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Understanding the Scope of Women's Safety Laws in the Virtual World

TARU SINGHAL¹

ABSTRACT

Everyone seems to be living two lives these days- one which is their real physical life and second being a virtual presence over the internet and its various platforms. However, it is far from an undiscovered truth that safety is the primary yet an often neglected concern when it comes to an individual's presence in the virtual world. Numerous surveys worldwide have established that women and girls all over the world have been a victim of numerous schemes of online harassment including sexual harassment which in turn puts a big question mark on the woman's character and reputation. The commitment of such acts is majorly heightened by technical ignorance and the lack of effective laws governing cybercrimes which is also a consequence of the ambiguity the untraveled path of the virtual world entails. Thus, as the title suggests, this article basically tries to understand the scope of safety laws pertaining to women's presence in the virtual world.

I. INTRODUCTION

“Privacy is dead, and social media holds the smoking gun.”

- Pete Cashmore

Globalisation has transformed our world into a digital life where we can connect with anyone in the world. As a result, the Internet has become our second life and mobile devices have become extensions of our personalities. Nevertheless, the security of digital environments is becoming increasingly important with cybercrimes and other malicious activities in the digital world. In other words, even though the advancement of technology has opened up a world of connections, sharing of vital information, and raising awareness of human rights abuses, it has sadly, also resulted in an alarming amount of gender-based violence against women and girls without any accountability. The result has been the perpetration of insidious harm by partners, ex-partners, as well as anonymous individuals, resulting in a culture in which violence against women and girls is normalised. Despite the fact that both men and women may be affected by incidents of online violence and abuse, women are considerably more likely to suffer repeated and severe forms of harmful acts when they use technology.

¹ Author is a Student at the School of Law, Hamdard Institute of Legal Studies, New Delhi, India.

Women and girls all over the world are experiencing a variety of online harassment and sexual harassment, which includes non-consensual sharing of images and videos, intimidation and threats through emails or social media platforms, including rape and death threats, online sexual harassment, stalking, including by means of tracking apps and devices, impersonating others, and economic harm due to online practices. Technical ignorance and the lack of effective laws governing cybercrimes worsen the victims' plight. As of now, it has been observed that large numbers of cybercrime related complaints are not being reported to authorities and are not being followed up properly. Cyber security has become a must for all the latest networking and technological platforms. Because of our modern digitally dependent work environment, women are more likely to be exposed to cyber security risks. In addition, cybercrimes related to women's dignity are not reported because of social stigma.

In the digital realm, young girls are more vulnerable to being exploited and abused, as well as being bullied by their peers, thereby making the virtual world an unsafe environment for them. Additionally, in certain cases, such criminal acts have also led to physical violence or even prompted the victims to have suicidal thoughts. However, this is only the tip of the iceberg. As the data in this field is not very accurate and comprehensive, we have fragmented and incomplete information. Nonetheless, what we do know suggests that digital violence against women and girls remains colossal and inspires impunity, having a detrimental impact on the society at large.

II. CYBER CRIME AGAINST WOMEN- ISSUES AND IMPACT

“People often forget that the virtual world is not so virtual; that activities performed on social platforms could have real repercussions in the real world.” In a recent study, a specialised agency of the UN, International Telecommunication Union said, “Bringing 600 million more women online could boost global GDP by \$18 billion.” However, if we look at it, this statement does not quite fit well with the unsafe dynamics of the virtual world with respect to women. In other words, if the above-mentioned words of the UN agency are to stand true and women are to harbour growth using the digital space, then it is imperative for such space to also be safer for them.

Owing to the easy accessibility, India saw 518 million social media users in 2020, with an expected rise to almost 1.5 billion users in 2040. However, reports from the National Crime Records Bureau (NCRB) establish that social media is the platform or means through which every sixth cybercrime is committed in India. While being associated with different social media platforms may prove to be useful in terms of networking, marketing, etc. but the more

serious issue with it, which is often overlooked, is the dark, dangerous side of this ‘virtual life.’ Now, the biggest problem with your information being ‘on air’ or being shared online is that it remains imprinted ‘on cloud’ which means that once uploaded, your information cannot be permanently or completely deleted or erased from the internet, making it prone to be resurrected at any time in the near future by hackers and potential cybercrime offenders. Additionally, social media provides a platform for negative comments, trolling, morphed data, malicious tags, bullying, to name a few.

For instance, there was an incident in Udaipur where a 17-year old girl faced cyber harm when her photos, which she had shared on her social media account, were morphed and shared widely on the internet. Now, the problem with this incident was not only the abuse of cyberspace but also the underestimation of the graveness of the cybercrime, due to lack of awareness, primarily amongst the women victims. As a result, the victims do not register their complaints or even come out in the open. Speaking of this Udaipur girl incident, a sheer adoption of an insensitive approach by the police officials was surfaced, whereby the victim was told by the police to delete her social media accounts and refrain from posting any more photos of herself so as to “stay safe.” This is a classic Indian example of asking the victim to alter their behaviour or practices rather than tackling the root cause of the problem or even taking hold of the offender. This reaction of the police in the above case not only seems to be a typical, normal one but also highlights the thick-skinned approach of not even considering morphing a person’s photos and circulating them as an offense of crucial concern, let alone understanding about taking care of such matters of online abuse.

Another aspect of online violence is the susceptibility of women being at a higher risk of being exposed to different forms of discrimination, which impacts their physical and psychological health, livelihood, family connections and reputation in the society. Women of colour, for instance, are 84% more likely to face online backlash as compared to white women. Similarly, women who belong to the different religious or ethnic communities are also especially targeted in the sense that explicit and controversial information about them is posted on social media which also has the potential to be aggravated into physical harm. According to Amnesty International, women who have any kind of disabilities or identify themselves as lesbian, bisexual, transgender or intersex (LTBI) are again, at a much higher risk of being prone to online hate comments or hate speech, boycott, bullying, trolling, etc. making it practically impossible for such women to have a normal, peaceful and safe online environment.

III. SCOPE OF WOMEN'S ONLINE SAFETY LAWS- INDIAN SCENARIO

India is the new drug of choice for many Indians. But what happens when you mix drugs with patriarchy? Is it any wonder why we see so many rapes and other forms of violence against women online? The answer to this question is obviously a big NO. However, we need to stop blaming the victims and start looking at the root cause of all of this.

- **Section 354A of the IPC** talks about punishment of rigorous imprisonment for up to 3 years or fine or both, in case a man commits the crime of demanding sexual favours, shows pornography against a woman's consent, or makes sexually inappropriate remarks.

- **Section 354C of the IPC** defines the term "**Voyeurism**" as such an act which includes capturing the image(s) of a woman when she's engaging in a private act and/or circulating such an image without her consent. The offender in such a case would be punished with imprisonment for up to 3 years on first conviction and 7 years on subsequent convictions. It is to be noted that the provision for "subsequent convictions" came into place considering the high possibility of this crime being committed in the Indian domain.

- **Section 354D of the IPC** talks about "**Stalking**" as a criminal offence and defines it as, "if a man who follows a woman, contacts her or tries/attempts to contact her and notwithstanding a clear refusal/rejection from the woman's end or tries to do the same on any of the online platforms. Then the person commits a criminal offence called 'Stalking.'" It is however, quite difficult to detect the actual culprit in case of cyber-stalking as it is not exactly an easy task to track the offender since the virtual world provides ample opportunity for hiding one's identity and/or location on the web. By the virtue of this section, Cyber Stalking is punishable with "imprisonment for up to 3 years and fine."

- **Trolling** is such a topic whose status as a cybercrime or part of free speech is a matter of ambiguity. Although trolling can lead to severe toxicity and mental health issues, especially amongst women, there are no laws especially with regards to this offence. The defence to violation of **article 19** of the Indian constitution that "One person's freedom can't be a barrier to another person's freedom, that's why there is a reasonable restriction's clause present" is what basically adds to the lack of adequate laws related to trolling in India. There are no anti-trolling specific laws as such but there are few Sections in the Indian Penal Code, 1860 that are against online and offline harassment.

- **Section 66 and section 43 of the IT Act** talks about morphing which is when an illegitimate or fake social media user accesses a woman's photo(s), edits it and then uploads it

again on a different social media platform under a fake profile with malicious intent so as to destroy the reputation of the woman or embarrass her or humiliate her or all.

- **Section 292 of the IPC** provides for the offence of obscenity wherein the offender usually resorts to editing the photo of the victim by attaching it to that of a naked woman, thereby depraving her character.

- **Section 501 of the IPC** provides for punishment of committing obscenity in terms of defamation for a period of up to 2 years or fine or both.

- **Cyber defamation** can be characterised by the circulation of publishing of some defamatory statement or material about someone via the internet or through any electronic means. **Section 499** and **Section 500 of the IPC** provides for punishment in this regard for up to 2 years imprisonment, or fine or both.

- There are no specific laws with regards to cyber bullying of women. However, **Section 67 of the IT Act penalises** deals with punishment for up to 5 years, thereby penalising “any person for transmitting obscene material that is lascivious in nature”

- Apart from this, **Section 509 of the IPC** provides for punishment in case of **outraging the modesty of a woman** with imprisonment for up to 1 year or fine or both.

- The provisions of the **Indecent Representation of Women (Prohibition) Bill 2012** help to regulate and prohibit the indecent or obscene or vulgar representation of a woman through the means of social media, advertisements, publications, etc. this definitely broadens the scope of the women’s online safety laws in India as it covers audio-visual media and content in electronic form.

IV. CONCLUSION

It should be noted that the IPC and the IT Act fail to cover the plethora of cyber offences against women. Additionally, most of the times, women are not even aware of the laws that are meant to protect their rights with respect to the online world, which results in maximum number of cases going unreported. Owing to the growing concern with regards to the safety and security of internet users, especially women and children (young girls), the Supreme Court has made necessary probe into the existing laws so as to eliminate women-centred crimes such as surfacing rape/gang-rape imageries, child pornography, spreading illicit or indecent information on various sites and other online platforms. Subsequently, in February 2021, the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules were notified, which basically imposes various obligations on “online entities” in addition to the obligation to

take down contentious content in a rapid manner, appointment of grievance redressal officers and assistance in investigations.

The digital dimension of the violence faced by women and young girls remains unspoken of and even addressed insufficiently. To mitigate the risk, women should themselves be vigilant and take important steps to ensure their safety in the virtual domain. They need to remain loud and impact the world, be more courageous. Technology innovation will not stop and rather increase in the coming years, which will inevitably manifest even more forms of online violence against women. The latest example of this is the rape of a woman in the Metaverse. The only way is to be ready, think quickly and act even quicker.
