

USE OF CYBER WORLD TO COMMIT CRIMES AGAINST WOMEN

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ABSTRACT:

The term 'cybercrime' has not been defined under any law in India. The term 'cyber' relates to computers, the Internet or technology, thus implying that cybercrimes refer to crimes committed in virtual reality with the use of the Internet. Cyber crimes against women are gender-specific crimes that are increasing day by day, becoming rampant in the cyber world. Cybercriminals use technology to obtain personal information and exploit women. Cyber crimes against women include sending obscene emails or WhatsApp messages, cyber stalking, developing pornographic content, copying emails, morphing images, etc. Cybercriminals use fake social media IDs to threaten and blackmail their target victims. Offenders blackmail victims with malicious intent for illegal gain, revenge, humiliation of women, extortion, sexual exploitation, defamation and other purposes. For instance, one can easily morph a woman's face into a pornographic video. Cyberstalking refers to stalking someone online and harassing them through the Internet. The abuser stalks the woman online, gathering information to make threats in various forms, causing the victim mental anguish and pain.

KEYWORDS: Cyberstalking, cybercrime, Cybercriminal

INTRODUCTION:

Indian laws governing cyber crimes against women

Indian laws have several provisions that govern cyber crimes, with significant overlap between them. Cybercrime is growing rapidly, and reporting of such crimes is still in its infancy. Provisions in IPC and IT Act should not overlap but instead work together in harmony.

OBJECTIVES:

1. To Study Existing loopholes in the law regarding Cyber crime
2. To Study breach of privacy.
3. To study crime against women.

Following are three laws that specifically address cyber crimes against women.

Indian Penal Code, 1860 (IPC)

Initially, the IPC did not have provisions specifically addressing cybercrime against women. However, in 2013, a horrific gang-rape incident took place in New Delhi, which sparked outrage across the country. In response to this outcry, the Criminal Amendment Act of 2013 was passed, amending the Indian Penal Code and inserting sections 354A to 354D.

Section 354A focuses on sexual harassment and punishment for such offences. It penalizes a man for committing the following acts:

- Demanding sexual favors from women
- Showing pornography against a woman's will
- Making sexually colored comments

For the first two cases, the offender may face rigorous imprisonment up to three years, fine or both. Making sexually colored remarks can be punishable by up to one year in jail, a fine, or both. Unfortunately, all offenses under Section 354A are bailable.

Section 354C defines the offense of voyeurism, which includes capturing or transmitting images of a woman engaged in a private act without her consent. Even if the woman consents to the images being captured but not broadcast, it is still considered an offence. The term "private act" refers to an act in which the woman "normally expects not to be observed by the offender or by any other person at the behest of the offender." Offenders face a fine and up to three years in prison for a first conviction and up to seven years for subsequent convictions. The offense of voyeurism is non-bailable.

Section 354D addresses the offense of stalking including cyber stalking. This section covers a person monitoring the activities of women on the Internet, email or other electronic

communication platforms. On first conviction, such persons may be punished with imprisonment for three years, with fine or with both. Subsequent convictions face up to five years in prison.

Information Technology Act, 2000 (IT Act)

With the increase in cyber crimes, the IT Act of 2000 was amended in 2006 and subsequently in 2008. The Information Technology (Amendment) Act of 2008 introduced various sections regulating cybercrime.

Section 66C makes identity theft a punishable offence. Under this section, committing identity theft and using another person's password or electronic signature is punishable with imprisonment of up to three years and a fine of up to one lakh rupees.

Section 66E deals with invasion of privacy of an individual. Publishing or transmitting private pictures to others without a person's consent is punishable with imprisonment of up to three years or a fine of two lakh rupees or more.

Section 67A prohibits the publication, transmission and transmission of obscene material. A person convicted under this section is liable to imprisonment for three years and fine on the first conviction. Subsequent convictions face up to five years in prison. Section 72 establishes confidentiality and penalties for breach of confidentiality. A person convicted of such an offense may be punished with imprisonment for a term which may extend to two years, with a fine of one lakh rupees or with both.

The Indecent Representation of Women (Prohibition) Act, 1986

Regulates and prohibits indecent representation of women through advertisements, publications and other media. Section 2 defines indecent exposure as any depiction of women that offends public morals. The Rajya Sabha proposed the Indecent Representation of Women (Prohibition) Bill in 2012. It was intended to cover audio-visual media and electronic content, including distribution of content over the Internet and depiction of women online. However, later they withdrew this bill.

Existing loopholes in the law

Following are the existing gaps in the law regarding cyber crimes against women:

There are no gender-specific offenses under the IT Act

The use of the word "whoever" in the IT Act indicates that the provisions are not gender-specific. The Act does not specify any specific offenses and punishments that are gender specific. Anyone found guilty of committing a cyber crime will receive the same punishment regardless of their gender. This suggests that the amendments to the Act were not specifically aimed at addressing the rise in cyber crimes against women. In contrast, the Indian Penal Code (IPC) introduced a gender-specific provision. However, the IT Act lacks such provisions. The provisions under the IT Act are more general. Having gender-specific provisions is important because it recognizes violence against women as a form of gender-based discrimination and addresses the unique needs of women survivors.

A narrow meaning of breach of privacy

Another loophole exists in the narrow definition of breach of privacy under the IT Act. It covers only the transmission, publication or capture of "images of private areas of the body", specifically referring to the buttocks and female breasts. By this limited definition we are limiting the woman to her physical body. This limited definition suggests that a woman's privacy is limited to her physical body only. However, a woman's privacy can be violated even without capturing candid pictures. The Act's provision on privacy is restrictive in its scope. It fails to recognize that women are more than their bodies. We should not narrowly define privacy under the Act, as it encompasses various aspects beyond physical appearance.

Difficulty proving lack of consent

In these cases the concept of consent is crucial. It can be challenging to prove that the victim did not consent to the publication of such images. Even married women have become victims of cyber crime. For example, an unknown husband can upload an intimate picture of his wife. In such circumstances, it becomes difficult to establish lack of consent. People register fewer cases under Section 66E of the Act. Hence the conviction rate under the Act is negligible.

Emphasis on public morality, not women's safety

The law does not make extensive use of the Indecent Representation of Women Act, 1986. It does not primarily focus on providing justice to the victims but on empowering the state to take action against indecent representation. The Act authorizes the State to take punitive measures if deemed necessary. Although its name suggests a focus on women, the law is primarily focused on public morality. It is worth noting that "touching a woman's body is considered

indecent." There are various ways in which women can be misrepresented. The emphasis should not be only on their body. The act fails to address the online abuse that women face. And, there has been a decline in the number of cases registered under this Act. The Act has lost importance due to its large loopholes.

Lack of access to technology

Victims of cyber crime often report cyber crimes under the IT Act. It may be easier for the police to arrest accused under this law, but they often lack awareness of the latest technologies. This makes it difficult for them to file charge sheets and trace the official source of such crimes. Courts often acquit those arrested under the Act for lack of evidence.

Lack of awareness of law

A significant gap in laws regarding cyber crimes against women is lack of awareness about such laws. Therefore, notes under these lawsThe number of Yella cases remains low. If law enforcement agencies limit themselves only to registering and investigating cases, the issue will continue. Hence we should make efforts to educate and sensitize people about the law and their rights. Even in 2023, many women are still unaware of cyber laws including the remedies available to them. Additionally, victims are often unaware of the proper procedure to file a complaint. Some people are embarrassed to report incidents so ongoing harassment continues.

Mental health provisions have not been addressed

Being a victim of cybercrime can seriously affect a person's mental and physical health. While existing laws focus on physical harm, they do not adequately address psychological harm. Laws mainly concern the physical protection of women's safety. But, they should also cover the psychological damage suffered by the victim throughout the process.

CONCLUSION:

Cybercrime is growing rapidly, and reporting of such crimes is still in its infancy. Provisions in IPC and IT Act should not overlap but instead work together in harmony. Therefore, the police, judiciary and investigating officers must keep pace with technological advancements to identify criminals effectively. It is also crucial that new technologies do not become tools for the exploitation of women. Unfortunately, many women are unaware of the proper procedures for reporting cyber crimes. Thus, to create a safer virtual world, we need to educate people

about their rights. We should empower them to report abusers immediately. Furthermore, conducting sensitization programs is the way forward to effectively combat cybercrimes.

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