

INCREASING CYBER CRIME AGAINST WOMEN IN INDIA: A CRITICAL STUDY

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Abstract

The arrival of the digital age and the development of internet networks gave rise to a new aspect of human experience that is referred to as cyber space. In other words, it is an addition to the world that exists within an individual's mind. While there are millions of individuals who use the internet daily to make their lives better, there are also those who use the internet for anti-social objectives and commit crimes such as cyber bullying, cyber harassment, cyber stalking, online child grooming, cyber extortion, voyeurism, sextortion/vengeance-pornography and other similar activities.

These people use the internet in the same way. Given the proliferation of the Internet, this has recently become a new type of abusive weapon specially targeted towards women in India. Hence, the goal of this article is to combine the digital and physical worlds, which are often seen as opposites, into a useful discussion and present the situation of cyber violence against women in India.

Keywords: Internet, Cyber Crime, Women, Digital Era, India

Introduction

Women are highly valued in Indian traditional civilisation. Women were venerated as "Devi," or Goddesses, in the ancient Vedas because they were the mother, the creator, and the one who insured that life would continue. Because women play such an important part in society, oppression and abuse of women were regarded as degrading to both the victim and society as a whole. Women, on the other hand, are considered as sex objects in today's culture and are viewed as inferior to men in a variety of societal situations. As a result, the gender difference between men and women is so wide that even men fear they will not be held accountable for their maltreatment of women. As a result, both men and women face significant gender

discrimination, to the point where even men believe they are not responsible for their own actions. Those that engage in online harassment and cybercrime adopt a similar strategy because they do not fear repercussions from authorities.

In the virtual reality of the cyberworld, anyone can disguise or even make up their identity. Criminals can carry out their evil plans while remaining concealed behind the internet's protection due to its anonymizing properties. The vision of a "Digital India" has spurred numerous technological advances. More than half of the population routinely uses a variety of other electronic gadgets, the internet, and computers. Virtual entertainment platforms such as Facebook, chat rooms, Instagram, Skype, WhatsApp, and dating websites are among the most popular online services. India's system has improved in many areas, including governance, economics, and education, as a result of digitization.

It has, however, greatly boosted the quantity of cybercrime in the country. Since the start of human civilisation, criminal behavior has existed as a social and economic reality. Wrongdoing, in its most basic form, is a legal notion with its own body of law. When we speak of "wrongdoing" or "offense," we are referring to a violation of the law that may result in criminal charges and eventual punishment. Illegal behaviour, in any form, has an influence on society, whether directly or indirectly. The use of computers and the internet has risen predictably, resulting in an increase in the number of new wrongdoings, the vast majority of which are referred to as digital violations. Although these crimes can affect anybody in society, women are nearly always the intended victims. Women are particularly harmed by cybercrime in Indian society.¹

Cyber Crime Against Women

The prevalence of cybercrime against women has recently increased. In a society where these rights are always under attack, online forums are quickly becoming the new front line for preserving women's safety, dignity, and privacy. Some con artists use technology to exploit women. Worst of all, they film explicit content without the women's consent. Other methods include forging mails and manipulating photographs with obscene content with freely available web tools. Indian women fail to report cybercrimes swiftly, either because they are unaware

¹Dr. Mrs. K. Sita Manikyam, *Cyber Crime – Law and Policy perspectives*, 40 (Hind Law House, Pune, 2009).

where to report them or because they are frightened of the social shame that would ensue from doing so. Despite the fact that law intended to protect women often focuses on preventing physical hurt, online crimes against women have a greater psychological impact than physical crimes. This leads to the conclusion that women's minds must be opened and that such crimes must be denounced as soon as possible in order to serve as a deterrent to them. Women who report crimes against them immediately and threaten their abusers with serious legal action are more likely to find solutions to their difficulties.

Cybercriminals use the internet to harass and exploit victims in a number of ways, including stalking, blackmail, email threats, photo morphing, cyberpornography, and other related activities. They accomplish this by acquiring personal information through the use of computer technology. Criminals in modern India are increasingly exploiting internet forums to harass and abuse women for their own nefarious purposes. Cyberstalking, harassment, extortion, blackmail, and other types of online persecution disproportionately affect women. Because of the intimate information they reveal, women typically trust abusers or criminals, which can lead to a variety of cybercrimes. Because criminals typically are unaware of the complaint process, they have more opportunities to harass, abuse, or threaten the victim and her children. Fake identities are frequently constructed as the first stage in cybercrime against women on social networking sites such as Facebook and Twitter.

Through instant messaging and email, the perpetrators of these crimes engage in serious blackmail, threat, bullying, and infidelity. Data theft, unauthorized additions, retaliation, disregard for women's discretion, coercion, extortion, sexual abuse, defamation, inciting contempt for the community, engaging in deception tactics that give them the satisfaction of gaining control, and undermining women's dignity are all reasons that men with unhealthy expectations commit these cybercrimes.²

Some Major Cyber Crime Against Women

Thousands of women have suffered from anxiety, depression, hypertension, heart disease, diabetes, and thyroid disorders as a result of some of the more serious and well-known forms of

²i Cyber Crimes and the law, Legal India, legalnews and law resource portal (2017) available at <http://www.legalidia.com/cyber-crimes-and-the-law/>.

cybercrime.

Major Cybercrimes are as under:

- **Cyber stalking;**

Women make up the vast majority of victims of cyberstalking, which is on the rise and becoming more common. The activity of stalking someone online and harassing or abusing them in various ways is known as cyberstalking. Rather than openly threatening a victim, a cyberstalker will follow their internet trail to acquire information and communicate threats using a range of verbal harassment ways.

- **Harassment through e-mails;**

Provocation via email is not a good idea in any manner, shape, or form. It's the same as sending someone abusive letters. Blackmail, threats, bullying, and even cheating are all examples of email harassment. While e-harassment is similar to more traditional forms of harassment, such as postal harassment, it is more harmful when it is accompanied with a forged ID.

- **Defamation;**

The phrase "cyber defamation" encompasses both libel and defamation. It consists of spreading false information across the victim's network of friends and acquaintances or inside a group. This is an easy method for destroying a woman's reputation and causing her significant mental distress. It is a strategy that involves spreading false information about the issue.

- **E- Mail spoofing;**

The phrase is most commonly used to describe an email that was sent by one person but received by another. This can result in a monetary loss. The act of attempting to collect sensitive information in order to obtain personal information is known as phishing. Passwords and identifying numbers are examples of sensitive data.

Reasons For The Growth Of Cyber Crime Against Women In India

The two primary categories of rising cybercrime against women are social and legal difficulties. However, while other laws, such as the Indian Penal Code (IPC), the Constitution, and others provide exceptional security for women, a comparable insurance does not appear to be provided under the specific rule, despite the fact that it manages digital misbehavior. This is due to the fact that the resolution specifically addresses digital misbehavior but does not explicitly enumerate

those infractions under the relevant sections. The vast majority of online crimes, however, went unreported due to the victim's hesitation, shyness, and fear of tarnishing her family's reputation. These victims frequently assume that the wrongdoing done to them is their responsibility.³

Legal Reasons

The preamble to the Information Technology Act makes it quite clear that one of its primary goals was to improve e-commerce. The Act's authors, on the other hand, had no idea how to protect internet users. The laws that punish the majority of cybercrimes are Sections 66 (Hacking), 67 (Publishing or Transmitting Obscene Material in Electronic Form), and 72 (Breach of Confidentiality), as explained above. With the exception of e-commerce, these three industries handle the vast bulk of cybercrime. Although the terms "cyber defamation," "cyber defamation," "email spoofing," "cybersex," or "hacking" are not specifically included in the Information Technology Act, the phrase "trespassing into one's private domain" is often used in modern times.

Despite the fact that the Indian Constitution, Criminal Procedure Code, and Indian Reformatory Code all give particular protection for women and children, women's privacy is protected under Section 509 of the IPC. Assault, forced marriage, kidnapping, and early termination against a woman's will are all violations of this clause. The IPC makes certain offenses criminal. Prior to recently, women were not particularly protected by criminal law from internet-related offenses. Women in India have the same rights as men to life, education, health, food, and job, but there are no special laws protecting them against cybercrime. Since the 2012 Nirbhaya Case, which involved a gang rape in Delhi, there has been a strong outcry for the implementation of new laws and punitive legislation aimed at protecting women from persons who are prone to criminal behaviour. The Criminal Law Amendment Ordinance of 2013 amended the Indian Penal Code by adding numerous new sections. Sections 354, 354, 354, 354, 354, and Section 354, D have been added. Issues such as MMS scandals, pornography, morphing, and defamation can now be efficiently addressed with the usage of these components.

As previously said, one of the key drivers of the rise in cybercrime is the Internet's

³Dhruti M Kapadia ,Cyber Crimes Against Women And Laws In India , 2017,) <https://www.livelaw.in/cyber-crimes-against-women-and-laws-in-india/>.

transcendental nature. Section 75 of the IT Act, which deals with offenses done outside of India, does not, however, relate to cybercrime. When a crime is committed in one location, felt in another, and reported in a third, the question of where to report it arises in a unique way. The location of the incident's reporting is an issue in this situation. This is the truth, despite the fact that the Criminal Procedure Code is used in the vast majority of cases due to concerns about territorial jurisdiction.⁴

Sociological reasons

The victim's reluctance, shyness, and fear of bringing disgrace to her family's name are the primary causes of the vast majority of unreported cybercrimes. She believes she is to blame for various inappropriate activities committed against her in a variety of scenarios. Women are more prone to become victims of cybercrime since the attacker's identity is masked. The criminal may even continue to threaten and extort the victim under different guises. Women are scared that revealing the crime will make life in the house more difficult. They are afraid about how society will see them after learning of the crime, as well as whether or not their friends and family will assist them. Because of these worries, women often choose not to report crimes, giving offenders more confidence.

Judicial Approach

1. Ritu Kohli case⁵: -

Mrs. Ritu Kohli complained about a person assuming her identity to communicate online, particularly on the Delhi channel, for four days in a row during the Ritu Kohli Occurrence, which is recognized as the first incident of cyberstalking in India. Mrs. Kohli expressed her rage further by claiming that the individual was behaving coarsely online while exploiting her identity and address. The same person was posting Ritu Kohli's phone number in multiple chat groups, allowing others to call her during scheduled online periods.

Mrs. Kohli received over forty phone calls in three days, the majority of which were about increasing her working hours. The aforementioned call disrupted the complainant's personal life, allowing the police to track down the perpetrator's IP address, investigate the matter as a whole,

⁴Shobhna Jeet, Cyber crime against women in India: Information Technology Act, 2000 www.elixipublishers.com.

⁵Manish Kathuria v Ritu Kohli, C.C. No. 14616/2014.

and ultimately arrest the criminal. He was granted bail and released after a case was brought against him under Section 509 of the Indian Penal Code. Online stalking has never been reported before, but this is the first properly documented case. As with harassing emails, India's current cyber laws provide little protection to victims of cyberstalking. Only Section 72 of the Information Technology Act allows for an offender's remote detention for a breach of confidentiality or privacy. The offender may also face criminal trespass charges under Section 441 of the Indian Penal Code and insulting the modesty of ladies under Section 509 of the Indian Penal Code.

2. State of Tamil Nadu vs. SuhasKatti, ⁶

In this instance, the defendant set up a bogus email account in the victim's name and used it to send threatening emails to a divorced woman. The victim sought information from the accused. As a result of the publication of messages, the victim of the mental harassment mentioned in the solicitation short got unwelcome phone calls. She took action in February 2004, filing a complaint in the Egmore court. As a result, the perpetrator was apprehended by the digital unit of the Chennai police. Sections 469 and 509 of the Indian Penal Code, as well as Section 67 of the Information Technology Act of 2000, all applied to his detention. He was judged to be guilty and was arrested and booked in accordance with the applicable legislation.

CONCLUSION

The two most important aspects of the problem are the cybercriminal's operating style and perseverance. To quickly identify the true culprit, law enforcement, the court system, and investigative organizations must stay up to date on web-based program advancements. To ensure that newly developed technologies do not become tools for harassing or abusing people, judicial and regulatory agencies must keep up with technical changes. Women's rights should be safeguarded both online and offline, just as they are in public spaces, and state-run administrations can take regulatory action to do so.

Laws should not just protect users, but also advise all organizations on how to exercise legally protected communication rights. People, on the other hand, must be familiar with both the online

⁶State of Tamil Nadu vs. SuhasKatti, C No. 4680 of 2004.

and offline worlds; they must grasp how to express their legal rights online and protect themselves offline. Prior to the passage of the Criminal Code Amendment Bill, it was difficult to prosecute cybercrimes due to a lack of a cyber army and the destruction of evidence. However, the vast majority of these issues have been resolved (2013). However, a lot of changes must be done, such as utilizing judges who are technologically literate. Cybercrime against women is still not treated seriously in India.

This is primarily because women in today's culture rarely receive the respect they deserve. Similarly, many people find it difficult to understand why it is wrong to transfer other people's images online. Because society lacks a moral foundation, cybercrimes such as morphing and email spoofing are not treated as seriously as they should be. This brings us to the most fundamental point: people must respect the rights of others and be aware of what constitutes a crime. In order to advance socially, people must first comprehend what constitutes a crime. They must understand that probing into the private lives of others is wrong, and society must show more respect for women. All of this is only achievable if young children are taught the significance of respecting women from an early age.

To combat the rise of cybercrime against women in India, fundamental changes in the educational system, as well as harsher legislative reforms, are required. To bring about such a revolution, people, the government, and non-governmental organizations (NGOs) will need to work together. Women should be taught to be cautious while chatting with strangers online, posting images and videos of themselves or loved ones, and safeguarding passwords and other private information that could jeopardize their safety and privacy. Women's empowerment organizations should provide this training. Women in India were supposed to be more cautious online and to learn how to boost their privacy settings on social networking sites. To effectively prevent cybercrime, it is vital to promote awareness of the need for caution when using the internet and to provide appropriate assistance in the case that they encounter it. Furthermore, women's knowledge of the need for prudence when using Web offices should be raised. Greater awareness and improved technical capabilities are urgently required to address the problem of sexual harassment of women in India.