

RISE OF CYBER CRIME AGAINST WOMEN

By Arushi Anand

Student, 5th Year, BBA LL.B Vivekananda Institute of Professional Studies

ABSTRACT

The paper talks about the increase in cybercrime against women. Cybercrime has become a lot of problems because of no regulation mechanism in the cyberspace. It has caused problems in the form of harassment of women, bullying and treating them unfairly. Many violations of the rights of women take place through such activities. Cybercrime can take a different form and can be categorized in different ways. These are discussed in the paper. There are several underlining issues because of which such a situation arises. The major issue because of which there is a rise is the wide accessibility of wireless network and unregulated framework. The paper next discusses several legal provisions on the matter. It starts with the foremost legislation which is the Information Technology Act and examines its provisions. It seems that there are general provisions in place while not specific cyber crimes against women are addressed. Later on, it moves towards the Indian Penal Code.

Towards the end, the papers try to draw a balance by giving out certain measures and steps which are needed because of the lacuna faced in the matter of cybercrimes the women which are increasing at a high rate.

INTRODUCTION

Cyberspace has advanced to multi-fold and with it, there has been an equal increase in cybercrimes against women. This has created a parallel circumstance of women being subjected to abuse, threats, and harassment through the digital platform when the culprit hides behind the computer screen. A need for remedial change and a more regulated and secured network is a requirement to ensure the safety and security of women. Cybercrimes have led to a more secured crime against women where culprits create a series of the network which becomes hard to trace. Thereby, the creation of quick and fast-track adjudication systems, investigation mechanisms, and pre-happening of event security is a must.

CYBERCRIMES AGAINST WOMEN

One of the approaches that exist is that in cyberspace there is unregulated freedom of speech and expression at the general public level. This unregulated matter goes sometimes out of hand and causes several issues. Moreover, it takes a form of online bullying³⁰⁴ and the harshest form of trolling. The reason being that cyberspace has become a sort of online trial or court whereby as soon as the matter reaches the online space, it is scattered all around the media houses and thus, creating a separate trial all together of the persons involved. Even at the stage when the actual matter has not finished the investigation, that the online bullying and trolling becomes an inherent part of the freedom of speech and expression as the claim of the guilty party. The effect of such a thing on women and their mental health cannot be ignored. It causes mental trauma. Because of the wide accessibility of the internet, there have been consequent damages as well.

The point of bullying online reaches even to the point of harassment of women to put dirt on the character of her as well. Such a severe form of harassment can sometimes also go in the direction of the defamation of the person. The harassment³⁰⁵ of women on cyberspace paves the way for the obscene material that is published on several websites which are shot illegally and might constitute to voyeurism. There are instances of cameras and other equipment hiding and shooting women and then, publishing them on cyberspace. The harassment of women on the cyberspace

³⁰⁴ *Cyber Crimes Against Women*, Vikaspedia <<https://vikaspedia.in/social-welfare/women-and-child-development/women-development-1/legal-awareness-for-women/cyber-crimes-against-women>>

³⁰⁵ Sankhwar, S. and Chaturvedi, A., 2018. *Woman harassment in digital space in India*. International Journal of Pure and Applied Mathematics, 118(20), pp.595-607.

has become a very major cybercrime. It takes the form of cyber pornography. Once uploaded on the cyber world, anyone can download the same and then, further publish, transfer, and disseminate the material to many users. This is the high-risk issue that needs undivided attention. A large form of harassment towards women exists in the medium of morphed images where the face of the women is morphed into the body of another and to show such illicit natures of pictures or videos to harass the women on the internet. Editing such a picture without any permission is a complete violation of the privacy where the right to privacy is held as the right to life³⁰⁶. Such a picture can later be downloaded as well and further published where the source of the picture is lost completely and to catch the accused becomes a difficult issue.

The major form of cybercrime that is prevalent with almost no action is cyberstalking. With the unknown person stalking the profile of a woman and then, creating spoofing images or videos causes a major problem at hand. Stalking on the internet at times goes undetected and the source of the problem is not caught. There are even instances of gathering information about the person and keeping track of their routine life to cause mental distress. This is done to follow them beyond the digital space to cause harm to women and their lifestyles.

ISSUES

The anonymity of the person on the cyberspace is increased because of the several unidentified series of networks and IP Addresses. More than that, using someone else's connection or cyber cafes or libraries or any other form of public platforms also makes it difficult to track the person.

The higher rate of accessibility of information technology, internet, and wireless connections makes the matter all the more difficult because of the scattered culprits. The guilty parties are located in different states or countries, and thus, act as a barrier to justice when such illegal acts are committed against women. Thus, a jurisdiction might cause a problem and takes a lot more time to resolve the matter than is required. The time frame for resolving the matter takes a lot of time and thereby the issue becomes more stringent. Moreover, the major problem that arises is in the form of collecting the evidence against the accused party which becomes very difficult. Another important issue that arises is that of the private one. The privacy of an individual becomes most problematic at such a stage.

³⁰⁶ Justice K.S.Puttaswamy (Retd) V. Union Of India, 2015 SCC OnLine SC 1640

When the legislation itself acts as a barrier in the form of no recognition of different offenses against women on the internet as crimes, then the problem increases because women might not get access to justice which is most important. The victims at times are unaware and do not file cases on the matter and let the situation gets worse which becomes an issue at a later stage. Thus, several issues arise in cybercrimes against women.

LEGAL APPROACH

The foremost legislation on the matter is the Information Technology Act, 2000. This act specifically deals with cybercrimes and the laws are thus, applicable to everyone who faces any such crime and can approach the authorities. Section 67 is important as it provides for the punishment for publication of any obscene material against women on the internet. Thus, women are given rights regarding that. Further, through the amendment in 2008, new sections are introduced as Section 67A, 67B, and Section 67C. The section talks about several offenses which can be in the form of publication of the obscene material or transmitting the material.³⁰⁷ It provides for punishment as well till five years for the first conviction and till seven years for subsequent convictions. Thus, the provision for obscene material publication and transmission is punishable.

When such transmission and publication take place of the minor person, it becomes all the more pertinent issues to resolve, and thus, whoever does such an act by the use of the electronic medium is punished with up to five years at first instance and subsequently till seven years. Fine is also imposed. The provision of such a nature exists in the Information Technology Act protecting the right of the minors as well³⁰⁸. Thus, such an act with a minor girl child is punished. Another important provision³⁰⁹ is there that deals with the intermediary, which are the electronic platforms that are used like websites, social networking sites, etc., who have to maintain and preserve such data and information that can potentially be used by the authorities. It also says that if the intermediaries are involved in such an activity or are if informed or knowingly allows such a situation to persist against the women, they can also be held liable for it. Thus, these are all good provision in the favour of women in the Information Technology Act.

³⁰⁷ The Information Technology Act, 2000; Section 67A

³⁰⁸ The Information Technology Act, 2000; Section 67B

³⁰⁹ The Information Technology Act, 2000; Section 67C

Section 66 of the IT Act expressly provides for punishment for offenses which are given under Section 43 of the IT Act. These offenses are cyber-related and are thus, held punishable when they are done with dishonest or fraudulent intention which means there is the involvement of mens rea or the intention or knowledge or mental element in such situations. Thereby, cybercrimes that are done against women involve some kind of mental element as its ingredient which makes it an offense or a crime in law and requires punishment for it. Section 70 deals with the protected system and Section 72 talks about a breach of confidentiality and privacy. Thus, if a person violates the privacy of any person, he will be held liable in the court of law. The imprisonment that is provided is for about two years. Thus, it can be said that different provisions do exist in the form of protection of women against cybercrime but these provisions are general barring some of them. This means that the provisions apply to all the interested parties and not to women specifically. The offenses itself are broader and does not cover all the elements as well. Thus, specific provisions for women regarding the cybercrimes are need of the hour.

Another important provision is the Indian Penal Code, 1860 that does provide for the specific offenses for women but it does not touch upon the intricate cybercrime issue that is on the rise. It does punish voyeurism³¹⁰ whereby unauthorized taking of photos or videos of women or publishing, transmitting or disseminating them are considered as an offense. Even stalking³¹¹ is given as an important provision in the Indian Penal Code, yet the treatments for particular instances of cybercrime are missing in such situations and require amends of such nature.

MEASURES NEEDED

There is a definite need for comprehensive measures to deal with cybercrime against women. It needs different mechanisms to be established which helps the catching of the culprit at a fast and quick rate. Newer and detailed provisions that special regard to cyberspace are a definite need of the hour. Even now, there is a wide increase in crime at the time of lockdown.³¹²

The first need is when the crime happens; it should be reported quickly to the appropriate authorities so that action can be taken without any kind of unnecessary details. Since there are new

³¹⁰ The Indian Penal Code, 1860; Section 354 C

³¹¹ The Indian Penal Code, 1860; Section 354 D

³¹² Press Trust of India "*Significant*" Increase In Cyber Crimes Against Women During Lockdown: Experts; NDTV, May 3rd 2020 <<https://www.ndtv.com/india-news/significant-increase-in-cyber-crimesagainst-women-during-lockdown-experts-2222352>>

technicalities of deletion of messages introduced, whenever an illicit message is received, the copy of it should be made for the future reference and evidence in the case to implicate the accused.

Even when one sees the information technology act, it lacks in its specific provisions for the safety and security of the women. Thus, there is a definite need for such provisions that are specific regarding the increasing crime against women in the digital world. For that purpose, the judiciary needs to come with the different provisions that particularly are formulated about such offenses and crimes committed against women. When such provisions are brought, it will ensure protection to women because they will be attached with appropriate punishments for violating the provisions.

Even at the collected end of encrypted messages and encrypted profiles by women, the cybercrimes are still at a rise because of the weak enforcement system at the place. Thereby, the need is there to ensure that the proper enforcement of the procedures takes place. Most people do not report crime and when they do, it takes a lot of time to culminate it at a stage of conclusion which causes mental and physical distress to the person. Thereby, the implementation of the provisions is necessary at a fast rate because only putting the provisions in the bare act does not at all fulfill the purpose of the authorities. A proper implementation procedure needs to be at a place as well with immediate actions within the calculated time frame.

Awareness of the people is a must and reporting should also be there. Thus, collective efforts from different agencies are required to establish a proper functionality on this issue which is at a complete rise. Awareness goes a long way because many women are not even aware of such offenses³¹³ that are there when such an act is committed by the culprit. Thus, they go completely unreported and women suffer in silence. The need for awareness is felt at that stage because cyberspace has expanded so much that the need is felt to make women aware of their rights in cybercrime situations as well.

³¹³ Dr. Monika Jain, "Victimization of Women Beneath Cyberspace In Indian Upbringing", Bharati Law Review, April-June, 2017

CONCLUSION

Thus, it can be concluded that there is no denial in the fact that cybercrime against women has increased to a great extent. Thus, a correct and vigilant mechanism is surely the need of the hour which is quick to deal with such crimes. There is a need for quick reporting of the matter, the investigation of the matter as well holding the person liable for his action. Thus, a comprehensive evaluation and a new set of norms for greater safety should be established so that the safety of the women in cyberspace is maintained.

REFERENCES

Primary Sources

Acts:

- The Information Technology Act, 2000;
- The Indian Penal Code, 1860

Cases:

- Justice K.S.Puttaswamy (Retd) V. Union Of India, 2015 SCC OnLine SC 1640

Secondary Sources

Articles:

- Cyber Crimes Against Women, Vikaspedia <<https://vikaspedia.in/social-welfare/women-and-child-development/women-development-1/legal-awareness-for-women/cyber-crimes-against-women>>
- Press Trust of India "Significant" Increase In Cyber Crimes Against Women During Lockdown: Experts; NDTV, May 3rd 2020 <<https://www.ndtv.com/india-news/significant-increase-in-cyber-crimesagainst-women-during-lockdown-experts-2222352>>
- Online Journal
- Sankhwar, S. and Chaturvedi, A., 2018. Woman harassment in digital space in India. International Journal of Pure and Applied Mathematics, 118(20), pp.595-607.

- Dr. Monika Jain, “Victimization of Women Beneath Cyberspace In Indian Upbringing”, Bharati Law Review, April-June, 2017



LAWJUSTIFY
Think Lawgically
Grow Lawjustifiably