the_Criminalization_of_Online_Grooming_and_its_Enforcement)

making a comparative analysis of its features. It also analyzes whether there is any added value to penalization of online grooming with regard to the precautionary use of criminal law. The paper critically examines both theoretical and practical issues on the topic.

## **RESEARCH QUESTIONS**

1. What is the effectiveness of the current Indian legal framework in tackling online grooming?
2. What are the key gaps and limitations of the IT Act, 2000, and the POCSO Act, 2012, concerning online grooming?
3. How do different jurisdictions define and criminalize online grooming, and what lessons can India learn from them?
4. What policy recommendations and legislative reforms can be made to combat online grooming effectively in India?

## **RESEARCH METHODS**

The research work is based on the doctrinal method.

## **SOURCES OF DATA**

The study was conducted using both primary and secondary sources.

## **LIMITATIONS OF THE STUDY**

The researcher faces time constraint. Further, as a doctrinal study, the research does not involve fieldwork, interviews, surveys, or statistical analysis. Also, the research focuses mainly on selected jurisdictions and legal frameworks therefore comparative references are limited.

## **SCOPE OF THE STUDY**

The study is going to be beneficial for all law students, activists, lawyers and normal people who are very much interested in understanding the deep-rooted problems of crime against child.

## 1. INTRODUCTION

### 1.1 DEFINITION OF CHILD

Before exploring the complexities of online child sexual abuse and exploitation, it is necessary to establish and define as to who is a child. According to Article 1<sup>15</sup> of the Convention on the Rights of the Child, “a child means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier”. In India, several laws, including the Juvenile Justice Act, 2015<sup>16</sup>; the POCSO Act, 2012<sup>17</sup>; and the IT Act, 2000<sup>18</sup> define children as those less than 18 years of age.

### 1.2 IMPACT OF DIGITAL TECHNOLOGY ON CONCEPT OF CHILDHOOD IN INDIA

From a sociological perspective and standpoint, childhood is shaped largely by power imbalances, with children generally occupying a subordinate role wherein adults control most of the aspects of their lives. In the present digital age in India there are a lot of economic changes, technological changes, changes in family structures and globalization etc. due to which the concept of childhood is undergoing a significant change. Traditional views of childhood are increasingly being challenged by global trends and new social realities.

Digital technology is also playing a significant role in redefining childhood in today’s India. Smart phones, social media, and online games have introduced new and diverse ways of growing up, presenting us with both opportunities and challenges<sup>19</sup>:

- Children now access vast amounts of information that were once controlled by adults.
- Socialization is increasingly taking place in online spaces, with new norms and peer interactions.
- Power dynamics are shifting, as children often possess more digital skills than adults.

---

<sup>15</sup> *Convention on the Rights of the Child* art. 1, Nov. 20, 1989, 1577 U.N.T.S. 3.

<sup>16</sup> The Juvenile Justice (Care and Protection of Children) Act, 2015.

<sup>17</sup> The Protection of Children from Sexual Offences Act, 2012.

<sup>18</sup> Information Technology (IT) Act, 2000.

<sup>19</sup> *Childhood as a Social Construction: A Sociological Exploration*, TEACHERS.INSTITUTE (Nov. 2, 2023), <https://teachers.institute/childhood-growing-up/childhood-social-construction-sociology/>

- The lines between childhood and adulthood are becoming less clear in online contexts.

These developments highlight that childhood is not a static phase but one that continually adapts to various social and technological changes in society.

### 1.3 THE RISE OF ONLINE GROOMING IN INDIA

Internet technology has now become ubiquitous and popular among the younger generation. This has given rise to several challenges in protecting children from sexual offences. One such challenge is online grooming wherein the digital space is used to establish an emotional connection with children with the intention of sexually exploiting them. In India, POCSO Act, 2012 and the IT Act, 2000 provide protection against these kinds of offences however, they do not recognize online grooming as a separate and distinct offence by itself which undermines its effectiveness.

The increasing accessibility of the internet among children has facilitated an alarming rise in child sexual exploitation, particularly through online grooming. Online grooming involves the gradual process of gaining a child's trust through digital means, ultimately leading to sexual exploitation. Offenders use social media, online gaming platforms, messaging applications, and chat rooms to establish a manipulative relationship with minors.<sup>20</sup>

Online grooming involves a set of manipulative strategies used by offenders to gain a child's trust and eventually exploit them sexually. The United Nations defines online grooming in the following words:

*"a practice by means of which an adult 'befriends' a child (often online, but offline grooming also exists and should not be neglected) with the intention of sexually abusing her/him".<sup>21</sup>*

Grooming often involves deception, coercion, and blackmail, thus making it a complex issue to regulate through legal mechanisms. For instance, the offenders usually use flattery, emotional bonding, and promises of gifts and thereafter slowly manipulate the children into

---

<sup>20</sup> *Supra* note 9.

<sup>21</sup> *Online Child Sexual Exploitation and Abuse*, United Nations Office on Drugs and Crime, (Jan. 23, 2026), <https://www.unodc.org/e4j/en/cybercrime/module-12/key-issues/online-child-sexual-exploitation-and-abuse.html>

sending private pictures. After receiving the explicit images, they threaten to leak them online if the victims refused to comply with further demands.

A substantial number of children are not aware of the various privacy settings provided by the social media sites. This lack of awareness makes them especially vulnerable, as their personal information can easily become accessible to the public, increasing the risk of various forms of cyber attacks. Therefore, although there are various benefits to the rapid advancement of internet technology it has also presented with itself serious challenges such as rise in cybercrimes against children.

The perpetrators should be held accountable for their acts when children fall prey to online crimes. Usually, cybercriminals often pose themselves as peers or companions of these children on online platforms such as social media in order to gain the trust of children. In India, since the usage of cyberspace is rapidly rising especially among the younger generation, the risk of young children falling prey to cybercrime is increasing. Therefore, there is a pressing need for more strict and updated legal provisions to protect children from cybercrimes such as online grooming in an effective manner.

In India, there is an absence of law that specifically addresses online grooming. Thus, there are legal loopholes due to which cybercriminals cannot be effectively prosecuted in such cases. Although the *POCSO Act, 2012* and *IT Act, 2000* contain provisions that can be applied to online grooming cases, they do not explicitly define or criminalize grooming as a separate offense. This research paper explores how existing laws address online grooming and why there is a pressing need for legal reforms.

#### **1.4 PSYCHOLOGICAL IMPACT OF CYBERCRIME ON CHILDREN**

The psychological impact of cybercrime on children is immense and the in some cases the impact of the trauma may remain for the rest of their lives. Incidents of cybercrime can give rise to extreme emotional distress in children and in severe cases may result in suicide. Extreme distress can give rise to psychological problems in children such as anxiety, depression, PTSD and suicidal thoughts.<sup>22</sup> Therefore, cybercrime deeply affects the mental health and well –

---

<sup>22</sup> Sushma Singh, Shafia Nazir, *Impact of Cybercrime on Children & Adolescents*, The Law Brigade Publishers, (2022), [https://www.researchgate.net/publication/366544307\\_IMPACT\\_OF\\_CYBERCRIME\\_ON\\_CHILDREN\\_ADOLSCENTS](https://www.researchgate.net/publication/366544307_IMPACT_OF_CYBERCRIME_ON_CHILDREN_ADOLSCENTS)

being of young children.

It is necessary that children are provided with a safe space to talk about their problems so that they can recover from the trauma and thus prevent long term psychological damage since fear of judgment may prevent children from confiding about their problems. This will thus prevent the cycle of abuse from continuing unchecked.<sup>23</sup> Thus it is essential that children are educated about the risks of cyberspace. Also, it must be made mandatory to provide quality counseling services in school.

## **2. LEGAL FRAMEWORK GOVERNING ONLINE GROOMING IN INDIA**

Currently, India does not have a dedicated statute that exclusively criminalizes online grooming. However, the following laws i.e. the Protection of Children from Sexual Offences Act, 2012 and the Information Technology Act, 2000 are used to prosecute offenders involved in such activities:

### **2.1 PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT (POCSO), 2012**

This act was enacted to address sexual crimes against minors. It criminalizes various forms of sexual offenses, including sexual harassment, assault, and pornography involving children.

#### **2.1.1 SECTION 11 OF THE POCSO ACT, 2012-**

Section 11<sup>24</sup> of the act provides for the offence of sexual harassment. With respect to online grooming, clause (iv) and (vi) of the section are relevant and are stated in the following words:

*“11. Sexual harassment.—A person is said to commit sexual harassment upon a child when such person with sexual intent,—*

*(iv) repeatedly or constantly follows or watches or contacts a child either directly or through electronic, digital or any other means; or*

---

<sup>23</sup> Swapnali V Jadhav, Swaroop S Sonone, *Psychological Influences of Cyber Crimes on Human Mind and Behaviour*, The Indian Police Journal, Dec 2022., available at [https://www.researchgate.net/publication/380402545\\_Psychological\\_Influences\\_of\\_Cyber\\_Crimes\\_on\\_Human\\_Mind\\_and\\_Behaviour](https://www.researchgate.net/publication/380402545_Psychological_Influences_of_Cyber_Crimes_on_Human_Mind_and_Behaviour)

<sup>24</sup> Protection of Children from Sexual Offences Act, 2012, § 11, No. 32, Acts of Parliament, 2012 (India).

*(vi) entices a child for pornographic purposes or gives gratification therefor.”*

Also, in section 12<sup>25</sup> of the said act it provides for the up to three years of imprisonment and/or fine for the offenders. In the case of *Karan Chandela v. State (NCT of Delhi)*<sup>26</sup>, the court convicted an offender who sent explicit messages to a minor, reinforcing that digital enticement is punishable.

This provision recognizes the impact of technology on child exploitation and criminalizes acts where offenders attempt to lure children into sexual activities via digital platforms. The section covers:

- Soliciting minors for sexual activities online
- Enticing children to create, share, or engage in pornographic content
- With sexual intent repeatedly contacting, following or watching a child directly or through electronic means

### 2.1.2 JUDICIAL INTERPRETATION OF SECTION 11 (vi) OF POCSO ACT, 2012-

- **Anoop vs. State of Kerala and Ors, 2022<sup>27</sup>:**

The facts of the case were that victim of penetrative sexual assault was 15 years old and she got pregnant. The accused was her friend who studied together with the victim in the same class. They stated that they were in relationship; however, the girl was the victim of the criminal act. The court in this case stated that in every school there must be class where good touch and bad touch is taught. *“Further, children ought to be warned of online abuse, online bullying, online grooming and other modes adopted by the perpetrators of sexual crimes and develop a healthy cyber culture, which is essential in the present-day context.”*<sup>28</sup>

- **Saiful Khan vs. State & Anr., 2024<sup>29</sup>**

In this case, the accused (Saiful Khan) used to stalk a fifteen year old minor girl. He

---

<sup>25</sup> Protection of Children from Sexual Offences Act, 2012, § 12, No. 32, Acts of Parliament, 2012 (India).

<sup>26</sup> *Karan Chandela v. State (NCT of Delhi)*, 2023 SCC OnLine Del 5808.

<sup>27</sup> *Anoop vs. State of Kerala and Ors.*, MANU/KE/2513/2022.

<sup>28</sup> *Id.* at Para 8.

<sup>29</sup> *Saiful Khan vs. State & Anr.*, 2024 LiveLaw (Del) 1318.

subsequently befriended her on Instagram. The victim sent some of her pictures in which she was fully clothed. Later he started to blackmail her using morphed pictures of her. Later the victim was coerced into video calls with the accused through Instagram wherein she was forced to remove her clothes which was recorded by the accused. She was subsequently forced into engaging in such video calls with the co – accused, an acquaintance of the accused Saiful Khan.

This case is regarding a pre arrest bail application which was filed by the accused. However, in this case, the court denied pre-arrest bail to the accused, stating that granting it would set a harmful precedent and undermine the societal interest in protecting children from such serious and reprehensible offenses.

*“19. The present case underscores the increasing misuse of social media and technology to exploit and intimidate vulnerable individuals, particularly minors.*

*20. The actions of the applicant exemplify the disturbing trend of exploiting the anonymity and reach of social media platforms to perpetrate sexual crimes against minors. This Court cannot ignore the broader societal implications of such acts and the urgent need to send a strong message against the misuse of technology.”*

Therefore, this case highlights how online platforms are being used to commit sexual crimes against children.

### **2.1.3 LIMITATIONS OF SECTION 11 (iv) and (vi)-**

- The provision does not explicitly cover online grooming nor does it use the term “online grooming” but rather it partly covers the constituents of online grooming under the offence of sexual harassment.
- The provision focuses more on enticement for pornography and not online grooming.

### **2.2 THE INFORMATION TECHNOLOGY (IT) ACT, 2000**

This act was introduced by the legislature for regulating cyber activities and also covers offenses involving child exploitation. One of the key provision which deals with online grooming is *Section 67B*.

### 2.2.1 SECTION 67B OF THE IT ACT, 2000-

*Section 67B*<sup>30</sup> of the IT Act criminalizes the online sexual exploitation of children etc. with respect to online grooming clause (c) of the section is relevant which states:

*“67B. Punishment for publishing or transmitting of material depicting children in sexually explicit act, etc., in electronic form.—Whoever,—*

*(c) cultivates, entices or induces children to online relationship with one or more children for and on sexually explicit act or in a manner that may offend a reasonable adult on the computer resource; or”*

The section further provides that upon first conviction, the offender shall be liable to imprisonment of either type for a period that may extend up to five years, along with a fine that may extend to ten lakh rupees. For a second or any subsequent conviction, the punishment shall include imprisonment of either type for a term that may extend up to seven years, in addition to a fine that may extend to ten lakh rupees.

Key aspects of *Section 67B* include:

- Prohibition of online child pornography,
- Criminalization of any act of enticing children for sexual exploitation via digital means,

### 2.2.2 JUDICIAL INTERPRETATION OF SECTION 67B OF THE IT ACT, 2000

Indian courts have addressed online grooming and child exploitation under *Section 67B* in several cases:

- **Just Rights for Children Alliance and Ors. v. S. Harish and Ors.**<sup>31</sup>

In this landmark judgment on Section 67B of IT act, the Supreme Court Justice Pardiwala suggested replacing the term “child pornography” with “child sexual exploitative and abuse material (CSEAM)” as the term “pornography” implies voluntary participation. The Court highlighted the responsibility of social media platforms and intermediaries in the dissemination

---

<sup>30</sup> Information Technology Act, 2000, § 67B, No. 21, Acts of Parliament, 2000 (India).

<sup>31</sup> Just Rights for Children Alliance and Ors. vs. S. Harish and Ors., MANU/SC/1041/2024.

of child pornography. It clarified that intermediaries cannot claim safe harbor under Section 79 of the IT Act in cases involving child pornography and are obligated to promptly remove such content upon receiving notice from the authorities. The judgment also clarified that the possession and viewing of child pornography are punishable offenses.

The judgment also discusses the ‘50th Report of the Standing Committee on Information Technology on the ‘Information Technology (Amendment) Bill, 2007’ which proposes to criminalize the act of online grooming. The relevant part of the report quoted in the judgment says that “The Department of Information Technology also agreed to a suggestion that the pre-offence grooming i.e. the initial actions taken by the offender to prepare the child for sexual relationships through online enticement and distributing or showing pornography to a child should also be made a criminal offence.”<sup>32</sup>

Also it mentions, “In view of the several manifestations of sexual abuse of the children and its loathsome ramifications, the Committee desire that the act of grooming the child for sexual relationship through online enticement or distributing/showing pornography or through any other online means should also be made a criminal offence and a suitable provision be made in this regard in the proposed Section 67A.”<sup>33</sup>

**2.2.3 LIMITATIONS OF SECTION 67B-**

- The section also does not explicitly criminalize online grooming or use the term “online grooming”.
- Focuses only on transmission of explicit content rather than psychological manipulation used by online groomers.

**2.3 COMPARATIVE ANALYSIS OF SECTION 11(vi) OF THE POCSO ACT AND SECTION 67B OF THE IT ACT**

<b>Aspect</b>	<b>POCSO Act, Section 11(vi)</b>	<b>IT Act, Section 67B</b>
<b>Scope</b>	Focuses on enticement of children for sexual purposes	Covers publication, transmission etc. of CSEAM and enticement of children

<sup>32</sup> *Id.* at Para 147.

<sup>33</sup> *Supra* note 29 at Para 147.

<b>Primary Concern</b>	Sexual harassment of minors	Publishing or transmitting of material depicting children in sexually explicit act, etc., in electronic form
<b>Mode of Offense</b>	Any means, including digital platforms	Specifically targets digital platforms
<b>Punishment</b>	Imprisonment up to three years and/or fine	Imprisonment up to five years and fine upto 10 lakhs (first conviction) Imprisonment upto seven years and fine upto 10 lakhs (subsequent conviction)
<b>Judicial Precedents</b>	Cases interpreting grooming as a form of harassment	Cases emphasizing the transmission of explicit content and enticement

### 3. LAW ON ONLINE GROOMING IN OTHER COUNTRIES – A COMPARATIVE STUDY

This section will compare the law on online grooming in other countries with special reference to countries such as United Kingdom, South Africa, Australia, Canada and Singapore etc analyzing the differences in definition, nomenclature, scope etc on the law on online grooming in the respective countries. With respect to Asian countries, sexual grooming of children is illegal in Countries such as Brunei, Malaysia, the Philippines and Singapore. On the other hand various countries such as Cambodia, Indonesia, Laos, Myanmar, Thailand and Vietnam do not have specific laws addressing online grooming or related offenses.<sup>34</sup> These discrepancies highlight the varied approaches to tackling online child sexual exploitation across the region.

Conducting a comparative study on the laws regarding online grooming in different countries is important because the global nature of the internet means that harmful behaviors, such as online grooming, transcend borders. The above mentioned countries have been chosen for this comparative study as the law on online grooming in these countries is well developed and India can take significant insights from these countries in developing its own laws on online grooming which are indeed at a very nascent stage.

<sup>34</sup> Mubarak Rahamathulla, *Cyber Safety of Children in the Association of Southeast Asian Nations (ASEAN) Region: a Critical Review of Legal Frameworks and Policy Implications*, National Library of Medicine, 2021, <https://pmc.ncbi.nlm.nih.gov/articles/PMC8515777/> .

COUNTRY	LAW ON ONLINE GROOMING
United Kingdom	Section 15 of Sexual Offences Act, 2003
Republic of South Africa	Section 18 of Criminal Law (Sexual Offences and Related Matters) Amendment Act 2007
Singapore	Section 376E of the Singapore Penal Code
Australia	Section 474.27 of the Australian Criminal Code Act 1995.
Canada	Section 172.1(1) of the Canadian Criminal Code of 1985

### 3.1 LAW ON ONLINE GROOMING IN THE UNITED KINGDOM

In the United Kingdom, the offence on online grooming is contained under Section 15<sup>35</sup> of the Sexual Offences Act 2003 which plays an important role in addressing online grooming by criminalizing the act of meeting or intending to meet a child following prior sexual grooming communications. This provision focuses on individuals who engage in repeated contact with a child under the age of 16 with the intention of committing a sexual offence during or after a physical meeting with the child.<sup>36</sup>

The requirement of the offence is that the individual must have met or communicated with the child on at least two prior occasions. These interactions could occur through various mediums, including social media or other online communications. The individual must have the intention to meet the child, which distinguishes the offence from general communication. The individual must have the purpose of committing a sexual offence, either during the meeting or after it. A key element of Section 15 is that it applies regardless of where the meeting occurs, acknowledging the ubiquitous nature of the internet. The law therefore allows for the prosecution of those who travel across international borders or who meet the child in any part of the world, expanding the scope of protection against online grooming and exploitation.

<sup>35</sup> Sexual Offences Act 2003, § 15.

<sup>36</sup> *Sexual Grooming: What is it according to UK Law?*, Lawtons Solicitors, <https://www.lawtonslaw.co.uk/resources/sexual-grooming-what-is-it/>, (last visited Jan 24, 2026).

In case of a summary conviction, punishment can include imprisonment for up to 6 months, a fine not exceeding the statutory maximum, or both. This option is typically reserved for less severe cases or where the defendant pleads guilty and the offence is considered less serious.

In case of indictment, a person convicted of this offence could face up to 10 years of imprisonment.

### 3.2 LAW ON ONLINE GROOMING IN THE REPUBLIC OF SOUTH AFRICA

The law in South Africa recognizes online grooming as a separate offence. The law here covers the offence of online grooming in a very broad and comprehensive manner. Chapter 3 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 2007 addresses sexual offences involving children. Section 18<sup>37</sup> focuses on the sexual grooming of children. The definition is very broad, and the first part of the section deals with “*promoting the sexual grooming of a child*” while the latter part of the section deals with the offence of “*sexual grooming of a child*”.

Under the section, promoting the sexual grooming of a child includes various acts. Firstly, it includes acts such as manufacturing, producing, possessing distributing or facilitating in creating or distributing an item which is intended to promote or enable the commission of sexual act with a child. Secondly, it also covers creating or distributing films or publications which promotes or are intended to be utilized in committing a sexual act with a child. Thirdly, includes supplying or displaying materials such as sexual articles, child pornography or other publications or films or relevance to another person with the intent of encouraging such person to engage in a sexual act with a child and fourthly it includes facilitating or arranging a communication or meeting between a person and a child with the intention that such person might engage in a sexual act with such child.

The latter part of the section which deals with the offence of sexual grooming of a child provides that the following acts constitute the offence of sexual grooming of a child. Firstly, if a person engages in supplying, exposing or displaying to a child - i) an article with the intention that such article be used for performing a sexual act ii) child pornography iii) a film or a publication intending by that to enable, instruct or persuade the child to perform a sexual act.

---

<sup>37</sup> Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, § 18 (S. Afr.).

Secondly, commits any act with the child or in the child's presence or describing any act with the intention of weakening or lessening any resistance or reluctance of the child to varying acts of sexual nature. Thirdly, organizes or enables a meeting or communication with the child through any means, from, to, or within any part of the world, with the intention of committing a sexual act with the child. Fourthly, after meeting or communicating with the child through any means, from, to, or in any part of the world – inviting, persuading, seducing, inducing, enticing, or coercing the child to travel to any part of the world to meet such person with the intention of engaging in a sexual act; or during such a meeting or communication, or any subsequent interaction, to – engage in a sexual act with such person; discuss, explain, or describe the commission of a sexual act; or provide such person, through any form of communication, including electronic means, with any image, publication, or depiction of child pornography. Fifthly, after meeting or communicating with the child through any means, from, to, or in any part of the world, such person intentionally travels to meet or meets the child with the purpose of committing a sexual act with the child.

It can be observed from the above discussion on the statutory provision regarding the offence of sexual grooming in South Africa that the law on grooming of children in the country is extremely broad and extensive. From a perusal of the section above it can be observed that the offence of sexual grooming of children covers online grooming of children within its ambit.

### 3.3 LAW ON ONLINE GROOMING IN SINGAPORE

The law on sexual grooming in Singapore was inspired from the sexual grooming law in the United Kingdom i.e. section 15 of the Sexual Offences Act, 2003. Singapore incorporated the concept of sexual grooming from the UK Sexual Offences Act in 2007.<sup>38</sup> The crime of sexual grooming of a minor under 16 was added to the Singapore Penal Code in the same year. It was stated in Parliament in 2007 that the purpose of the provision is to enable law enforcement agencies to intervene before the actual crime occurs, by demonstrating a sufficient number of inappropriate interactions and the final act of meeting or traveling to meet the victim.<sup>39</sup>

The offence is dealt with under section 376E<sup>40</sup> of the Singapore Penal Code which deals with

---

<sup>38</sup> *Supra* note 5.

<sup>39</sup> Singapore Parliamentary Debates, Official Report (22 October 2007) vol. 83 at col2175 (Assoc Prof Ho Peng Kee, Senior Minister of State for Home Affairs).

<sup>40</sup> *Public Prosecutor v. Lee Seow Peng*, [2016] SGHC 107 at [69]. The provision has since been accordingly amended by the Criminal Law Reform Act 2019 (Act 15 of 2019).

Sexual Grooming of minor under 16. It was created in order to safeguard the increasing number of young internet users from adult sex predators targeting online platforms. As per the statutory provision, a person above the age of 21 years will be guilty of the offence of sexual grooming if such person has met a child (who is below the age of 16 years/ or such person does not reasonably believe that the child is of or above the age of 16 years) on two or more occasions and thereafter intentionally meets the child or travels with the intention of meeting the child intending to commit a relevant offence.

The case of *Public Prosecutor v. Lee Seow Peng*<sup>41</sup>, was one such case in Singapore on online grooming of a child. In this case a 36 year old man had committed the sexual grooming of a minor girl under 13 years of age. The High Court in this case outlined five elements of the offence of sexual grooming under section 376E: First, the offender, who must be over 21, must have communicated with the victim on at least two prior occasions. Second, the offender must intentionally meet the victim. Third, at the time of the meeting, the victim must be under 16 years old. Fourth, the offender must have intended to do something to the victim that would constitute a relevant offence under section 376E (2) of the Penal Code. Lastly, the offender must not reasonably believe that the victim is 16 years old or older. The court in this case also noted the use of technology of committing crimes such as online grooming against children and the need to protect children in the following words –

*“The prevalence of mobile technology in the present day and age provides fertile ground for exploitation and abuse. There is a need to protect the young from such exploitation and abuse.”*<sup>42</sup>

### 3.4 LAW ON ONLINE GROOMING IN AUSTRALIA

Australia too has specific legal provision to deal with the problem of online grooming of children. The legal provision is contained in section 474.27<sup>43</sup> (“using a carriage service to ‘groom’ persons under 16 years of age”) of the Australian Criminal Code Act 1995.<sup>44</sup>

Section 474.27<sup>45</sup> of the Act criminalizes the use of a "carriage service" by an individual over

---

<sup>41</sup> [2016] SGHC 107.

<sup>42</sup> *Id.* at 97.

<sup>43</sup> The Australian Criminal Code Act 1995, § Section 474.27.

<sup>44</sup> Under section 7 of the Australian Telecommunications Act 1997, “carriage service” refers to a “service for carrying communications by means of guided and/or unguided electromagnetic energy”.

<sup>45</sup> *Id.*

18 to send an indecent communication to someone they know or believe is under 16, “with the intention of making it easier to procure the recipient to engage in sexual activity.” This constitutes an offense of sexual grooming. A carriage service covers communication services such as phone calls, texts, emails, and social media messaging etc. Earlier, the offence was punishable with a maximum of 12 years in prison but in the year 2020 the act was amended to 15 years in prison. Therefore Australia provides strict penalty for the offence of child grooming.

### 3.5 LAW ON ONLINE GROOMING IN CANADA

Canada also possesses legal provisions regarding online grooming of children. The provision is contained in section 172.1(1)<sup>46</sup> of the Canadian Criminal Code of 1985 which criminalizes the “luring of a child” by means of telecommunication, “for the purpose of facilitating the commission of a sexual offence” against the child such as sexual exploitation, sexual assault, incest and child pornography. In the case of *R v Bertrand Marchand*,<sup>47</sup> it was held that mandatory minimum sentences for child luring are unconstitutional. With regard to child grooming, it was stated that:

*“Grooming often goes hand in hand with the common features of luring, namely a “prolonged, deliberate and careful cultivation of a young person with a view to engendering trust and intimacy, all designed to promote sexual conduct between the two parties” (Paradee, at para. 20). While often a preparatory process, grooming need not culminate in a sexual act to be harmful...”*<sup>48</sup>

*“The text of s. 172.1 is clear that grooming is not a constituent element of the luring offence. While its presence may be aggravating at sentencing, its absence is not mitigating.”*<sup>49</sup>

Another case is *R v. Legare*<sup>50</sup> which was also a case on luring of a child under section 172.1 of the Canadian Criminal Code, 1985. In this case the Supreme Court of Canada explained that:

*“[Section] 172.1(1)(c) creates an incipient or ‘inchoate’ offence, that is, a*

---

<sup>46</sup> The Canadian Criminal Code of 1985, § 172.1.

<sup>47</sup> *R v Bertrand Marchand*, 2023 SCC 26.

<sup>48</sup> *Id.* at Para 52.

<sup>49</sup> *Supra* note 45 at Para 54.

<sup>50</sup> *R v. Legare*, 2009 SCC 56.

*preparatory crime that captures otherwise legal conduct meant to culminate in the commission of a completed crime. It criminalizes conduct that precedes the commission of the sexual offences to which it refers, and even an attempt to commit them. Nor, indeed, must the offender meet or intend to meet the victim with a view to committing any of the specified secondary offences. This is in keeping with Parliament's objective to close the cyberspace door before the predator gets in to prey.”*

Therefore, the focus is on the intention of the accused at the time of communication and also it is not necessary to use “sexually explicit language”.

The Supreme Court of Canada has recently delivered an important judgment in the case of *R. v. W.W.*<sup>51</sup> on Nov 14, 2025. The facts of the case are that a 52 year old man was accused of sending sexually explicit material to a 15 year old girl. He was prosecuted under 171.1(1)(b)<sup>52</sup> of the Criminal Code as per which it is a crime to send sexually explicit content to a person below the age of 16 for the purpose of facilitating a later sexual offence. The Supreme Court of Canada confirmed conviction of the accused and stated that:

*“Depicting the appellant’s conduct and associated intention as “flirtatious” is a serious mischaracterization for describing the sexualized interaction between an adult — in this case a 52-year-old man — and a child. Insofar as it can serve to normalize an adult’s blameworthy conduct as simply playful, erotic or affectionate, instead of inherently criminal, it has no place in an account of a charge involving sexual violence towards children in our system of criminal justice. It bears recalling that a child can never consent to acts of a sexual nature committed by an adult. An adult’s conduct in this connection is not playful but inherently abusive and exploitative and should be properly described as such.”<sup>53</sup>*

Therefore, it can be seen that the law on grooming of children in Canada is well developed and has tough legal provisions to deal with the online grooming of children. Further, the Supreme Court of Canada has also held that courts should impose tougher punishments for sexual crimes

---

<sup>51</sup> *R. v. W.W.*, 2025 SCC 37.

<sup>52</sup> The Canadian Criminal Code of 1985, § 171.1(1)(b).

<sup>53</sup> *Supra* note 49.

against children emphasizing the seriousness of sexual violence against children.<sup>54</sup>

### 3.6 ANALYSIS OF THE COMPARATIVE STUDY

In conclusion, the comparative analysis throws light on the fact that while countries such as Australia, United Kingdom, South Africa, Singapore and Canada have developed comprehensive, proactive, and technologically responsive legal frameworks to combat online grooming, India's current legal framework remains fragmented and underdeveloped in this field. One of the most crucial areas in which India can strengthen its approach to combating online grooming is by learning from international legal models, particularly that of the United Kingdom which has developed comprehensive, intent-based legal framework. The act in UK recognizes the manipulative nature of grooming, treating it as a preparatory step toward abuse that merits its own legal consequence. In contrast, the Indian legal system lacks a specific definition or standalone offense for grooming. The POCSO Act, 2012, primarily addresses completed acts of sexual abuse but does not criminalize the preparatory process that often precedes such crimes. As a result, Indian authorities are frequently unable to intervene during the early stages of exploitation because such behavior, unless accompanied by explicit sexual content or physical meetings, falls outside the law's scope<sup>55</sup>. Thus, to establish a truly protective digital environment for children, India must not only revise existing legislation but also integrate global best practices that understand grooming as a unique and separate offense by itself<sup>56</sup>.

### 4. GAPS IN THE LAW ON ONLINE GROOMING IN INDIA

The current laws on online sexual exploitation of children in India primarily focus on explicit content transmission. However, they fail to address the digital manipulation and coercion techniques which are used in online grooming. India urgently needs legal provisions recognizing online grooming as a distinct criminal offense. Since no direct physical sexual abuse may occur in cases of online grooming, the offender cannot be charged under severe POCSO provisions. Also, once they are caught the lack of a grooming-specific law allows the accused to escape harsher punishment. Since there is no specific law on online grooming, it

---

<sup>54</sup> R. v. Friesen, 2020 SCC 9.

<sup>55</sup> Mohanty, H., & Banerjee, D. (2021). *An Analysis of Protection of Children from Sexual Offences Act, 2012 (POCSO ACT)*, SSRN Electronic Journal, <https://doi.org/10.2139/ssrn.3768096>.

<sup>56</sup> Seth, K., & Sharma, R. (2015), *Overview of Laws against online child sex abuse in India, U.K and U.S.* International Journal of Research, 2, 1169-1177.

forces the prosecution to use laws meant for cyber pornography and stalking rather than targeting the manipulative grooming process itself. Hence it must be acknowledged that there is need for specific legal provision to address online grooming effectively.<sup>57</sup>

From the comparative study made in the previous sections, it can be observed that the law on online grooming in several other countries is quite well developed and elaborate however when it comes to India, the law regarding online grooming is in its nascent stage and is quite vague. A robust legal framework is crucial to stop the escalation of grooming into actual sexual assault. Currently, none of the laws in India explicitly address the grooming of children, especially online grooming. In fact, both the legislature and judiciary appear largely unaware of grooming methods and tactics, as reflected in the absence of recognition of such practices in the law and judicial decisions. While child grooming is not directly prohibited by law, various elements that constitute grooming are addressed in different provisions. The law on online grooming is contained under section 67B(c)<sup>58</sup> of the Information Technology act in an implicit manner. Section 11 (vi)<sup>59</sup> of the POCSO Act, 2012 also deals with the matter. The law in this matter needs to be made more robust in order to be effective against this menace and several gaps can be identified which have been discussed below.

#### **4.1 IDENTIFIED GAPS**

This chapter will highlight the gaps in the legal framework on online grooming in India by engaging in a critical analysis in the light of the comparative study made in the previous chapter. Addressing these gaps is essential in order to strengthen the law.

##### **4.1.1 The term “Online Grooming” is not used under Indian Laws**

The term "online grooming" is relatively new in the global context, and while it is addressed in some countries' laws, India has yet to incorporate a specific provision for it. In India, the concept of online grooming is partially covered under section 67B of the IT Act, 2000. However, the specific term "online grooming" is not used or recognized. Various other countries increasingly recognize online grooming as a distinct offense, therefore is growing

---

<sup>57</sup> Kaur, A., & Garg, A. (2024), *A Review of the Protection of Children from Sexual Offences Act, 2012: Recent Amendments and Implications*, 21 Indian Internet Journal of Forensic Medicine and Toxicology, (2024), <https://doi.org/10.48165/iijfmt.2023.21.3-4.1>

<sup>58</sup> The Information Technology Act, 2000, § 67B(c).

<sup>59</sup> The Protection of Children from Sexual Offences Act, 2012, § 11(vi), No. 32, Acts of Parliament, 2012 (India).

pressure for India to follow suit and incorporate the concept into its legal framework to better protect children in the digital age.

"Fair labeling" is a crucial aspect of criminal law. The label must provide clear information to the public about the offense committed. It serves an educational and declaratory role; reinforcing societal standards and therefore helps in deter such crimes. Additionally, it supports the principle of proportionality by ensuring that the punishment aligns with the seriousness of the crime. A fair label is essential in expressing society's disapproval of specific sexual offenses, such as online grooming. Fair labeling helps criminal justice professionals, judges, and other stakeholders make just and informed decisions. It is also essential that India also use the term online grooming like other countries. This is essential as inconsistent use of language and terms can lead to inconsistent laws and policy responses on the same issue.

#### **4.1.2 Lack of Provisions addressing situations where online solicitations leads to In-Person Meetings in the IT Act and POCSO Act**

Neither the IT Act nor the POCSO Act covers cases where the solicitation of children through online medium results in in-person meetings.<sup>60</sup> However, there are some countries have laws that criminalize online grooming, regardless of whether there is intent to meet the child in person or not such as the Sexual Offences Act of 2003 in the United Kingdom and The Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 in Scotland.<sup>61</sup>

#### **4.1.3 Law on Online Grooming in India overlooks key aspects of child grooming, such as anonymous communication or interactions with a child under false identities, as well as traveling or urging a child to travel with the intent to commit sexual assault.**

While the existing legal provisions in India address certain aspects of child grooming—such as sexual communication, transmission of obscene material, and electronic stalking, it however does not adequately account for anonymous communication or interactions with a child under false identities, which are among the most commonly employed tactics by online predators. Groomers online often pose as peers, classmates, or fellow gamers in order to gain a child's trust, a method that remains outside the express scope of current Indian legislation.

---

<sup>60</sup> *Supra* note 1.

<sup>61</sup> The Protection of Children and Prevention of Sexual Offences (Scotland) Act, 2005.

Further, Indian laws do not criminalize the act of traveling to meet a child or inducing a child to travel, with the intent of committing a sexual offence which undermines early intervention efforts. While in contrast, countries such as the United Kingdom, Singapore and the United States, have enacted provisions which explicitly criminalize such acts, with countries such as the UK and Singapore even requiring prior communication between the offender and the child as a condition for prosecution. These jurisdictions thus show a proactive approach to child protection by addressing not just the final act but also the preparatory stages of grooming. The Indian legal framework, however, continues to rely on general offences under the POCSO Act, BNS, and the IT Act, which fail to reflect the evolving nature of online grooming and the various possibilities through which exploitation may occur. Hence, it is extremely necessary that India recognizes online grooming as a separate and distinct offence, incorporating necessary elements such as deception, impersonation, and travel intent.

#### **4.1.4 Inconsistencies in Punishment for online grooming under IT Act and under POCSO Act**

The inconsistency in punishment for grooming under the POCSO Act and the IT Act lies primarily in the severity of the penalties prescribed by each Act.<sup>62</sup> Under the IT Act, Section 67B specifically addresses online grooming and related activities, even though the term "cyber grooming" is not explicitly mentioned. It penalizes individuals who "*cultivate, entice, or induce children into online relationships for sexually explicit acts*" or in ways that would offend a reasonable adult. The punishment for a first conviction under this section is imprisonment for up to five years and a fine of up to ₹10 lakhs. For subsequent convictions, the penalty increases to seven years of imprisonment along with a fine of up to ₹10 lakhs. In contrast, Section 11(vi) of the POCSO Act focuses specifically on cyber grooming with sexual intent and harassment for pornography or gratification purposes. The maximum punishment for this offense under the POCSO Act is three years of imprisonment and a fine, which is significantly less severe than the penalties prescribed under the IT Act. This discrepancy reflects an inconsistency in the legal framework, where the punishment for similar acts (cyber grooming) is more stringent under the IT Act compared to the POCSO Act, despite both laws addressing offence related to grooming.

---

<sup>62</sup> Sruthi Ramakrishnan, , *Online Grooming of Children – Legal Framework*, LiveLaw, (Jan 23, 2026), <https://www.livelaw.in/columns/online-grooming-of-children-legal-framework-147984?fromIpLogin=93395.2261646297>

## 4.2 THE RECOMMENDATION OF NATIONAL COMMISSION FOR WOMEN

In a recent report submitted to ministries of law and justice, electronics and information technology, women and child development and home affairs, the National Commission for women (NCW) has recommended that provision related to online grooming must be specifically introduced which must provide for a punishment of at least 7 years which may extend to life imprisonment and the fine imposed must not be less than 15 lakhs. For repeat offenders and aggravated circumstances, minimum 14 years imprisonment and upto 30 lakhs fine must be imposed. The report further recommended that ‘online grooming’ be defined as “any act of establishing an emotional connection with a child online through communication or interactions via digital platforms, with the intent of manipulating, coercing, or exploiting the child for sexual purposes”.<sup>63</sup>

## 5. CONCLUSION AND SUGGESTIONS

*“History will judge us by the difference we make in the everyday lives of children.”*

- Nelson Mandela

From the analysis made in this research paper, it can be concluded that the current legal framework in India is insufficient to deal with the problem of online grooming. India does not explicitly recognize the offence of online grooming covering it only partly under the IT Act, 2000 and POCSO Act, 2012 thus leaving several gaps in the legal framework. In the present digital age where internet has become ubiquitous, more and more children are exposed to the risk of cybercrime. Therefore, it is essential to explicitly recognize and criminalize online grooming. Various countries now have well developed legal framework to address online grooming and India must keep pace with these developments. Therefore, there is need for a more robust, integrated, and preventive approach.

There must be stronger and more specific legal protections for children online. Specifically, it is high time that India must make “grooming” a specific and distinct offence by itself as it is necessary to find a remedy for the different tactics which are used by online groomers and also to keep its laws relevant and updated in the growing digital age. Hence, in order to address

---

<sup>63</sup> Ambika Pandit, *Define “Online Grooming” in POCSO law: NCW*, (Nov 23, 2025), <https://timesofindia.indiatimes.com/india/define-online-grooming-in-pocso-law-new/articleshow/125511702.cms>

online grooming India must adopt a comprehensive policy which integrates legislative reform, focus on capacity building and digital literacy.

**The following are the recommendations of this research paper –**

- 1. Introduction of Online Grooming as a Distinct Offence:** Provisions must be introduced under POCSO Act or IT Act on online grooming. The offence must be specifically defined in unambiguous terms and must cover preparatory conduct even if there is no physical abuse involved. Further, the recommendation of the National Commission for women must be considered for defining the offence and prescribing punishment for the offence.<sup>64</sup> Through this, India can harmonize its laws with those of other countries and can facilitate international cooperation to tackle cross border cases.
- 2. Specific usage of the term Online Grooming:** It is imperative that the term “online grooming” is used for the offence so that there is no confusion or ambiguity. This will also create harmony with the laws of other countries. Further, such clarity is essential for law enforcement agencies, legal practitioners, judges and the general public.
- 3. Include Deceptive and Anonymous Communication under the offence of Online Grooming:** Since deceptive and anonymous communication are often used by online groomers to trick children and gain their trust, therefore, it is essential that grooming practices such as using false identities or anonymous profiles to groom children must be criminalized.
- 4. Criminalization of Travel Related Grooming Intent:** Taking inspiration from laws such as those in the UK and Singapore, India can also include provisions which make it an offence to travel to meet a child and persuading a child to travel with the intention of committing a sexual offence against the child.
- 5. Bring about a consistency in Punishment:** There is difference in punishment for similar grooming related offences under the IT Act and the POCSO Act. They must be harmonized.
- 6. Usage of Future – Proof Language:** Technology is constantly evolving therefore law on online grooming must be made in such a manner that it remains relevant even with emerging technologies e.g. – virtual reality platforms, gaming platforms etc. Legal definitions must also be updated to include all forms of digital communication.

---

<sup>64</sup> *Id.*

7. **Regulation of Children on Social Media websites:** Age limit must be introduced and strictly enforced for usage of social media by children. For instance, children below 16 years of age must not be allowed to use social media sites as they may lack sufficient maturity and easily fall prey to cybercrimes.
8. **Proper Training of Law Enforcement and Judiciary:** It is vital that the law enforcement and the judiciary have adequate knowledge and are sensitized to understand the specifics of the offence of grooming. It is also vital that there must be establishment of cyber protection units in each district consisting of officers who are trained in digital forensics, child psychology, and analysis of behavioral pattern. Further, there must be capacity building programs in order to ensure that the police, judicial officers and forensic experts are ahead of the cybercriminals.<sup>65</sup>
9. **Promoting International Cooperation:** Since cyber offences such as online grooming can be committed from any place therefore it is necessary to promote international cooperation such as global cybercrime networks etc.
10. **Regulating Digital Platforms and Service Providers:** The role of digital platforms and service providers is essential to tackle cybercrime therefore proper regulation must be established for the same such as strong content moderation, using AI tools to identify grooming behavior and reporting mechanisms. There must also be introduction of a formal Children's Online Safety Framework.
11. **Digital Literacy and Awareness:** It is imperative that all people, particularly children must have adequate knowledge about online grooming – what it is and how it begins. Therefore, it must be made mandatory for schools to introduce curriculum to educate children on cyber safety.

---

<sup>65</sup> A., & T.K, K., *Legal Frameworks and Policy Gaps in Protecting Children from Online Exploitation in India: Challenges and Solutions*, (2024), International Journal For Multidisciplinary Research, <https://doi.org/10.36948/ijfmr.2024.v06i06.31363>

**BIBLIOGRAPHY**

1. A., & T.K, K. (2024). *Legal Frameworks and Policy Gaps in Protecting Children from Online Exploitation in India: Challenges and Solutions*. International Journal For Multidisciplinary Research. <https://doi.org/10.36948/ijfmr.2024.v06i06.31363>.
2. Anoop vs. State of Kerala and Ors. (26.08.2022 - KERHC) : MANU/KE/2513/2022
3. Behind The Screens: Understanding The Gaps In India's Fight Against Online Child Sexual Abuse And Exploitation, *Child Protection And Practice* Volume 4, April 2025, 100088.
4. Childhood as a Social Construction: A Sociological Exploration, TEACHERS INSTITUTE (Nov. 2, 2023), <https://teachers.institute/childhood-growing-up/childhood-social-construction-sociology/>.
5. Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, § 18 (S. Afr.).
6. Just Rights for Children Alliance and Ors. vs. S. Harish and Ors. (23.09.2024 - SC) : MANU/SC/1041/2024
7. Karan Chandela v. State (NCT of Delhi), 2023 SCC OnLine Del 5808
8. Kaur, A., & Garg, A. (2024). *A Review of the Protection of Children from Sexual Offences Act, 2012: Recent Amendments and Implications*. Indian Internet Journal of Forensic Medicine and Toxicology. <https://doi.org/10.48165/ijfmt.2023.21.3-4.1>.
9. Kim-Kwang Raymond Choo, "Responding to Online Child Sexual Grooming : An Industry Perspective" *Trends and Issues in Crime and Criminal Justice* (July 2009).
10. Mark Russell, "Every Parent's Worst Nightmare' : Justin Bieber Impersonator Jailed for Child Sex Grooming" *The Age* (14 November 2014).
11. Mohanty, H., & Banerjee, D. (2021). *An Analysis of Protection of Children from Sexual Offences Act, 2012 (POCSO ACT)*. SSRN Electronic Journal. <https://doi.org/10.2139/ssrn.3768096>.
12. Public Prosecutor v. Lee Seow Peng, [2016] SGHC 107 at [69]. The provision has since been accordingly amended by the Criminal Law Reform Act 2019 (Act 15 of 2019).
13. R v. Legare, 2009 SCC 56 : [2009] 3 SCR 551.
14. Rani, D. (2024). *Protecting Children from Online Grooming in India's Increasingly Digital Post-Covid-19 Landscape: Leveraging Technological Solutions and AI-Powered Tools*, *International Journal of Innovative Research in Computer Science and Technology*. <https://doi.org/10.55524/ijircst.2024.12.3.8>.

15. S Chandra Mohan and Lee Yingqi, *Sexual Grooming as an Offence in Singapore*, (2020) 32 SAclJ 96.
16. Sec. 67B of Information Technology Act, 2000.
17. Sexual Grooming: What is it according to UK Law?, Lawtons Solicitors, <https://www.lawtonslaw.co.uk/resources/sexual-grooming-what-is-it/> (last visited Mar. 21, 2025).
18. Sexual Offences Act, 2003, § 15.
19. Sharma, B., & Kumar, S. (2023). *BATTLING THE DARKNESS: COMBATING CHILD SEXUAL ABUSE IN INDIA*. *ShodhKosh: Journal of Visual and Performing Arts*. <https://doi.org/10.29121/shodhkosh.v4.i2.2023.2791>.
20. Singapore Parliamentary Debates, Official Report (22 October 2007) vol. 83 at col2175 (Assoc Prof Ho Peng Kee, Senior Minister of State for Home Affairs).
21. Sruthi Ramakrishnan, *Online Grooming of Children – Legal Framework*, LiveLaw, <https://www.livelaw.in/columns/online-grooming-of-children-legal-framework-147984> (last visited Mar. 20, 2025).
22. Seth, K., & Sharma, R. (2015). *Overview of Laws against online child sex abuse in India, U.K and U.S*. *International Journal of Research*, 2, 1169–1177.
23. Sushma Singh & Shafia Nazir Shah, *Impact of Cybercrime on Children & Adolescents*, The Law Brigade Publishers, [https://www.researchgate.net/publication/366544307\\_IMPACT\\_OF\\_CYBERCRIME\\_ON\\_CHILDREN\\_ADOLESCENTS](https://www.researchgate.net/publication/366544307_IMPACT_OF_CYBERCRIME_ON_CHILDREN_ADOLESCENTS).
24. Swapnali V Jadhav & Swaroop S Sonone, *Psychological Influences of Cyber Crimes on Human Mind and Behaviour*, *The Indian Police Journal*, Dec 2022, [https://www.researchgate.net/publication/380402545\\_Psychological\\_Influences\\_of\\_Cyber\\_Crimes\\_on\\_Human\\_Mind\\_and\\_Behaviour](https://www.researchgate.net/publication/380402545_Psychological_Influences_of_Cyber_Crimes_on_Human_Mind_and_Behaviour).
25. The Australian Criminal Code Act, 1995, § 474.27.
26. The Canadian Criminal Code, 1985, § 172.1.
27. The Information Technology Act, 2000, § 67B(c).
28. The Juvenile Justice (Care and Protection of Children) Act, 2015.
29. The Protection of Children and Prevention of Sexual Offences (Scotland) Act, 2005.
30. The Protection of Children from Sexual Offences Act, 2012.
31. The Protection of Children from Sexual Offences Act, 2012, § 11(vi).
32. Under s. 7 of the Australian Telecommunications Act, 1997, “carriage service” refers to a “service for carrying communications by means of guided and/or unguided

electromagnetic energy”.

33. UN General Assembly, Convention on the Rights of the Child, Nov. 20, 1989.

34. 2024 LiveLaw (Del) 1318.