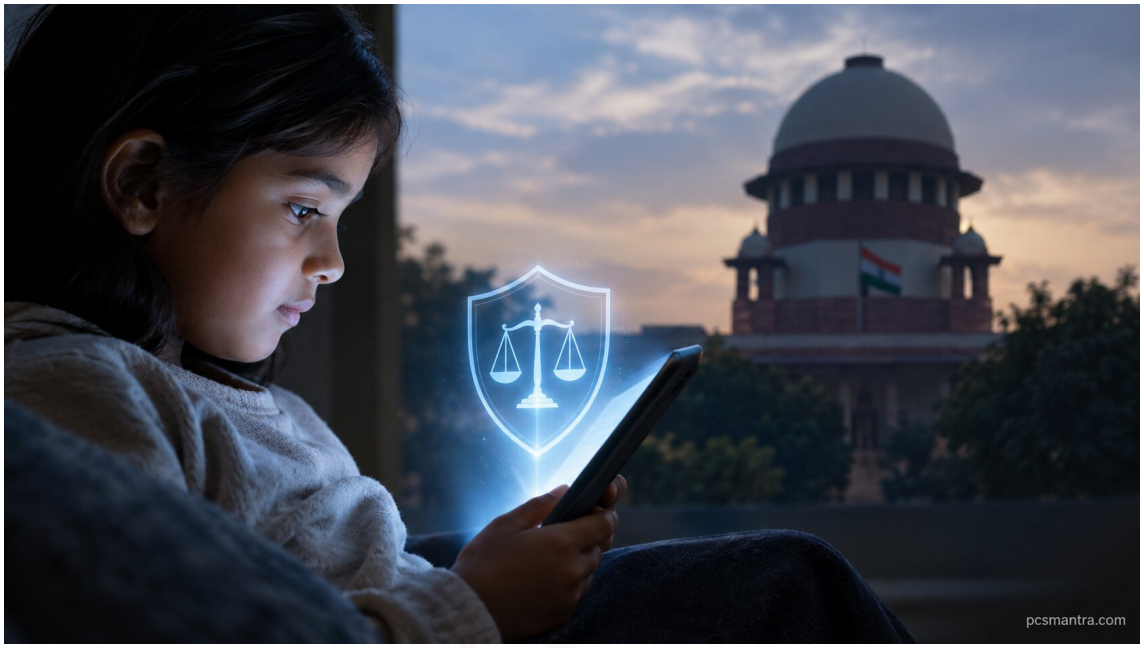
The Child Is Not the Problem: A New Direction for Child-Protection Justice

Published: 13 November 2026 · pcsmantra.com



Published: 13 November 2026Mains: polity

Original symbolic image: pcsmantra.com

Why in the news

November 13, 2026: Delivering its order of 15 October 2026 in Just Rights for Children Alliance v. S. Harish, the Supreme Court issued a series of directions to the Union government and digital platforms against online Child Sexual Exploitation and Abuse Material (CSEAM). The Court expressed displeasure that in the two years since its September 2024 judgment there had been "no progress worth the name". The matter will be listed again on 10 December 2026, when the Centre must report progress on affidavit.

From 2024 to 2026: the journey of the case

The September 2024 judgment: The Court held that even viewing, keeping or storing child pornographic material is an offence; it urged adoption of the term 'CSEAM' in place of 'child pornography' and an amendment of POCSO; and it tied the safe-harbour protection of intermediaries under information technology law to reporting and removal obligations.

The position in 2026: According to a report reproduced in the order, researchers reported 55 advertisements running in India; for 43 of them the platform responded that they did not breach its advertising standards - standards apparently unable to recognise suspected exploitation.

The essence of the 15 October 2026 order: Keeping children out of the digital world is not the solution; making the digital world accountable to children is. To exclude children because platforms have failed to deal with abuse, the Court said, would be to "mistake the victim for the problem".

The child's right to the internet and the order's key directions

Recognition of a fundamental right: The Court held that children, irrespective of age, enjoy the fundamental right to access and use the internet under Article 21 (right to life and personal liberty) read with Article 19(1)(a) (freedom of speech and expression); safety and freedom are not at odds, though age-appropriate safeguards are possible.

National hash and URL list database: The Union has been directed to create a national database, either within the Sahyog portal or separately, holding the digital fingerprints (hashes - a file's digital signature) and online locations (URLs) of CSEAM, not the material itself. On a match, platforms must remove content immediately without a fresh assessment. Safeguards against wrong entries:

- At least three trained human analysts must independently confirm material before any entry; automated screening can only assist.
- Records of use, independent audits, prompt correction and restoration on error, and notice to users of reasons and appeal routes are mandatory.
- The database is confined to CSEAM - it cannot be used to remove other content.

Reporting timelines: Removals of unknown-origin material must be reported to the Special Juvenile Police Unit, local police or the cyber-crime portal within two hours; database-match removals go into consolidated weekly reports. Complaint process: a clearly labelled 'CSEAM' category within two steps of the content, anonymity for the complainant, acknowledgement within 24 hours with a tracking number, and a digitally signed assessment by a trained grievance officer.

Wider platform responsibility: Not merely explicit imagery - the whole context of an advertisement (text, captions, keywords, links, the function of the tool promoted) will be assessed; CSEAM must not be offered or promoted behind paywalls; the Union is to consider a penalty framework (proportionate to gravity, duration, recurrence, platform size and turnover) and the disgorgement of revenue from paywall misuse.

School and family: Paragraph 315 of the order calls for digital safety and age-appropriate sex education in the core curriculum through CBSE/NCERT, training of teachers, awareness programmes for parents, display of Child Helpline 1098, Cyber Crime Helpline 1930 and the National Cyber Crime Reporting Portal in every classroom, hostel and library, and free counselling for victims for as long as needed.

Related developments: arrest and custody in POCSO cases

In the same period, other rulings of the Court clarified two strands of POCSO enforcement: on one side, a parent facing a POCSO chargesheet should not have custody of the child at the centre of the case; on the other, where a parent or a family member living under the same roof is accused amid a matrimonial dispute, the police should not arrest in haste - ordinarily the opinion of a child psychiatry or psychology expert, in consultation with the District Child Protection Unit, must be sought first (arrest under Section 35 of the Bharatiya Nagarik Suraksha Sanhita requires 'reason to believe'). Together the rulings say: the child's interest is supreme, but balance in process matters too.

Way forward

The success of the order will be decided not by paper compliance but by institutional capacity - recruiting trained analysts and grievance officers, technical support for investigating agencies, a

working process for promptly correcting wrong entries, and meaningful implementation of safety education in schools. An amendment of POCSO incorporating the 'CSEAM' definition and the penalty framework also remain before Parliament. The principle is clear: child-protection justice lies not in removing the child from the digital world, but in making the digital world fit for the child.

Related article: Read more: ■■■■■ ■■■■■ ■■■■■■ ■■■■■ ■■■■■ ■■■■ ■■■ ■■■■: 2031 ■■ 850 ■■■■■■■

Prelims practice questions

Question 1. With reference to the legal framework against child sexual exploitation, consider the following statements:

1. The Supreme Court has held that children enjoy the fundamental right to access the internet under Articles 21 and 19(1)(a)

2. The POCSO Act, 2012 is confined to offences against girl children only

Which one of the following is correct in respect of the above statements?

(a) Statement 1 is correct, but Statement 2 is not correct

(b) Statement 1 is not correct, but Statement 2 is correct

(c) Both Statement 1 and Statement 2 are correct

(d) Neither Statement 1 nor Statement 2 is correct

Answer and explanation

Answer: (a)

Statement 1: In its October 2026 order the Court held that children enjoy the fundamental right to access and use the internet under Articles 21 and 19(1)(a), so this statement is correct. Statement 2: The POCSO Act, 2012 is gender-neutral and protects all children (below 18 years), so this statement is not correct.

Question 2. Match List-I with List-II: List-I (Service) - List-II (Number/Identity) A. Child Helpline - 1. 1930 B. Cyber Crime Helpline - 2. 1098 C. Portal linked to the CSEAM database - 3. Sahyog Select the correct answer using the code given below:

(a) A-2, B-1, C-3

(b) A-1, B-2, C-3

(c) A-3, B-1, C-2

(d) A-2, B-3, C-1

Answer and explanation

Answer: (a)

The Child Helpline number is 1098. The Cyber Crime Helpline number is 1930. The October 2026 order directed the national hash and URL database to be created within the Sahyog portal or separately.

Mains practice question

"Keeping children out of the digital world is not the solution; making the digital world accountable to children is." Evaluate the statement in the light of the Supreme Court's recent directions. (250 words, 15 marks)

Answer outline:

In the introduction: The CSEAM problem; the background of the 2024-2026 rulings.

In the body: The shift of approach - from 'treating the victim as the problem' to platform accountability; the child's internet right. Key mechanisms - the national hash/URL database and its safeguards; two-hour reporting; paywall scrutiny; the penalty framework. Part of the ecosystem - school curriculum, teacher training, helplines, counselling. Challenges - capacity, privacy, risk of wrongful removal, need for legislative amendment.

In the conclusion: A whole-of-system approach is the only durable child protection.

Frequently Asked Questions (FAQ)

Summary answer: November 13, 2026: Delivering its order of 15 October 2026 in Just Rights for Children Alliance v.

Question: What does CSEAM mean?

Child Sexual Exploitation and Abuse Material; the Court has urged adopting this term in place of 'child pornography' and amending POCSO accordingly.

Question: How will the national hash and URL database work?

It will store the digital fingerprints (hashes) and locations (URLs) of CSEAM, not the material itself; platforms must remove content immediately on a match, and at least three trained human analysts must independently confirm material before any entry.

Question: Which are the main helplines linked to child safety?

Child Helpline 1098, Cyber Crime Helpline 1930 and the National Cyber Crime Reporting Portal; the order directs that these be displayed in schools.

Sources

https://www.livelaw.in/articles/from-first-click-final-justice-making-digital-world-accountable-children-556769

https://indianexpress.com/article/legal-news/column-judicial-parenting-time-act-supreme-courts-child-safety-10954290/

https://thedossier.in/pocso-arrest-custody-dispute-supreme-court/

Download This Article: PDF