



CRIME AGAINST WOMEN IN CYBER WORLD (CYBER OBSCENITY AND VICTIMIZATION)

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ABSTRACT- In the ancient time, the women position in the society was far superior to the men. The word 'SHAKTI' was used for them. They considered as the Avatar of goddess. But if I talk about today's time the position of women is not good. They are treated as inferior to men. The crime rate against women is increasing. In the era of technology, women becoming victim of cyber crime. Technology is a blessing. If it is used in a good way. But by many people it is used for accomplishing negative purpose. It is targeted against women. The cyber world is a world in itself. It has a virtual reality. In which the person fake his identity.

The gift of internet is used by accused to commit crime. Most of the population are habitual of using internet, computer the social media sites such as Facebook, dating sites, twitter, Instagram, Skype, etc. Crime is an act which is forbidden by law, it is a legal wrong which results into punishment. It affects the society directly or indirectly. Crime which is done against women includes cyber obscenity, cyber victimization, cyber defamation, cyber morphing, cyber stalking, cyber bullying, cyber trolling, cyber phishing, cyber eve teasing, hacking. There are various laws which deal with it. Right to Privacy is coming under the expanded scope of Article 21 of the Indian Constitution. I will be taking assistance of various judicial decisions to reach the conclusion.

Keywords- Ancient times, Technology, Cyber Obscenity, cyber victimization, cyber bullying, cyber Phishing, cyber eve teasing, privacy, judicial decision.

I. INTRODUCTION-

The crime rate against women is increasing. In the era of technology, women becoming victim of cyber crime. Crime against women is not the new concept, it is as old as human civilisation. The crime is same but the platform of committing crime has changed. That's why it is called as cyber crime, because for committing this crime the use of digital technology is required and platform used by criminal minded person like FACEBOOK, TWITTER, SKYPE, INSTAGRAM, DATING SITES, etc.

Thousands of cases filed in day to day life by the victim of cyber crime and in most of the cases the victim is women. Which clearly indicate that women are not safe in this world as well as in the cyber world also. There are various laws which deal with cyber crime but, these laws are not sufficient and fully capable to deal with it. There is the need of efficient and strict laws.

United Nations has foreseen this problem way back in 2000 and gave warning signals that "In some countries, problems have arisen from the use of new information and communication technologies for trafficking in women and children and purposes of all forms of economic and sexual exploitation".¹

¹ United Nations. The Beijing+5 Outcome Document. New York, 2000.

II. CONCEPT OF CYBER CRIME

The term “cyber crime” is frequently used in the 21st-century knowledge society and is created by a combination of two words cyber and crime. The term Cyber denotes cyberspace I. E. Virtual space and it means the informational space modelled through a computer, in which various objects or symbol images of information exist. Therefore it is the place where the computer programs work and data are processed.

However, the term crime refers to a social and economic phenomenon and is as old as human society. Crime is a legal concept and has punishment under the law.²

We can say that crime is a legal wrong which is forbidden by law and which may results into punishments.

Thus a simple definition of cyber crime is an unlawful act where the computer is either a tool or target or both.³

III. HISTORICAL BACKGROUND

In the ancient time, the women position in the society was far superior to the men. The word ‘SHAKTI’ was used for them. They considered as the Avatar of goddess. But if I talk about today’s time the position of women is not good. They are treated as inferior to men. The crime is same but the platform of committing crime has changed. The era of technology had started from 1953. At present, THE INFORMATION AND TECHNOLOGY ACT, 2000 deals with all the cybercrimes matter, before this Act the punishment for cyber crime is given under the IPC, 1860. I.P.C, 1860 was not fully capable to deal with matter of the cybercrimes and provide punishment regarding this crime. IT, Act was came in 2000 and provision regarding punishment was made in 2008 under the Act. This Act is not sufficient and capable for providing punishment to offender.

The POCSO, Act, 2012 deals with the protection of children from sexual offences. The girl child victim can now lodge complaint under the Act.

IV. SOME MAJOR CYBER CRIME AGAINST WOMEN IN INDIA

Major crime are as under:-

- 1) **CYBER OBSCENITY**- It is a form of child sexual exploitation and can include any visual representation, such as a photograph, film, video, picture, or computer-generated image. Legally cyber obscenity is termed as PORNOGRAPHY.
- 2) **CYBER DEFAMATION**- The act of spreading false or harmful statements about a person or an organization on the internet. So that, accused can defame person and destroy the name, fame of a person or an organization.
- 3) **CYBER MORPHING**- In India, morphing is defined as the illegal variation of an original photograph using a false identity or by an unofficial user. It is defined in Section 66 of the Information Technology Act, 2000.
- 4) **CYBER STALKING**- Cyberstalking is a crime that involves using technology to tease or stalk someone online. e.g. email, threatening messages, Etc.
- 5) **CYBER BULLYING** – Cyberbullying is when someone, typically a teenager, bullies or harasses others on the internet and other digital spaces, particularly on social media sites.
- 6) **CYBER PHISHING** - Phishing is done to send malware to the software of the person and steal all the information of the person, phishing mostly done through the email.

V. LEGAL PROVISION

So, the various Act which deals with the crime against women are

² Prof. (Dr.) Jyoti Rattan, Cyber laws and Information technology, pp.244, (9th edition 2022)

³ Ibid.

1.The Constitution of India, 1950 –

Article-19&21 of the Constitution provides protection to women under cyber crime.

- **Article-19(1) (a)** - This Article provides fundamental rights to speech and expression.
- **Article-21-** Right to privacy is coming under the extended scope of Article 21 of the Indian Constitution. This Article gives right to women to live in cyber world with human dignity.

2 . Indian Penal code, 1860

Initially the IPC do not provide any provision which specifically address cyber crime against women. But, In 2013 a terrifying gang rape incident took place in New Delhi. Because of which the Criminal Amendment Act of 2013 was passed and introduced Section 354A to 354D.

- **Section 354A-** According to this section a male who enter into following acts:-

1. Demanding or pleading for Sexual favours;
2. Showing pornography against a women's will; or
3. Making sexual remarks.

Maybe punishable with rigorous imprisonment for up to 3 years, a fine or both.

- **Section-354C – VOYEURISM** is defined under this section. It is the act of capturing a photograph of a women engaging in a private act and publishing it without her consent.

Private act refers to an act where the women would usually expect not to be noticed, either by the offender or by any other person.

The offender can face a fine and imprisonment up to 3 years for first conviction and for subsequent conviction up to 7 years.

- **Section-354D-** This section deals with the stalking which include cyber stalking. A person who monitors all the activity of the women's on the mail, internet, or other electric platform may face punishment with 3 years of imprisonment, a fine or both for first conviction and for subsequent conviction up to 5years.

3. The Information technology Act, 2000 (IT, Act) – The cyber crime is increased because of this reason, the Act of 2000 was amended in 2006 and subsequently in 2008 provision regarding punishment was made in 2008 under the Act.

- **Section 66-** If any person, dishonestly or fraudulently, does any act referred to in section 43, he shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to five lakh rupees or with both.⁴
- **Section 66A.** Punishment for sending offensive messages through communication service, etc.–

Any person who sends, by means of a computer resource or a communication device,–

(a) any information that is grossly offensive or has menacing character; or

(b) any information which he knows to be false, but for the purpose of causing annoyance, inconvenience, danger, obstruction, insult, injury, criminal intimidation, enmity, hatred or ill will, persistently by making use of such computer resource or a communication device;

(c) any electronic mail or electronic mail message for the purpose of causing annoyance or inconvenience or to deceive or to mislead the addressee or recipient about the origin of such messages, shall be punishable with imprisonment for a term which may extend to three years and with fine.⁵

⁴ The Information Technology Act, 2000, Sec.66

- **Section -66C** – This section deals with the identity theft which is the punishable offence. Person committing identity theft and using password or electronic signature of another person is punishable under this section.

- **Section-66E**- this section deals with the violation of privacy if any person publish or transmit private picture of any person without that persons consent is punishable by up to 3 years of imprisonment or a fine or 2 lakh rupees or more.

- **Section 67**- this section restricts publishing, Transmitting and causing of transmission of obscene content.

- **Section 67A**- Punishment for publishing or transmitting of material containing sexually explicit act, etc., in Electronic form.

- **Section 67B**- Punishment for publishing or transmitting of material depicting children in sexually explicit act, Etc., in electronic form.

- **Section 67C**- This section deals with data theft.

4. The Indecent Representation of women (prohibition) Act, 1986-

The Act prohibits Indecent Representation of women and through advertisement, publication and other means.

5. The copy Right Act, 1957-

Section- 63B provide protection to women from data theft. This section clearly makes it clear that if any person who knowingly makes use of computer and infringe copy of a computer program shall be punishable.

VI. JUDICIAL PRONOUNCEMENT

1.State of Tamil Nadu vs. Suhas Katti⁶

It is a landmark case in the history of cyber crime management in India which is considered to be the first case where the accused was convicted u/s 67 of the IT Act, 2000 in India .

This case is considered to be very important because here accused was successfully convicted within roughly 7months from the filling of the FIR.

2. One case was reported from **Kottayam** in Kerala where a girl went to meet with a person She had become friends on Facebook. However, when she met him, she was abducted. The girl Was however traced and later she told the Police that when she met with the boy he had Forcibly taken her to a hotel and assaulted her.

3. In 2002, State of Tamil Nadu vs. Dr. L. Prakash

This case is the first in India to punish in relation to offence Of transmitting, publishing obscene material in electrical form under section 67 of Information Technology Act 2000.

4. Ritu Kohli case⁷: -

Ritu Kohli case was India's first case of cyber stalking, in this case Mrs. Ritu Kohli complained to police against a person, who was using her identity to Chat over the Internet at the website <http://www.micro.com/>, mostly in Delhi channel For four consecutive days. Mrs. Kohli further complained that the person was chatting On the Net, using her name and giving her address and was talking obscene language. The same person was also deliberately giving her phone number to other chatters Encouraging them to call Ritu Kohli at add hours. Consequently, Mrs. Kohli received Almost 40 calls in three days mostly on add hours. The said call created a havoc in Personal life of the complainant consequently IP addresses was traced and police Investigated the entire matter and ultimately arrested the offender. A case was registered Under the section 509, of IPC and thereafter he was released on bail. This is first time When a case of cyber stalking was reported.

⁵ The Information Technology Act, 2000, sec 66A

⁶ C NO.4680 OF 2004

⁷ The Hindustan Times, New Delhi dated 23 December, 2003

5. Hyderabad Revenge porn case⁸

Rupesh Banda was in relationship with a woman. After the woman initiated the end of the relationship, Rupesh started blackmailing her with videos he had secretly taken of her. He then circulated these videos. The woman registered a complaint and Banda was charged under 354C IPC and section 66E of the IT Act.

VII. SUGGESTIONS FOR PREVENTION OF CYBER CRIMES AGAINST WOMEN.

- Always use strong password so that these can't be easily decoded. It is always recommended to keep changing the password at regular intervals.
- Don't always share more than Required, keep it private.
- Don't meet online friends etc. alone: Always let your parents, friends and family know who you are meeting and where.
- Don't tell everything: Always be careful about posting details about your activities etc.
- Simply block people you don't want to interact with
- Reporting a cyber crime: This is very important that every woman must report any such cyber crime without any hesitation.
- Avoid sending any photographs to unknown person as these may be misused.

VIII. CONCLUSION

The cyber crime against women is increasing. The new crime like trolling and gender bullying are on its peak. There is the need of the efficient and strict laws by amending the I.T Act, 2000. The most important is to provide proper training to officer regarding it. The women must have proper knowledge of digital technology. Our country should coordinate with other countries regarding the knowledge of cyber crime. The respect against the women need to be increased.

All this can only be possible if young ones are taught from a young age to respect women. Hence, to counter cybercrime against women in India, not only stricter penal reforms are needed but also a change in education system is a huge requirement. Such change cannot come from within a one block of society but people, government and NGOs etc. need to work together to bring forth such changes. Women themselves must be trained to take precautionary measures.

Women internet users in India required an increased awareness of enhancing privacy settings in social networking sites as a precautionary measure. Thus, there is an urgent need of bringing awareness and consciousness among women to be careful while using internet facilities and also a proper guidance if somehow, they face cybercrime then they can raise their voice against it without any hesitation. There is also an alarming requirement for knowledge and technical enhancement for prevention of cyber crime against women in India.

⁸ <https://www.ndtv.com/hyderabad-news/revenge-porn-case-in-hyderabad-video-mailed-to-womans-in-laws-1427434>