



A CONCEPTUAL STUDY ON REVENGE PORNOGRAPHY AND ITS LEGAL IMPLICATIONS

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Abstract : The proliferation of digital communication technologies has reshaped social interaction with telecommunication through texting, videocall, chats and dissemination of data, while that simultaneously increasing exposure to risks such as revenge pornography that is non-consensual distribution of intimate content in the phase of a new form of cybercrime in the very intimate space of an individual. The revenge pornography is the new weapon in hands of perpetrator who has individuals private-intimate image or video of the individual, in major circumstances it is between the intimate partner who has the high chance of obtaining the same. The internet becomes a battleground for their emotional turmoil on the domestic relationship into the form of Interpersonal cybercrime-an intimate partner violence by the way of disseminating the intimate images or any sexually explicit image or video of their partner to show his anger or otherwise to take revenge, coerce, extort or threaten the other partner have them in control. This global cybercrime menace is unwarranted in India as the crime is identified in the fragmented viewpoints of cyber harassment, cyber stalking, privacy violation through the multiple provisions of existing law in India through BNS, IT Act etc. The need for the study on revenge pornography is on high point to understand the various spectrum of its nature, characteristics and its existence to address in the fullest to criminalise this offence.

Keywords : Revenge Pornography, non-consensual dissemination of intimate image, cybercrime. Intimate partner, privacy violation.

1.INTRODUCTION

The rise of technology has made life easier and smarter. Technology has entered every part of our lives. It even reaches private spaces where no other person could intrude. Devices like smartphones and computers allow people to take, share, and store pictures or videos. These can be stored on physical memory or in cloud systems. Information technology and the internet have also given new tools to those who want to harm others. One major concern is the growing number of cybercrimes against women. These crimes take many new forms. One serious type is image-based sexual abuse. This often happens between people who once had intimate relationships. This type of abuse is known is commonly referred to as revenge pornography. This involves sharing sexually explicit or private images online without the person's consent. The goal is often to hurt, shame, or take revenge on the person in the image. Victims those intimate or sexually explicit image or video willingly with a trusted partner in most of the circumstances. After a breakup, these same images are used against them by the person to whom those pictures were shared. Whereas the victim is been often blamed for sharing those at the first instance. Some perpetrators steal the images without the victim's knowledge by the methods of hacking phones, accessing cloud storage, or exploiting saved files. In many cases, the victims are mostly women. The reason often involves failed relationships or emotional revenge. Access to the internet,

social media platforms, and dating apps makes it easier for perpetrators to obtain such images. Victims are often blamed in case of, if they shared these images willingly or if they gave away sensitive information like passwords.

The anonymity of online platforms makes it difficult to catch those responsible. Images spread quickly and others can easily reshare them. Tracking the original uploader becomes almost impossible. This form of abuse inflicts deep emotional, psychological, and reputational harm on victims. Although it can affect individuals of all ages, younger people are particularly vulnerable due to limited awareness of the risks associated with online interactions. Despite the presence of legal frameworks and ethical standards, revenge pornography continues to persist, fueled by rapid technological advancements and complex interpersonal dynamics. The study aims to throw light upon its conflict in terminology, prevalence of revenge pornography in the society, its multifaceted nature, its characteristics to address its fullest form of culpability and its consequences.

1.2 Rise and development of Revenge pornography:

The non-technical origins of revenge pornography or the non-consensual dissemination of intimate or sexually explicit images can be traced back several decades. One of the earliest documented instances occurred in the 1950s, involving actress Marilyn Monroe on the cover of Playboy magazine without her consent following a deal struck by publisher Hugh Hefner. The incident caused a major scandal, threatening Monroe's rising career. Lacking legal recourse, Monroe publicly explained her reasons for posing and sought forgiveness from the public. According to Rolling Stone, her biographer noted that Monroe felt "*embarrassed, even ashamed,*" and the emotional toll from this and other pressures contributed to her anxiety, depression, and ultimately her suspected suicide due to a barbiturate overdose. A few decades later, in the 1980s, the magazine *HUSTLER* began publishing sexually explicit photographs of real women often without their knowledge or consent. These images were frequently submitted by former partners of the women depicted. This practice represents another early form of image-based sexual abuse, where private images were publicly shared or published without the subject's consent. These cases serve as early evidence of how the non-consensual sharing of intimate images predates the digital age and highlights the persistent violation of women's autonomy over their own bodies and representations. In the time of Technology intrusion, the first encounter on the concept of Revenge pornography is established through a site named as *IsAnyoneUp*, launched in 2010 and remained live and been viewed more than 14,000 times and remained active for approximately 16 months, as site patrons also anonymously submitted their own (semi-)nude photos. The founder of the site has subsequently reported that he was receiving some 35,000 submissions every week, with an even split between images that had been "self-submitted from those seeking quick Internet fame" and another instance the unauthorised and unwelcome sharing of images are also been posted in the site. Which has also caused suicidal by exposure on his site would only boost its visibility and advertising income. By 2000, when the Italian researcher Sergio Messina noticed that a trend among individuals sharing "*self-produced erotica*" in the form of photos and videos in global discussion groups, this is a new genre of pornography where, the explicit pictures of ex-girlfriends were being shared in Usenet groups named as "*realcore pornography*" Researcher Messina

deemed the trend "*realcore pornography*" to be distinguished from "*hardcore pornography*," which often involves explicit sexual acts conducted by paid actors rather than individuals' real, unpaid sexual exploits. By the year of 2008, the website -The porn-video aggregator *XTube.com* reports receiving two to three weekly complaints regarding "revenge porn," involving photos and videos of unaware ex-partners posted out of spite. Websites and blogs devoted to this genre have emerged, often combining genuine user-submitted revenge porn with staged content, such as those found on *realexgirlfriends.com* and *iknowthatgirl.com*. slowly the website as well the perpetrator used those picture or videos to threat and blackmail the victims and victims are offered to be charged up to \$350 to have their images removed. The caption "revenge porn" is used in most of the explicit images posted online by former lovers in attempts to shame their former partners after a breakup.

1.3 A conflict in terminology of -Revenge pornography:

In the early 2000s, the term "revenge porn" emerged, referring to the deliberate and harmful sharing of intimate images often as an act of retaliation or humiliation by ex-partners or former romantic interests. Recently, the new terminology has emerged including that of "image-based abuse" and "non-consensual pornography", "non-consensual intimate image sharing", and "image-based sexual abuse", signalling a broader understanding of the problem, and in fact that it extends beyond revenge by ex-intimates to include and also furtively produced images and video recordings by "upskirting", "downblousing" and "creepshots" and material that has been hacked or otherwise stolen before being shared online via social networking platforms, blogs and dedicated websites. The Revenge porn can originate in a few ways: (a) non-consensual photography or video recording (such as through the use of a hidden camera), (b) consensual photography or video recording that is later stolen (such as by hacking into an individual's computer or online account where explicit images are stored), and (c) consensual photography or video recording that is intentionally transmitted to an individual.

1.4 The Unwarranted existence of revenge pornography:

The revenge pornography is prevailing through out the world countries, the poll conducted by Amnesty International 2017 has revealed that approximately the statistic that, every one-fourth of the 4,000 woman surveyed in the United States, United Kingdom, Denmark, Sweden, Spain, Italy, and Poland experienced some form of online abuse (e.g., cyber harassment) at least once. What is more, 41% of these women who experienced online abuse feared for their personal safety because of this abuse and harassment. Cyber Civil rights initiative's End Revenge porn campaign report states 83% of revenge porn victims said they had taken nude photos/videos of themselves and shared it with someone else and 90% of revenge porn victims were women, Statista (2022) 81% of women are victims of online intimate image abuse in united kingdom. WHO (2021) indicate that globally about 1 in 3 (30%) of women worldwide have been subjected to either physical and/or sexual intimate partner violence or non-partner sexual violence in their lifetime., UNICEF(2022) states

Globally, around 1 in 5 adolescent girls have experienced recent intimate partner violence. The Revenge Porn Helpline, (UK) the Government-funded service for adults experiencing intimate image abuse, reported in 2020 an 87% increase in cases from 2019.

2.The unique Characteristics of Revenge pornography:

The characteristics of revenge pornography is different from the other traditional cyber pornography; the perpetrator misuses the source the picture or a motion video in his hands to bring the victim in emotional distress and harm to her. Revenge porn includes images or movies taken of the victim as well as images or movies taken by the victim, (commonly referred to as a “selfie”), uploaded without their consent. The distribution of sexually explicit photos or videos through be made through social media platform commonly now, text messages(sexting) Sexting is an act of creating and spreading sexual photographs using technology, has received more attention recently in being a part due to an increase in the number of young people engaged who are engaged in this behaviour. The consensual sexting has the potential to cause harmful practice and a threshold for exposure to riskier types of victimization.

- (a) A private sexual or intimate image (breach of trust)
 - (i) Images which are sexual in nature (this includes anything from nudity to images of the subject in their underwear and images of subjects involved in sexual behaviour). (Obscene, Nude, Semi-Nude Image-intimate parts are exposed
 - (ii) Intimate Image-Images perceived by the subject (and the community to which they belong) to be sexual in nature.
 - (iii) Image which are non sexual be altered by deepfake or morphed image or video by any application or AI tool.
- (b) Brech of privacy (reasonable person would know or understand that it was to remain private.)
- (c) Doxxing -the personal information of the person is tagged along with the image or video shared or disseminated and more particularly the person is identifiable by such image or video.
- (d) Non-consensual sharing of the image or video -sharing or resharing of the image or video by the perpetrator with the clear knowledge that, the person in the image or video has not consented
- (e) The dissemination is intentional. (Mens rea) or recklessness of the perpetrator.
- (f) Providing derogatory caption to appear prurient -any normal picture which is not obscene by itself can be tagged with some prurient captions to objectify their partner which eventually paves way for several unwelcoming encounters to the victim by third persons.
- (g) Threat or blackmail to distribute the image to have coercive control over partner

3. legal implications:

The global movement to criminalize revenge pornography—the non-consensual distribution of intimate or sexually explicit images—has gained significant traction, especially in light of its disproportionate impact on

women. However, Indian legislation has yet to adequately address this specific form of cybercrime. Although certain provisions exist under the Information Technology Act, 2000 and the Bharatiya Nyaya Sanhita (BNS), 2023, the fragmented and overlapping nature of these laws raises critical concerns about their effectiveness in addressing the unique characteristics of revenge pornography. This paper critically examines the limitations of existing Indian legal provisions and makes a case for a sui generis legislation tailored to the nuanced harms posed by this digital offence in co-relation with its characteristics

Information Technology Act, 2000 includes provisions such as Section 66E (violation of privacy) and Section 67 (punishment for publishing or transmitting obscene material), these provisions do not fully encapsulate the specific dynamics of revenge pornography. Section 66E addresses the capture and dissemination of images of private areas without consent, while Section 67 targets content that is lascivious or prurient in nature. However, these sections are overly reliant on interpretations of “obscurity” and fail to accommodate non-sexual but intimate disclosures, or the contextual harm caused by publication on adult platforms or social media.

Furthermore, to avoid the complications of multiple overlapping legislations, there is a compelling need for a dedicated legislation that precisely defines, criminalizes, and prescribes adequate punishment for revenge pornography, recognizing it as a violation of bodily autonomy, mental dignity, and digital privacy. Section 67A of the IT Act, which punishes the transmission of material containing sexually explicit acts, does not adequately cover intimate yet non-sexual imagery., an image of a Muslim woman without her hijab or a teacher using a toilet may not be sexually explicit but are undoubtedly intimate. Washington State law, for instance, more inclusively defines “intimate image” as one identifiable through content or metadata. Furthermore, attempts or threats to disseminate such material integral aspects of coercion are currently not criminalized under Section 67A. Section 66E of the IT Act and Section 75 of the BNS attempt to address privacy violations and sexual harassment respectively, revenge pornography often occurs without any demand for sexual Favour. The act is instead an assertion of control, vengeance, or humiliation, sometimes referred to as “virtual rape”. The most applicable provision remains Section 77 of the BNS, which addresses voyeurism. Notably, Explanation 2 recognizes that even when the victim consents to the recording, they may not consent to dissemination a key legal recognition of the nature of consent in digital sexual violence. However, these provisions are insufficient where the content involves self-generated content, such as a “selfie” shared voluntarily with a partner, later maliciously disseminated. The act of tagging such images with derogatory captions, doxxing (revealing personal details), or manipulating them through “creep-shots” exposes gaps in current law. The definition of “transmit” as “to electronically send a visual image with the intent that it be viewed by a person or persons” must be broadened to include acts of amplification, tagging, sharing, and public indexing on adult platforms.

The Bharatiya Nyaya Sanhita, 2023, under Section 2(14), defines “injury” to include harm to mind, body, reputation, or property. Revenge pornography, by its very nature, causes injury to both the reputation and

mental well-being of victims. Section 75 of the BNS, which criminalizes defamation via words, signs, or visible representations, may be invoked where the intent is to humiliate or damage one's reputation. However, such provisions inadequately capture the psychological trauma and non-verbal emotional violence embedded in revenge porn cases and not all intimate images qualify as obscene; the context such as their appearance on pornographic websites determines their prurient nature. Section 294 of the IPC (now incorporated in BNS) aims to penalize the sale or circulation of obscene materials. Similarly, Section 67 of the IT Act penalizes the publication or transmission of obscene content. However, the critical issue remains: What constitutes "obscene"? Obscenity is a culturally relative and legally ambiguous term, influenced by western liberalism and judicial precedent. Tests such as the Hicklin test, the Miller test, and the Ajay Goswami case have tried to establish thresholds, yet inconsistencies persist. Not all content disseminated through revenge pornography is "obscene" by these standards some may simply depict nudity, or even be fully clothed but presented in a derogatory, sexualized manner.

Conclusion:

Revenge pornography is a serious form of digital form of violence keeping under the preview of misleading terminology and disguised into the nature of another form of cybercrime will reduce the fullest culpability of the crime and that paves way for the perpetrator to behave in as they have not committed any crime and victim will be left without justice in appropriate , culling out the true nature and its characteristics will address the gap in the field of revenge pornography to criminalise and educate the people through digital awareness and the long run threat of revenge pornography in the digital realm.

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