

F.No. [R-32/3/2020-PRPP](#)  
**NATIONAL HUMAN RIGHTS COMMISSION**  
**(PRP&P Division; Research Unit-2)**

**Minutes of the Discussion on ‘Child Sexual Abuse Material (CSAM)’**

(Date: 4<sup>th</sup> November, 2022, Time: 4 PM)

A discussion on Child Sexual Abuse Material (CSAM) was held on 4<sup>th</sup> November, 2022 under the Chairmanship of **Shri Rajeev Jain, Hon’ble Member**, National Human Rights Commission (NHRC). Mr. Justice M.M. Kumar and Dr. D.M. Mulay, Hon’ble Members, Shri Devendra Kumar Singh, Secretary General, and other Senior Officers of the Commission were also present in the discussion. The cyber security/domain experts on the subject of discussion were also invited. *A complete list of the participants is placed at Annexure-I.*

**Shri Rajiv Jain, Hon’ble Member, NHRC**, opened the discussion stating that the idea to have the meeting is to understand the nature and extent of CSAM and to get some sense of different manifestations of the problem. He also mentioned in brief the Report of the Adhoc Committee of Rajya Sabha to Study the Alarming Issue of Pornography on Social Media and its Effect on Children and Society as a Whole (2020) under the Chairmanship of Shri Jairam Ramesh. He further stated that NHRC had earlier organized a virtual conference on ‘Online Child Sexual Abuse Material (CSAM)’ on 21<sup>st</sup> July, 2020 in order to initiate collaborative deliberations to tackle the problem. Lastly, he welcomed the participants to share their inputs on the agenda of discussion.

**Mr. Justice M.M. Kumar, Hon’ble Member, NHRC**, in his address explained his perception of the issue that emanates from access to unbridled and unfiltered material relating to sexual exploitation of children. He also pointed out two major challenges in addressing the issue at hand. First, even in countries like the US and UK this is a multi-billion business with an apparent conflict of interest. Owing to vested interests, the cost of filtering material relating to CSAM is so prohibitive that preventing its access becomes the biggest challenge. Second, well-organized gangs are operating in various parts of the country. For instance, top police personnel in Rajasthan have informed that children are being given hormones to develop the body of an adult female. Controlling the connivance of various agencies and sale/purchase of children is the second big challenge we are facing while dealing with CSAM.

In his opening remarks, **Dr. D.M. Mulay, Hon’ble Member, NHRC**, welcomed the decision of Shri Rajiv Jain, Hon’ble Member, to deliberate on CSAM. He further highlighted the fact that the issue has acquired a proportion beyond anyone’s imagination in India. The problem of CSAM is spreading like a pandemic that has a serious impact on not just children, but society as a whole, since today’s children are tomorrow’s adults. He further noted with worry that, at times, even material other than CSAM may cause mental abuse and may have a tremendous adverse impact on individuals. For instance, at times, even reels on Instagram/Facebook that are accessible to all have a beyond obscene exposition of body. Thus,

controlling the access and spread of obscene content on social media sites through reels/messages also needs to be discussed.

**Mr. O.P. Singh, CEO, India Child Protection Fund, Kailash Satyarthi Children's Foundation (KSCF) US and Former DGP (UP)**, expressed his gratitude towards the Commission for dealing with the issue of CSAM. He stated that online CSAM is something we should be worried about as the scale, severity and complexity of the same is increasing at a faster pace. Thus, there is a greater need for all the stakeholders to coordinate in addressing the issue. He further introduced his organization, Kailash Satyarthi Children's Foundation (KSCF) that has been advocating rights of children for the past 40 years. Taking note of massive increase in CSAM cases post-Covid, with India having one of the highest numbers; the Foundation established a vertical on CSAM, 6 months ago. The main objective of the vertical is two-fold - one, equip state law enforcement agencies with effective tools and techniques for detection, investigation and monitoring of CSAM, and, two, impart training to states with greater incidence of CSAM related activities like Kerala, Maharashtra, Telangana, etc. He also noted with concern the recent news report about live streaming of child sexual abuse videos in certain parts of the country that are watched by people across the globe. Lack of awareness, poverty are some of the factors leading to the same. This amounts to a serious violation of the human rights of children. Taking note of the low priority accorded to child sexual abuse related cases by investigation agencies, certain points were suggested as follows-

- a. Strengthening framework under National Cyber Crime Reporting Portal, Ministry of Home Affairs.
- b. Imparting training to nodal officers dealing with cyber crime related cases.
- c. Facilitation of a national hotline to report CSAM related cases.
- d. Addressing discrepancies and lacunae in the legal framework. For instance, fixing liability of third party intermediaries for hosting CSAM on their respective platforms.
- e. Evolution of Guidelines/SOPs pertaining to CSAM by the Commission.

**Mr. Sundar Krishnan, Executive Director, India Child Protection Fund (ICPF)** explained the technical aspects of the issue relating to CSAM. He pointed out that there has been a 15000 percent rise in CSAM in the last 15 years. There is a need to change the discourse as the issue has now become an organized economic crime that resembles a tech unicorn. He also asserted that there is an immediate need to create deterrence towards such crimes. He further did a landscape analysis to understand the origin and consumption of CSAM. Social media, dark web and peer to peer mechanisms are the three major sources from where CSAM originates. Accordingly, awareness & deterrence, detection & reporting, response & support are the set of services required to control CSAM. He also briefly explained the different kinds of tools that can be used to manage CSAM. These include monitoring tools, forensic tools which are either free or proprietary and investigative tools. *Written inputs received from him on behalf of ICPF are placed at [Annexure-II](#).*

**Dr. Gulshan Rai, Former National Cyber Security Coordinator**, elucidated the technological, legal and enforcement aspects of CSAM. He further pointed out the next phase of digital transformation, i.e., the era of metaverse which heavily relied on technologies like

Artificial Intelligence, etc., in which all tech companies are investing heavily. He added that the issue of CSAM will be more serious and difficult with the growth of such technologies as it will be more difficult to locate the origin of the contents, source of sharing, etc. He further quoted the example of features like link disappearing or re-appearing, disappearing messages in a given time, etc., that will further complicate the technological problem.

Explaining the legal aspect, he mentioned the Amendment made in *The Information Technology Act, 2000* in the year 2007 which was implemented in 2008. He specifically explained Section 67 (a) and Section 67 (b) of the Act which deals with pornography and child pornography respectively. He also mentioned about international laws where child pornography has been treated as a very serious offence. He further touched upon stringent laws and well funded programmes of few countries like USA, Japan, Australia or European countries for dealing with CSAM.

Finally, he explained the enforcement aspect. He said that one of the main issues is collection of evidence as due to technological advances evidence is disappearing from social media sites. In the absence of evidence, no court can punish the culprit. Hence, he called for modifying the technique of evidence collection and enforcement measures with changing technology. Highlighting the gravity of cyber crime, he mentioned financial frauds that happen through cyberspace. In such a scenario, the issue of child sexual abuse does not receive as much attention as it should as the investigation authorities prioritize cyber fraud and other similar cases over CSAM related issues. Mentioning the issue of CSAM in other countries, he stated that strict provisions exist for holding social media companies accountable, which are currently lacking in India. This creates an issue in other countries as well as our sites are visible there. Further, he pointed out the problems associated with the tools used in detecting CSAM as they are customized for foreign countries and may be difficult to identify Indian images. He also mentioned issues of the dark web where IP addresses keep on changing. He concluded by recommending the following:

- a. Strong penalty on social media for hosting or not removing such content, as done in other countries.
- b. The Government of India should fund those tools that can be used to detect CSAM.
- c. The issue can also be raised with international bodies and social media companies as data centers are mostly located abroad.

**Mr. Viplav Kumar, Joint Director, CBI**, began the discussion by explaining the terminology i.e., the word child pornography is not legally recognized and now it is referred as Child Sexual Abuse Material (CSAM) or Child Sexual Exploitation Material (CSEM). There is no issue of inadequacy of the law or procurement of evidence, but one should know how to get the evidence. He explained that the main issue is the circulation of material on the internet which is not a priority area for the state police. He mentioned about the complaints wherein they have received around 50,000 complaints on the NCRB portal. Last year, they have received 76,000 complaints which were mostly related to CSAM, rape and gang rape. He further explained the complaint procedure wherein once a person submits the complaint or uploads such material on that portal, it is transmitted to the concerned states. But the only problem is that their organization does not receive any feedback from that portal.

He also explained the functioning of CBI wherein they have established an Online Child Sexual Abuse and Exploitation (OCSAE) Prevention/Investigation Unit under its Special Crime Zone. They register cases pertaining to CSAM i.e., based only on Interpol references. There is another unit called Crime against Child Unit of Interpol based in Singapore which also gives a lot of input and based on their inputs the cases are registered. But they only register cases which are inter-state or international. He also shared the relevant data with the Commission wherein only 2 to 3 cases were registered in 2019, 3 to 4 cases in 2020, and 38 cases in 2021 and 21 cases in 2022. The focus is mainly upon identification of the victims as well as the perpetrators. CSAM is not available on social media freely; to access it one needs to go to the dark web. The Central Bureau of Investigation (CBI) carried out search operation code named 'Megh Chakra', in 61 cases spread across 21 states/Union Territory in relation to the sharing and dissemination of Child Sexual Abuse Material (CSAM) online. It was a significant operation because out of these they were able to locate CSAM in the devices of 31 individuals. The operation was launched after receiving intelligence from Interpol headquarters, the Crime against Children unit in Singapore. He said that the Singapore unit received field inputs from the New Zealand Police, which were then sent to India via Interpol. A similar operation by CBI named 'Operation Carbon' was conducted in November 2021 in 84 places across 18 States/UTs in the country. He also explained about the internet child sexual exploitation database wherein any video circulated on internet or dark web is being placed at this database and CBI has got access to it which helps them to identify the victims.

## Discussion

**Shri Rajiv Jain** apprised the participants of his plan to have a larger meeting of all the stakeholders with the objective that NHRC lends its weight to the subject and makes a meaningful contribution. He further welcomed the participants to share their suggestions/inputs on the same. A summary of the suggestions offered by the participants is as given below -

- a. **Smt. Anita Sinha, Joint Secretary, NHRC** briefed the participants about the Virtual Conference on CSAM organized by the Commission in July, 2020. She also suggested that the Action Taken Reports (ATRs) received from the states based on the recommendations of the said conference may be compiled and used as the starting point for the proposed meeting. A regional conference can also be organized with a focus on creating material for generating awareness around the issue of CSAM.
- b. **Shri Manoj Yadava, Director General (Investigation), NHRC** suggested that in addition to creating awareness, focus should also be given to strengthening enforcement machinery. A workshop for creating a model of enforcement can be conducted. He also shared his experience of visiting the National Center for Missing and Exploited Children, United States, wherein every single case of missing/exploited child is well documented with photographs and further analyzed. He also stated that since we are dependent on inputs received from abroad via Interpol, an effort may be made to learn from those models and develop our own.

- c. **Shri Devendra Kumar Singh, Secretary General, NHRC** suggested setting up separate cadres in the police consisting of technical expertise and highly qualified individuals with necessary aptitude and motivation.
- d. **Mr. O.P. Singh** stated that the focus of the meeting should be on capacity building of the states including the judiciary and law enforcement agencies.
- e. **Dr. Gulshan Rai** suggested involving social media giants so as to develop a mechanism for preventing them from hosting CSAM. Further, there must be a mechanism by which social media giants are made to recognize and respect NGOs reporting CSAM hosted on their respective sites. He also highlighted the challenge in disabling cloud storage sites like mega.nz that might also be hosting material other than CSAM. Representatives of Internet Corporation for Assigned Names and Numbers (ICANN) and social media giants must also be invited and involved in the meeting.

Based on the discussion, the Chair, **Shri Rajiv Jain** proposed to organize a larger meeting with two sessions, first, with the representatives of government organizations and second, with other stakeholders.

The meeting ended with **Dr. M.D.S. Tyagi, Joint Director (Research), NHRC** extending the Vote of Thanks to the Chair and to all the participants for their valuable time and remarkable suggestions on the crucial matter of CSAM.

**List of Participants**

**NHRC Officials/ Staff**

1. **Shri Rajiv Jain**, Hon'ble Member, NHRC - Chair
2. **Shri Justice M.M. Kumar**, Hon'ble Member, NHRC
3. **Dr. D.M. Mulay**, Hon'ble Member, NHRC
4. **Shri Devendra Kumar Singh**, Secretary General, NHRC
5. **Shri Manoj Yadava**, Director General (Investigation), NHRC
6. **Smt. Anita Sinha**, Joint Secretary, NHRC
7. **Dr. M.D.S. Tyagi**, Joint Director (Research), NHRC
8. **Ms. Lakshmi Kumari**, JRC, NHRC
9. **Ms. Shilpi Jain**, JRC, NHRC
10. **Ms. Dakshata Bajpai**, JRC, NHRC

**Special Invitees**

1. **Mr. O.P. Singh**, CEO, India Child Protection Fund, KSCF and Former DGP (UP)
2. **Dr. Gulshan Rai**, Former National Cyber Security Coordinator, PMO
3. **Mr. Viplav Kumar**, Joint Director, CBI
4. **Mr. Sundar Krishnan**, Executive Director, India Child Protection Fund

**Written inputs received from Mr. Sundar Krishnan on behalf of ICPF**

Dear Madam/Sir,

At the outset we welcome and want to express our appreciation for organizing the meeting on such an important topic of online child sexual exploitation and abuse and giving us an opportunity to share some of our perspectives.

We want to emphasize that there has been a 15000% increase in the reports of child sexual abuse online in the last 15 years. Most of the images and victims remain hidden, their abuse unseen and unreported. But even the tip of the iceberg is enormous: the National Center for Missing and Exploited Children received close to 85 million files containing child sexual abuse material in 2021. In the previous year, that number was 65 million and the biggest concern is India leads them.

**What are the issues?**

I. India's enforcement agencies are largely dependent on foreign agencies for the requisite information. This is because:

- The public reporting of circulation of online CSAM is very low, and;
- There is no system of automatic electronic monitoring, and;
- We do not have a national database of CSAM with hash values of known CSAM which can be blocked by intermediaries, and;
- National Cyber Crime Reporting Portal exists but it is not effective in registering cases, responding to the action taken and providing status update, and;
- The NCRB data does not reflect the ground reality and there is a huge difference between what is happening in states vis-à-vis what is reported.

II. India's LEAs need state-of-the-art tools, techniques and tactics as except for states like Kerala, Karnataka, Telangana and Maharashtra investments have been lacking in infrastructure and training of personnel of other states has been a challenge.

- Lack of availability of intelligence on the medium of dissemination used by perpetrators extent of availability of CSAM on Social Media, P2P Network, Dark web and E2EE Platforms
- Lack of availability of Investigative, Forensic and Monitoring tools
- Lack of SOPs and systematic training for field level police team
- Absence of national hotline to share inter-state data on CSAM

- Absence of INHOPE hotline in India due to the lack of legal framework for international sharing of information. This would help in
  - Content takedown for CSAM hosted outside India by intermediaries
  - Facilitate foreign LEAs for investigation
- Lack of training and awareness of digital investigation and evidence in the legal field - prosecutors and judges

III. There are foundational issues to be addressed. Even if the LEAs are able to arrest the offenders, trials are delayed due to the bottlenecks faced at forensic lab which analyses the digital evidence collected.

- The reports of the government forensic science laboratory are crucial evidence against CSAM offenders.
- Since the digital evidence, stored on hard drives of seized devices, is rarely directly examined in court, the reports of the forensic laboratory are relied upon.
- The report of the forensic laboratory is considered as expert opinion under the relevant provisions of the Indian Evidence Act 1872 and assists the court in adjudicating the matter.

IV. Lack of Corporate Accountability to make CSAM detection a priority and willingness to share the data, practices and model followed for peers, small and medium sized companies to replicate the same.

- Though the law provides for mandatory reporting of all offences against children, including the offence of child sexual abuse material, mechanisms for enforcing accountability are weak to non-existent.
- Large amount of child sexual abuse material is circulated on networks that are privately owned and operated, and the cooperation of the network administrator is vital to effectively detect, investigate and prosecute child sexual abuse material.

V. Lack of awareness about CSAM, reporting mechanisms, seriousness of the issue, available remedies under law, victim support/counseling measures.

### **What is needed?**

India needs an appropriate strategy to fight the production, spread and sharing of online Child Sexual Abusive Material (CSAM). Our recommendations are under:

1. Establish nodal officers specifically for CSAM in each state to ensure that complaints relating to child sexual abuse material are promptly attended to.

### **Learning from INHOPE (international network of hotlines) and establishing and setting up of India-based hotline and**



2. Facilitate the establishment of a national hotline for reporting offences relating to child sexual abuse material.
3. Coordinate the takedown of child sexual abuse material on websites hosted in India by engaging with law enforcement agency, the relevant telecom service providers and Internet intermediaries.

### **Legal Framework for international sharing**

4. Developing the legal framework to facilitate international sharing of information by a national hotline for taking down child sexual abuse material on websites hosted outside India by flagging the material to foreign intermediaries since this child sexual abuse material is visible, and circulates, in India
5. Developing the legal framework to facilitate the international sharing of information by a national hotline with the national hotlines/law-enforcement authorities of other countries for prompt investigation and prosecution of child sexual abuse material since this child sexual abuse material is visible, and circulates, in India.

Legal framework shall inter alia include provisions for the following:

- a. Authority to accept information from
  - i. Foreign law enforcement
  - ii. Foreign hotlines
  - iii. Foreign intermediaries
- b. Authority to disseminate information to:
  - i. Foreign law enforcement
  - ii. Foreign hotlines
  - iii. Foreign intermediaries
- c. Technical mechanism for sharing information
- d. Preservation of information taken down for purposes of investigation/prosecution
- e. Ensuring law enforcement in India can review and access information shared

### **National Database of CSAM and Offenders**

7. Creation of a national database under the aegis of the Ministry of Home Affairs with hash values of known child sexual abuse material that can be immediately blocked by intermediaries.
  - This ensures that all child sexual abuse material that has already been blocked by one adjudicatory process in India cannot be recycled and hosted on other websites.

- This further ensures corporate accountability since these hash values consist only of material defined as CSAM and no reasonable excuse exists to make it available, or let it remain available, online.

8. Examine the role and compliance of Internet intermediaries in mandatory reporting of child sexual abuse material to law-enforcement agencies. **(Which intermediaries are giving info or not) intermediaries face with Police**

### **Fixing the Foundational issues**

9. Review the functioning of state police forces in the investigation of offences relating to children. Develop SOPs for Police officer.

- Identify issues that are hampering police investigation.
- Establish and disseminate a set of best practices for investigation, collection of evidence and filing of charge sheet.
- Study the training provided to police officers to ensure domain expertise for the investigation of child sexual abuse material offences.
- Analyze the availability and adequacy of investigative and forensic tools that are required to combat child sexual abuse material offences.

10. Study the capacity of government forensic science laboratories to analyse the digital evidence collected in investigations of offences relating to child sexual abuse material and the quality of the reports produced.

- Review the available capacity of government forensic science laboratories against the current workload.
- Identify and project the required forensic capacity to deal with the current workload and its projected change over time.
- Study the different forensic tools in use in government laboratories and assess whether any tool, or set of tools, can be recommended as the most suitable.
- Assess the required budgetary outlay for establishment and operation of government forensic science laboratories that are fully equipped and state-of-the-art.
- Review and publish monthly reports on incoming cases and disposed/ analyzed cases to ensure that lawmakers have up-to-date, reliable and authentic data to make the necessary appropriations in this regard.

### **Awareness for reporting**

11. Implement awareness programs in schools and other youth organisations to sensitise children, parents and teachers about offences relating to child sexual abuse material.

12. Ensure proper reporting resources and assistance to victims is available on websites,

## **Creation of Tech Coalition**

- ISPs, Intermediaries should be invited to seek inputs, share perspectives so that they understand the gravity of the situation and are able to transparently share their technologies, data, processes for others to replicate.
- Annual conference to be organized with representation from the bureaucracy, law enforcement, academia, Internet intermediaries, tech industry, and non-governmental organizations to study the bottlenecks in the fight against child sexual abuse material.
- Annual report to be formulated of best practices to be adopted by all stakeholders in the fight against child sexual abuse material taking into account the development in technology, change in law and latest practices.

## **Summary**

It will take collaboration between citizens, institutions, policymakers, tech companies, and nonprofit organizations to tackle a problem at this scale. We, at the India Child Protection Fund, strive for children's rights, safety, and security online and offline, and propose to NHRC for the creation and enforcement of a Regulation with a vision of a responsible internet where children are free to be curious and explore online spaces safely. It should ensure that technology is developed and used in conformity with India's values and in accordance with fundamental rights, with particular attention paid to protecting children.