

LEGALFOXES LAW TIMES

CRIMES AGAINST WOMEN IN CYBER WORLD

-By Tushar Batra & Sakshi Singh¹

I. Abstract

In Earlier times, Indian society treated women as goddesses and were known as the creator of life, hence, were treated with respect. We celebrate different days and festivals in order to show our respect to them, but the reality is very different. The reality is, that since decades ago, women have been treated as property of men and have been subject to a large number of crimes which range from domestic violence to even rape. Not a long time ago, there was nothing called a cyber crime.

However, with the passage of time and advancement of technology, people started exploring the internet to make their life easier, and as people used the internet more and more, this has in-turn increased the rate of cyber-crime and women and children are the main target. There has been a worrying trend of increasing numbers of crimes against women in the virtual world. This clearly shows loopholes in the law and policies and the need for a specific law on the matter. Due to this, and with the prevailing situation in the mindset of our society, women and children are always at risk.

With the passage of time and advancement of technology, cyber criminals have become more proactive and women and children have been soft targets. This article aims to throw some light on cyber-crime against women, especially in times of Covid-19 and its remedies available.

Keywords:- Crime, Cyber crime, crimes against women, Internet

II. Introduction

Violence against women is perhaps considered as one of the most shameful human right violation, it is perhaps the most pervasive. It has no boundaries of geography, culture or wealth. As long as it is prevalent in our society, we cannot claim that we as a society are making real progress, towards equality, development and peace. It is of utmost importance, that we as a society learn to stop all forms of violence against women, which not only includes the physical, mental violence but also the violence that takes place on the internet.

¹ 2nd year students pursuing BA. LL.B, from School of Law, HILSR, Jamia Hamdard , New Delhi

Over the years, there have been many innovations and technological advancement. Where more than 50% people are using smartphones, computers, the internet and other devices to use various social networking sites, there are crimes that are bound to happen. At one end these things help to improve our economy, education system, governance, etc and are important for the growth of our country, whereas on the other end there is a drastic increase in cyber-crime.

Cyber crime is not a local issue, but a global phenomenon. It can take place anywhere against anyone and in various kinds of forms.

Women and children have been the victims of various cyber-crimes from a very long period. Especially young girls get in this trap because they are newly introduced to the virtual world or the internet world and don't know much about this. At the same time in the present society women are viewed as and are treated as an object, inferior to men and these things have created a huge gender bias in society and that is why men think that they can do anything and will not be punished, in other words, they believe that they can get away with anything and everything they do.

III. What is cyber crime?

Cyber-crime is a collective term, including both cyber contraventions and cyber offences. "It can be defined as an illegal or unlawful activity where a computer and other communication device is used to commit a crime." So basically, it is nothing but an illegal act where knowledge of a computer is necessary. In the concept of cyber-crime mens-rea comprises two elements. Firstly, there must be "intent to secure access to any program held in any computer, or in any computer system or network." Secondly, "the access he intends to secure must be unauthorized at the time he commits actus reus. "

IV. Cyber Crimes against Women

As we have already discussed what exactly a cyber crime is, let us see the cyber crimes that take place against women. There are various kinds of cyber crimes that women are victims of, and with the growing use of technology, such crimes are bound to grow in number if adequate steps are not taken at the earliest. Let us go through some kinds of cyber crimes against women in detail:-

1. **Cyber Stalking:-** This is one of the most widespread types of cybercrime. It can be understood as following the online activities of a person, with knowledge that it can be scary for the victim. It may include following or tracking the online activity and gathering all sorts of information about the individual on various online social networks, websites, chat rooms, and email. Cyber stalking is completely online and does not generally include physical meets. Most of the time, such stalking is done against women and children as they are seen as a soft target by men, who do so, generally in an anonymous manner or by even making fake IDs on social networks. This has become rampant in today's society.

The first case of cyber stalking can be traced back to 2001, it is famously called as the “Ritu Kohli Case”², in the case, the victim was stalked by the perpetrator and all her personal information including her phone number and home address were shared by the perpetrator due to which the victim started getting calls and letters. The accused was arrested u/s 509 IPC³, however, he got bail. This is a classic case which shows that our system still has a long way to go.

2. Cyber Harassment or E-harassment:- It is an action wherein the perpetrator may send repetitive messages or pictures to the victim or even try to approach the victim by electronic means like emails, video calls or social media. Many times there have been instances wherein women receive obscene images or messages without their consent. This is a typical form of cyber harassment that takes place in the cyber world. It must be noted, it is not necessary that only sexual images or messages come under the ambit of cyber harassment, but any sort of repetitive actions that may be against the consent of the individual may be called cyber harassment or E-harassment. It is punishable only to a certain extent u/s 67A and 67B⁴ of IT Act.
3. Cyber-Morphing:- This includes placing the face of a person on some other person’s picture which might be an obscene one. This is taking place on a large scale now a days’ all around the world, including India. The latest practical example being that of the “Bois Locker Room”.⁵ In this case, there were morphed pictures of women, even minors that were shared by the accused. This is one of the instances that should act as an eye opener for our society, and clearly shows that the need of the hour is stricter laws and the better implementation of the same.
4. Cyber Pornography:- In simple terms, this refers to publishing of obscene material in the cyber space. An example of this is the revenge-porn that is rampant in the society. It simple means that after there is a breakup between the couple, the intimate photos or videos are uploaded online. “The DPS MMS case”⁶ was a classic example of this. It is punishable to

² Dr. Sapna Sukrut Deo, CYBERSTALKING AND ONLINE HARASSMENT: A NEW CHALLENGE FOR LAW ENFORCEMENT, Manupatra, <http://docs.manupatra.in/newslines/articles/Upload/FDF5EB3E-2BB1-44BB-8F1D-9CA06D965AA9.pdf>

³ The Indian Penal Code, 1860 §509

⁴ The Information Technology Act, 2000, § 67A, 67B

⁵ Sidharth Ravi, Bois Locker Room, a reflection of an existing mindset, The Hindu, (May 22, 2020 3:01 PM) <https://www.thehindu.com/news/cities/Delhi/bois-locker-room-a-reflection-of-an-existing-mindset/article31638044.ece>

⁶ Avnish Bajaj v. State, (2005) 3 CompLJ 364 Del

a certain extent under the IT Act, u/s 67. Other than the IT Act, it is also punishable u/s 290, 292, 292A, 293,294,509⁷ of IPC.

5. **Cyber Defamation:-** This is one the most common cyber-crimes. It can be understood as a simple publication of information about a person on any online platform. Many times women are victims of this. Often the perpetrators share certain fake and personal information of the victim on an online platform. This might and can include libel and slander both.

The cyber crimes that have been discussed above are some crimes that are growing at a very rapid pace in our society. With the passage of time, there is every possibility that there are new types of crimes that are born out of the minds of the cyber criminals.

V. Reasons for Cyber Crimes against women.

Now, as we have seen the types of cyber crimes that take place against women, let us now move on to the reasons for such crimes:-

1. The IT Act, 2000 when enacted was with the purpose of protection of e-commerce and businesses. At that time, there weren't many cyber crimes taking place against women and children. However, with the passage of time, things have changed and now cyber criminals have found newer ways to commit cyber crimes. The IT Act lacks specific explicit provisions for such crimes that expressly provide for such crimes and punish these. Although there are certain provisions of IPC that take into account the cyber crimes, such as sections 354, 354 A, 354 B, 354 C, 354 D, 509⁸ etc., their scope with respect to the cyber world is very restricted.
2. More than the legal framework, sociological mindset is what causes more and more crimes against women including cyber crimes. The most important one being, the mindset of the society wherein the woman is always to be blamed whenever she has been a victim. This is one of the reasons many women don't speak up and as a result they stay as unreported cases. This is one of the reasons due to which the perpetrators become stronger and commit even more severe crimes in future.
3. There is a certain lack of awareness amongst the victims with regard to the remedies that are in place for them.

⁷ The Indian Penal Code, 1860, § 290,292,292A,293,294,509

⁸ The Indian Penal Code § 354,354A,354B,354C,354D,509

VI. Cyber Crimes against women in times of Covid-19

With Covid-19 spreading all around the globe, almost the whole world has had to go under lock down. With the lockdown in place, people have started spending more and more time on the cyber world as compared to the real world. This has resulted in more and more cyber crimes against women. It has been observed by experts that during lockdown, due to the widespread anger and anxiety, men have started to morph images of women and have started to blackmail them, which is now being called as “sextortion”.

Now, let us look at a few numbers. The NCW (National Commission for Women) recently released statistics, stating that there were a total of 112 complaints of cyber crimes⁹. Now, we must introspect and see if these are the correct and accurate numbers. The answer is a clear no! Even according to leading experts in this field, this is just a small number of cases that have been reported. Moreover, many women haven't been able to come forward and complain because they have been locked-down with their relatives and worried about societal pressure.

VII. Remedies

With the increase in cyber crimes in the times of Covid-19, it is extremely important for us to see what remedies are in place for the victims:-

1. The need of the hour is stricter laws for Internet Service Providers. The government should put in place stricter laws against ISPs in order to prevent cyber crimes. The ISPs usually have all the data of the individual using their network. Any activity that points towards a potential cyber crime must be reported to appropriate authority
2. There must be a separate and specific legislation or there must be express provisions in the existing laws in order to govern cyber cafes, as they provide easy access to cyber criminals.
3. Government of India has launched a online portal¹⁰ specifically for complaints with respect to cyber offences and crimes. The portal is called as <https://www.cybercrime.gov.in/>. More importantly, there is a provision for anonymous complaints which makes it comforting for women who usually would not have come forward due to the pressure in the society.

⁹ Press Trust of India, "Significant" Increase In Cyber Crimes Against Women During Lockdown: Experts, NDTV, (May 03, 2020 03:46 AM), <https://www.ndtv.com/india-news/significant-increase-in-cyber-crimes-against-women-during-lockdown-experts-2222352>

¹⁰ <https://www.cybercrime.gov.in/>

4. There are certain NGOs that are easy to approach in case a woman has been suffering from cyber crime, or any crime for that matter.

VIII. Conclusion

All in all, cyber crimes are on the rise not only in India, but all around the world, and the circumstances arising out of Covid-19 are only making things worse. It is saddening to see how the internet was put in place to make lives easy, but instead we have seen that certain people are misusing it, to commit heinous crimes. The need of the hour is constant evaluation of cyber laws, women should be made aware of the laws, so that they don't fall prey to such crimes and in case they do, they do not face issues while seeking remedies. It is high time, that we as a society introspect and learn to respect women. Moreover, it is not the responsibility of one person to make the cyber world a safer place, instead it is the duty of each and every individual who uses the internet. It has been rightly said, "Digital cannot be divorced from cyber security. Digital world without security is like a pyramid without a foundation which can collapse like a house of cards." To conclude, one should wonder, what is more worrying, the number of increasing Covid-19 cases or the increasing number of cyber crimes especially against women! The more terrifying part is that both of these don't have a cure yet.



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