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Cyber Crimes against Women

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ABSTRACT

“HUMANKIND COMPOSES THE OFFENCE; OFFENDER COMMITS IT.”

Crime is not an act against humankind but against the very nature of the universe. Cyber Crime is a new, apparently prominent offence against the law done by (a) a Computer as a Target, & (b) Computer as a Weapon. The Research Paper plans to study the computer as a weapon used for crimes against women like Revenge Pornography, Slut Shaming, etc. Cyber Crime against women is initiated due to the failure to control own biological lust. They are initiated by transgression in the biology of humans, along with lust steered up by the web. Electronic computers in cyberspace are the foundation for stimulating crime. Been committed against both sexes, but mainly target is Women and Girls, targeting them as objects of sexuality.

The paper revolves around the question of reasons for cybercrime pertaining to complexity & negligence alongside the landmark case of Ritu Kohli along with statistics from the Association for Progressive Communication Reports, 2014. The author also discusses the legislative enactments in regard to the Indecent Representation of Women Prohibition Act, 1986, Indian Penal Code, 1860, Information Technology Act, 2000 along with disadvantages under the same act. The author also discusses the rationales as to why cybercrime goes unpunished & comparative study of different countries like India, Canada, the United States, Estonia, Spain, Mexico, and Australia. Revenge Porn has been criminalized in Alaska, California, Idaho, and New Jersey.

Then the paper materializes the demographic variables of Cyber Sex leading to the conclusion and prevention of same with the support of APC Reports and legal awareness to Women by teaching acceptable use of the internet w/o shutting down communication channels along with schemes rolled up by the Ministry of Home Affairs like Cyber Dost and Cyber Crime Prevention against Women and Children scheme.

Keywords: *women, cybercrime.*

I. INTRODUCTION

Crimes are committed by using a computer or on the computer in the simplest form of literature.

Types of cybercrime

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1. Harassment

Dates back to when the Internet started. It's identical to harassing through written messages and involves blackmailing, threatening, bullying and cheating.² Also coined as E- Harassment but creates a problem when traced through IP Addresses to fake ids. Criminal laws such as IPC and CRPC have contained sections to combat sexual harassment, like Sec 354D of Criminal Law Amendment 2013. IT Amendment 2008 has driven 67A and 67C in respect of the publishing and channelizing of material child pornography. In 2001, a student in grade 11 was booked for passing crude & disgusting comments against a classmate on Amazing.com. In the history of law, the first time a minor had been booked under Sec 509 for E- Harassment.

2. Cyber Stalking

Oxford Dictionary defines Stalking as pursuing stealthily. Cyber Stalking is trailing the victim, especially females, in order to have sexual favours in return. Pedophiles are generally adults. It starts with curious Netizens unaware of the safety precautions. It's believed that 75% of victims are females. Reasons for Cyber Stalking are Sexual Harassment, Obsession for love, Revenge and hate for love. Cyber Stalkers target and harass their victims via websites, chat rooms, discussion forums, emails, and open phishing websites. Megha Desai & K Jaishankar conducted a survey titled Cyber Stalking titled Victimization of Girl Students stating that 13% of the victims had an intimate relationship with their stalkers, i.e. 70% of harassment started through emails and online chats. In a recent NCRB analysis, Hyderabad topped the list with 70 cases, and Bangalore whooped with 45 cases having the title of Cyber Capital of the South. The stalker has no fright in Cyber Space as he can't be touched against.

3. Cyber Pornography

Known as Child Predatory and a major threat to female netizens. Majorly 75% of the websites exhibit pornographic material on Internet today. Pornographic material can be quickly copied and produced through CD and Floppy Disk. Apart from pornographic images, even pornographic videos are easily available. Moreover, child pornography has been disfavoured widely & is also criminalized in India. Swiss couple in Bombay would congregate with slum kids & make videos of them doing scandalous, vulgar scenes & updating them on the web designed for predators. Mumbai Police arrested the couple for pornography. A student of Air Force Balbharti School has always poked fun. Dog Tired of such poke fun, he used to crop and

² HelplineLaw (no date) *New labour codes and its impact, The Impact Of The New Labour Codes On You Or Your Business!* Available at: <https://www.helplineLaw.com/employment-criminal-and-labour/NLCI/new-labour-codes-and-its-impact.html> (Accessed: December 24, 2022).

cut the faces of students & teachers and paste them up on nude people up hosting on the Internet.

4. Cyber Defamation

It comes into action only when electronic computers are sparked up. It can be done by words-oral/written or by signs or visual representation. The intention of the person doing so is always Revenge. Cyber libel defines defamation that takes place in cyberspace involving false & derogatory statements made about another person through email, messages, blogs or websites or any other Internet-based devices. Prevention can be done by not posting or presenting anything otherwise. In the U.S., there are no criminal laws for defamation, but the wrongdoer can be sued in civil judicature court. There are two broad categories of cases falling under Cyber Defamation, first is in which the liability is of the primary publishers of defamatory material, and the latter is where the liability is of the Internet service provider. It's done through one-to-one mail messages, newsgroups, and mailing lists. For e.g. someone posts posters about someone having compromising details and obscene angles. Not every untrue or untamed statement is actionable.

5. Morphing

Morphing, in the short term, is an asexual/sexual cut-and-paste scheme. It's a way of editing/changing smoothly from one image to another in small gradual steps using computer animation techniques through a seamless transition. In the 1986 movie, *The Golden Child*, digital morphing effects from animal to human& back were done. After Effects, Elastic Reality, Fanta Morph, Gryphon Software, Morph Thing, and Nuke are software used for morphing & has been successful at diverting facial/recognition system.

6. Spoof Emails

A spoof email is one which presents its birthplace/start wrongly, i.e., it shows a difference from which it comes. Analysis of CyberlawTimes.com shows India has crossed the peril zone of cyber crimes against women& children. Major cities of India are Delhi, Chennai, Bombay, and Pune. People use spoof email as a kind of getting away from crime, lessor to know that no crime can be hidden.

II. ARE WOMEN A SOFT TARGET IN CYBERCRIMES?

The sphere of the Internet nowadays has become an alongside a form of life and living. Homo Sapiens are now able to initiate things which were not comprehensible a few years ago.³ The

³India, legal S. (no date) *Lawyers - our offices in India, Lawyers in India - Advocates, Law Firms, Attorney directory, Lawyer, vakil*. Available at: <https://legalserviceindia.com/legal/article-639-cyber-crime-in-india-are-woman-a-soft-target> (Accessed: December 24, 2022).

credence of mankind on electronic computers leads to the internet as an essential component of human living. The Internet has sanctioned the use of website communication, email and a lot of other online communications everywhere, being IT Solutions for the betterment of humankind. Apart from offering growth opportunities to humans, it also imparts circumstances of crime using new & highly sophisticated technologies. Today, instead of Telegrams, letters & text messages, email has emerged as a new form of communication. However, cyberspace is one of the briskly rapid modes of communication covering all possible shades of humankind. But as the proverb says,

Everything has a positive impact as well as a negative impact, and the same goes with PC & their supporting technologies too.

The instantaneous technological amelioration threatens & leaves the law, human ethics & human morality behind. The unlatched & not so regulated use of the Internet & the insignificance of geography means that cyberspace also lays the foundation for crime. The existing criminal & civil laws are lacking to deal with the upgradation in ways and media of committing a crime. Cybercrime has become an actuality in India that is difficult to detect, seldom reported & even difficult to prove. Elementary issues in complaining of cyber complaint Jurisdiction, Lack of Cyber Army comprising of Judges and Advocates and lack of visual evidence. Computer-related offences lack a conservative analysis kind & require professionals with a sound knowledge of computer technology. Paperless transactions and digital signatures have thought of a new world of advancement but have also taken the world by a blow too. The lack of visual evidence has given the biggest showdown. Traditional civil & criminal laws governed are now silent & close-mouthed & toothless to govern a world taken aback by cyber criminals and cyber crimes. The cyber patterns have disturbed legitimate & licit allowable environments, whereas the legal statutes are chasing cyber criminals who are now resorting to new modus operandi now & then. Indian Women Netizens aren't aware of the safety precautions to be taken. The biggest issue lies with elementary issues & modus operandi & intention of offenders. While humans do not reside in Cyber Space, they come and go in Cyber Space. Nature gives the offender to escape from the crime place after committing the crime. Cyber Crimes are against both men and women, but it's at a highly alarming rate rise against women. Cyber Crime starts with males calling their female netizens names such as 'sexy, seducing, attractive ' cyber obscenity virtual start. They take their female friends into trust and start discussing & start behaving as a true friend, which leads to friendship, further leading to sharing of obscene material. And if the victim shies away, it further stimulates the offender to carry forward the crime. Non-reporting by women encourages crime to further stimulate.

The Constitution of India, deemed as an active soul of legal law of India, guarantees equal rights and protection of those rights to both men and women in regards to life, property, speech, trade etc., but the same modesty of women seems not to be protected under IT ACT, 2000. Even though Chapter 11 of the IT Act concerns with below-mentioned offences, Tampering with computer source documents, Sec 65, Hacking; Sec 66, Publishing of obscene information; Sec 67, Access to protected systems; Sec 70, Breach of confidentiality & privacy; Sec 72, Publication for a fraudulent purpose, Sec 74, Hence, we see no mention of any crime against females except substantive part of Sec 67. Under Sec 292 in IPC, if you have been proven against, then only under Sec 67 can it be an offence, but IT Act doesn't mention Morphing and Email Spoofing as crimes. There are no specific statutes of IT that specifically deal with the IT Act, as in the case of IPC, CRPC does. The substantive provisions of Sec 77 of the IT Act provide that IPC will still apply to all circumstances, and any statute of the IT Act does not discharge the offender from liability under any other law.

III. WHY ARE WOMEN ALWAYS A VICTIM?

A female body invariably, without fail, is open to penetration, making it a trouble-free catch to seize upon. That's the reason when a male finds easy catches on his rope, he does take advantage and so penetrates the women physically in the form of rape and emotionally and mentally through cyber crimes because the criminals family would be overturning the victim's family to make them tranquil thus satisfying their physical and emotional needs hence leading to non registering of criminal cases. The victim's family members threatened to lead them to take their voices back or offer them hard cash. Poverty Stricken or impoverished families often please content themselves with hard cash, leading to non-reporting of matters.⁴

The question which arises is now how to alter the mindset.

- This can happen with only interchanging talks & conversations with children first.
- Minors committing E Harassment and Cyber Stalking are due to No education.
- Boys should be educated on morality and ethics. If boys see their fathers slaughtering their mothers, they also step up in the same shoes as the males think that females are made to be mocked for being filthy, uneducated, non-competitive and homemakers.
- Slighter of reported cases do no good. Hence, girls should be taught to rebel. So whether educated or non-educated, this introversion is there of not speaking out for

⁴ Gurumaa, A. (2013) 'women are soft targets', *Speakingtree.in*. Available at: <https://www.speakingtree.in/article/women-are-soft-targets> (Accessed: December 24, 2022).

terror of social reverberation. Hence, the man goes scoundrel free. Females of the soaring class remain silent on their own & other women remain mum because of fright of counter-reaction.

IV. WHY CYBER CRIME GOES UNPUNISHED?

The innumerable cyber prosecutions are stunted because digital evidence may be transpacific.

The following are basic reasons why it goes unpunished,⁵

1. Police Reluctant

Police probably take action when they see threats are bodily corporeal. Police are supplementarily agreeable with traditional laws for the physical world. For e.g., IPC Sec 354D tucks up to stalking but does not include cyberstalking, excluding a desultory introduction of a male observing a female's circulation. The IT Act needs to be rewritten to take into account cyber oppression and cyber harassment, which are too below registered cases in hostels and colleges. Sec 66 A speaks of punishment of 'offensive messages' through the internet has been declared unconstitutional and continues to be taken as a measure, although Adv Apar Gupta, standing legal counsel against Sec 66 A in court, says that police have issues registering cyber complaints because it also escalates their professional burden.

2. Vicious Trolling

On 28 June 2015 present Prime Minister of India, Mr. Narendra Modi, asked male netizens to float a 'Selfie with Daughter,' which was in return criticized by Actor Shruti Seth and Activist Kavita Krishnan where the former critic was spouted with carnal exploitation, and the latter activist was bullied and scared of getting rape.

3. Non-Reporting

National Family Health Survey NFHS is a governmental representatives analysis covering 700,000 females where a specific characteristic question was asked to a sample of 80,000 women. In the truancy of nationwide analysis, NFHS stays as the trustworthy origin of crimes against women showing only 15 cases reported.

V. RITU KOHLI'S CASE

Ritu Kohli Case was the foremost and landmark case of computerized stalking. Mrs. Kohli ran down to the police in opposition to a person who was running a fake ID in the name of Mrs.

⁵ *India* (no date) *BBC News*. BBC. Available at: <https://www.bbc.com/news/world/asia/india> (Accessed: December 24, 2022).

Kohli on the website <http://www.micro.com> giving out her title label, contact details, and details of her lodging, encouraging the world to call for services leading Mrs. Kohli receiving all calls at uncertain times of the day. Creating mental trauma, the victim proceeded to the police, who were earlier reluctant to register a case but later on persuaded by tracing down the IP Address and eventually perpetrator was booked under Sec 440 and Sec 509 IPC.

VI. COMPARISON OF COUNTRIES

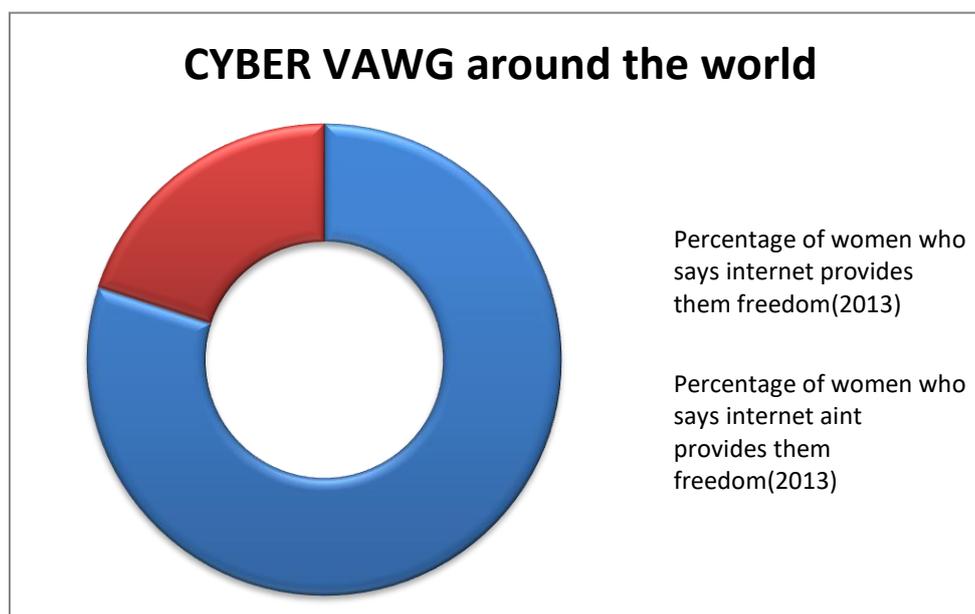
Different enactments follow up in different countries. There is one worldwide acceptable truth across all nations, tribes, and traditions that Abuse against women is never acceptable, tolerable, or bailable. 25 November 1999 is marked as United Nations International Day for the elimination of violence against women.

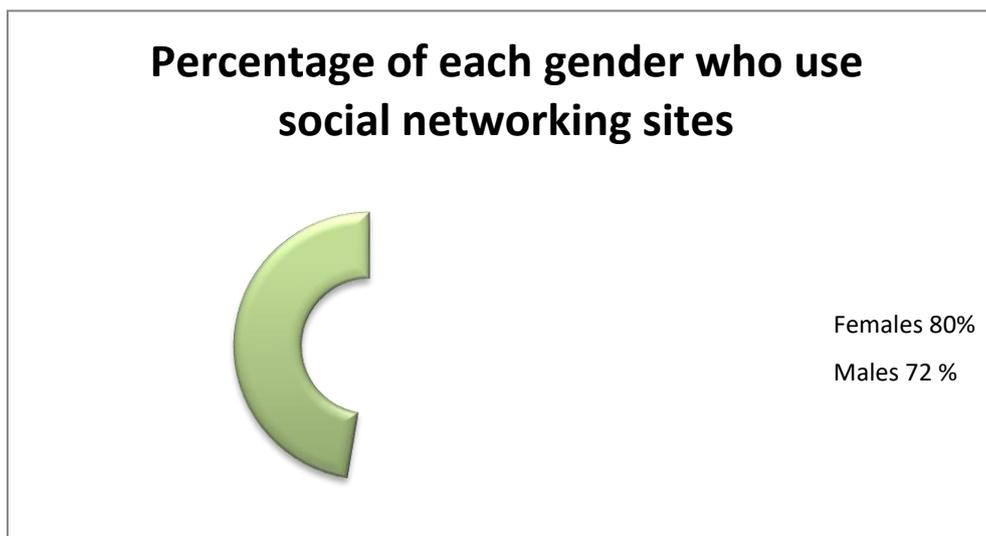
The 5 P's of Due Diligence are

1. Prevent violence against Women.
2. Protect women from violence.
3. Prosecute and investigate incidences of violence against women.
4. Punish perpetrators of violence against women.
5. Provide redress to victims/survivors of women violence.

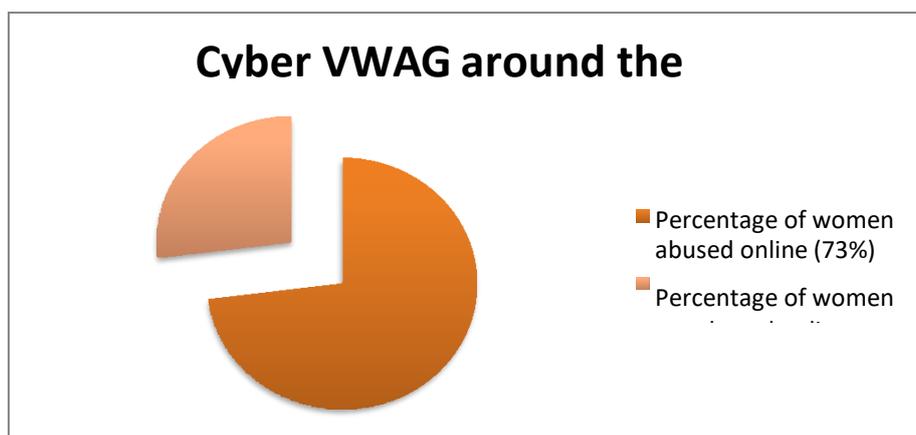
According to APC Report, 2014,

In each country, we witness various forms of cyber violence, and that is evident that the real threat to women is the double tragedy of the lack of resources and agencies victims have in dealing with the offences committed against them.





Abuse against females, specific, close spouse abuse and sexual abuse is a violation of women's human rights where 35% have experienced physical abuse, and 38% are close male spouses.⁶



In Canada, Protecting Canadians from Online Crime Act 2014 was passed, having new criminal offences for Cyber Bullying, image-based sexual abuse and other related offence.

Five of Australia's eight states and Territory jurisdictions- Victoria, South Australia, New South Wales, Australian Capital Territory and Northern Australian Territory, have got new specific acts to be criminalized, and a new law was introduced in 2018.

Under New Zealand Harmful Digital Communication Act 2015, it's a crime to publish or post harmful digital impart of photos and post and includes sexual violence material too.

In Brazil, the non-consensual post of sexual images on the Internet is a crime.

In Scotland, the Abusive Behaviour & Sexual Harm Act of 2016 made non-consensual disclosure of sexual media an offence.

⁶ *Violence against women* (no date) World Health Organization. World Health Organization. Available at: <https://www.who.int/news-room/fact-sheets/detail/violence-against-women> (Accessed: December 24, 2022).

In Norway, Norweigns ratified Budapest Convention on Cyber Crime in 2006. Norwegian Civil and criminal laws have no mention of cyber crimes. According to the Criminal Procedure Act 1981, transmission observation requires special order from the court.

In Russia, the office dealing is 'K' of the Ministry of the Internal Affairs of the Russian Federation. Cyber Crime related to child pornography is a crucial and criminal topic of attention in Russia. In 2004 government-sponsored 'Sornyak' to fight sexual offences against women and children. 24 countries participated after seeing the efforts and results of the program, including the US, UK, Australia, Belgium, and the Netherlands.

In China, the Chinese government pays more emphasis to public cybercrimes harming governmental solidity. China hasn't joined any International Treaty for cyber security and is silent on sexual laws.

In Finland no specific statutes, but using sexual force on children below 16 years of age is an offence and has pressure to codify and criminalize the acts of Rape.

In the US, the Violence against Women Act of 1994 and the Violence against Women and Department of Justice Reauthorization Act of 2005 lack virtual space. States which have criminalized revenge porn are Alaska, California, Idaho, Maryland, New Jersey, Uttah.

In the UK, in 2015, sharing non-consensual sexual photos/videos was an offence under law and imprisonment for up to 2 years. Also inaugurated National Centre for Cyber Stalking Research [NCCR] to provide data and analysis for cyber VAWG.

In Estonia, spouses aren't allowed to use photos, emails, or text messages against each other in divorce, being a digital privacy clause.

In Slovenia government launched 'CYBERVAWG' to develop legal precautions and NO to forbearance for VAWG.

In the Germany Federal Republic ratified the Council of Europe Cyber Crime Convention in 2009.

In countries where there is no law governing, the accused are prosecuted under other laws and can also be booked under blackmailing laws for sextortion/ sexual extortion.

VII. STATUTORY PROVISIONS GOVERNING INDIA

On 23.07.2014 National Commission for Women yielded a broadcast on 'Ways and Means to safeguard women from Cyber Crimes' in India, which suggested strict laws, the opening of cyber cells, Helpline Contacts and professionals in the field of same.

Government circulated prevention advisory of Matrimonial website on 6 June 2016 under the IT Act, 2000 and rules made thereunder.

IT Act with IPC has adequate measures to deal with cyber crimes.

Under IPC, Criminal Amendment 2013, in regards to Sec 354 D prohibits a male from stalking a female through any kind of electronic media if the female has manifested clear detachment in interaction. Even Sec 509 talks about outraging the modesty of women, including physical uttering of sounds, words, gestures, and objects but lacks stalking through electronic media but still books the accused.

Section 66A of IT Act, 2000 defines the punishment for sending offensive messages, which, though it has been knocked out by Supreme Court for being unconstitutional but continues to be a punitive measure.

Section 67 says whoever posts or transfers, or causes to be posted, or transferred in electronic media which is lascivious and corrupts a person is an offence, and the accused is to be charged under the same.

Sec 72 gives punishment for breaching confidentiality and privacy, including privacy for sexual acts for women.

The Indecent Representation of Women's Prohibition Act, 1986, has been proposed for amendments as it lacks offences committed in virtual space.

An online portal named www.cybercrime.gov.in has been made out to the public to report cyber complaints.

Cyber Crime Prevention against Women and Children Scheme has been financially funded Rs 6 crore by 31.03.2020. The scheme has made an

- Online Cybercrime Reporting Unit
- Forensic Unit
- Research and Development Unit (R&D)
- Awareness creation

Cyber Dost is being run by the Ministry of Home Affairs to create legal cyber awareness.

VIII. CONCLUSION

Having electronic computers at home and work puts everyone in danger of being exploited. Hence readers are requested to follow other suggestions as mentioned above, as prevention is better than cure. Terminating the utilization of computers and the internet is no option, rather

then keeping strong passwords, not sharing anything private and keeping all social and professional plans off the internet and not having communication gaps with kids are options to be exercised because cyberspace is an advancement towards world too, if it has a darker shade.

Suggestions

(A) JUDICIAL

Sophisticated professionals well-trained in virtual space to be set up in each and every High Court, district, and Metropolitan city. MEITY has set up cyber forensic training labs in Bombay, Pune, and Kolkata. A special bench should be set for cybercrime. Fast-track courts should be set up along with Cyber Tribunals to facilitate the speedy adjudication of cases. Courts to enforce compliance with laws.

(B) OTHERS

Women must create strong passwords and should not use them for multiple websites. Women must not share private things, and most uphold privacy as of utmost importance. Society to prevent all forms of VAWG through community and campaigning development. Internet service providers maintain internet dispute resolution mechanisms and regulate terms and conditions from time to time.

Talking to children about acceptable use of the internet without shutting down communication channels and keeping travel plans of the internet to strengthen cyber security. People to take note of the Cyber Crime Prevention against women and children scheme by the Ministry of Home Affairs.
