

DIMENSIONS OF CYBERCRIME AGAINST WOMEN IN INDIA

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Today's digital world has evolved into a parallel way of existing. Individuals can now accomplish things that were unthinkable just a few years ago. Because of our increasing reliance on machines, the internet is quickly becoming a way of life and a means of living for millions of people. The internet has made it possible to use email, websites for communication, and many others anytime, everywhere IT solutions for the benefit of humanity. Although the internet is very beneficial to society, it also provides opportunity for crime to be committed utilising cutting-edge technology. These days, e-mail and websites are the go-to channels for communication. Although the internet is one of the quickest forms of communication, it has expanded to include all conceivable aspects of humankind. The saying "every good side has a terrible side too" applies here, though. The same holds true for internet and computer technology.

The law certainly faces a danger from the fast-moving technical breakthroughs like the internet. The internet also offers useless ground for illegal endeavour due to its open and unregulated character, as well as the disregard of geography. The current criminal code appears to be ill-prepared to handle this advancement in criminal tactics and media. So, cybercrime has materialised as a reality in India; it is challenging to identify, rarely reported, and even challenging to prove. Computer-related crime lacks a standard paper audit, is outside the purview of traditional law enforcement, and calls for specialists with in-depth knowledge of computer technology. The legal community has been caught off guard by paperless contracts, digital signatures, internet transactions, and cybercrime. Conventional laws are ineffective and weak because they were created to manage a simple, less criminal world. Evidence, the cornerstone of the grand legal structure, is shaken. The largest setback is the absence of visible proof. The internet matrix has changed the legal landscape, and the legal system is pursuing cybercriminals who occasionally use new methods of operation. The Information Technology Act of 2000 doesn't somehow appear to generally protect women's modesty, despite the fact that the Indian Constitution grants

women an equal right to life, education, health care, food, and employment. The IT Act, 2000 does not contain any provisions that particularly address crimes against women, unlike those found in the Indian Penal Code, the Indian Constitution, or the Code of Criminal Procedure.

In a recent development, the government established an expert group to examine the gaps and difficulties in handling cybercrimes and to develop a roadmap for effectively combating them. Based on the group's recommendations, the government approved the Cyber Crime against Women and Children (CCPWC) scheme.

Cybercrime against women and children can be divided under various categories like Cyber-stalking, cyber-defamation, cyber pornography etc.

➤ **Cyber Stalking**

The anonymity provided by the internet strengthens stalkers. He might live on the opposite side of the planet, be a neighbour down the street, or be a close cousin! The internet is a reflection of the new mindset of our society. Cyberstalking has no one set definition that is acknowledged everywhere. It entails tracking a person's online travels by sending emails to the victim especially women and adolescents on a regular basis, entering chat rooms the victim frequents, posting messages (often threatening ones) on bulletin boards the victim frequents, etc. Often, a stalker communicates with no valid reason other than to inflict mental discomfort.

As he feels he cannot be touched physically in cyberspace, he does not need to leave his house in order to discover or harass his victim.

Normally, a cyber stalker targets those who are new to the internet and uninitiated in matters of netiquette and online safety. It's estimated that women make up more than 75%. Since the majority of crimes of this sort go undetected, the estimates are more based on assumptions than on real data. Considering the vast amount of personal data that is accessible online, a cyber stalker only needs a few mouse clicks to find information about a possible victim.

Both the investigative agency and psychologists concur that the rise of the unrestricted internet has increased the prevalence of stalking. According to the most recent NCRB 2019 figures, total crime rate has increased by 18.4 % but this crime against women has gone up by 28% .Data shows 10730 incident or 20.2% of the 52974 incidents registered in 2021 were against women. In metro cities, Bengaluru received highest no. of cybercrime complaints followed by Lucknow.

The maximum cases that are coming to light also involve some aspect of cyberstalking, with attackers posting images online, sometimes even ones that have been altered, or hacking into accounts and performing the same actions using several email IDs and IP addresses. Tracking internet stalkers may be easier than apprehending real-life stalkers, despite the fact that it may be more widespread. This is due to the fact that if the stalking was carried out electronically, tracing an IP address would suffice to establish the offender's guilt. As a result, the woman is now required to file a complaint because it is crucial for police to take action. Evidence collecting for suo-moto cases in stalking offences is challenging because sadly, victims and often even the police hesitate to take action until a serious situation arises.

➤ **Cyber Defamation**

Undoubtedly beneficial to individuals and society as a whole, the internet and social media nevertheless serve as a particularly robust breeding ground for potentially libellous claims. Since India is becoming into a global information superpower, internet-related issues affect the nation equally, and because it is a democracy, freedom of speech and expression is also protected as a fundamental constitutional right. A person's reputation and status are damaged, and the wrongdoer is held as responsible as if the person's body had been harmed. As any other criminal action, slander also gained momentum. The deliberate violation of "another person's right to his good name" is known as cyber defamation, sometimes known as cyber smearing. Computers and/or the Internet are used in cyberdefamation. A significant number of people could easily receive a libellous document without any difficulty. Long after the damage has been assessed, tangible evidence of the severity of the offence is discovered. The value of the woman victim in the eyes of the public can change unexpectedly and in ways that have never been seen before as a result of a single false rumour that is circulated online. The Indian cultural system is such that modesty and reputation are the biggest victims for women.

People can express their opinions on the internet almost too easily. The internet is brimming with fascinating websites where someone could unintentionally or purposely publish or comment something that could be construed as defamatory. Just a few of these places include: open forums; blogs; social networking sites like Facebook, LinkedIn, and Twitter; chat rooms etc. Many defamatory remarks are posted online despite the fact that

some websites screen comments for inflammatory or unlawful content. This is because the screening algorithms are not designed to look for every post for defamatory information. Cyber defamation is not specifically addressed under the IT Act. Although it stipulates that anyone who transmits, publishes, or causes to be published or transmitted any obscene material in electronic form will be punished, first time offenders will receive a term of imprisonment of either description that may extend to five years, as well as a fine that may reach one lakh, and repeat offenders will receive a term of imprisonment that may extend to two years and a fine that may reach ten lakh. However, this clause appears to be primarily focused on reducing the amount of child pornography prosecutions and does not explicitly include other offences like cyberdefamation under its purview. Yet the Criminal Law (Amendment) Act of 2013's Section 499 only discusses libel. It specifies that anyone who makes or publishes any imputations about any person with the intention of harming that person's reputation or knowing or having reason to suspect that such imputations will affect that person's reputation is said to be defaming that person. It is assumed that the term of "publication" in this context is broad enough to include statements made online.

Electronic records are recognised by S.499 IPC and S.4 of the IT Act. Defamatory material uploaded online via emails or social networking sites may therefore be in violation of Indian Criminal Code Section 499. The most crucial question is whether writing online qualifies as "publishing" or not. Examining the various platforms where defamation may take place is crucial to answering this question.

Which are:

1) One To One Mail Message

Email is a very quick and simple form of communication. Rather than textual engagement, it is very similar to spoken discussion. Electronic communication creates a psychologically false intimacy. There is a propensity to say things that aren't acceptable. As a result, email senders have a dangerous propensity for creating false statements.

2) Newsgroups

These are online forums for debate that are organised by topic and composed of comments from their subscribers. As a result, any comment made to a Usenet news group is practically assured to be published and viewed within days in hundreds of nations worldwide. From a defamation perspective, newsgroups present the most challenge.

3) World Wide Web

The largest and fastest-growing part of the internet is the world wide web. It combines information freedom, a user-friendly interface, and freedom of expression. Due to this,

persons who are ignorant of the law on defamation end up making defamatory words without realising the potential consequences.

4) Mailing List

An email subscription is the format for joining an electronic mailing list. A "Central Host" oversees its administration. The user of a mailing list emails each list member individually. Being held accountable for defamation is therefore more likely. Remarks published on mailing lists, UseNet, and the internet are unquestionably defamatory in nature because they are, by definition, accessible to people other than the subject they refer to.

It's crucial to keep in mind that, given that the 'defamer' is the one who first brought up the issue, can the intermediary also be held accountable for saying it given that it was him who posted the libellous claim on his bulletin board and whether or not he can be considered the material's publisher be a tricky question? Because a service provider's position is significantly more powerful than that of a newspaper or magazine publisher, their accountability for the offence of defamation must be strictly enforced.

In terms of defamation, the exemption provided to a service provider under Section 79 of the Information Technology Act, 2000 is based on the absence of knowledge of incriminating material. In terms of the publication of defamatory statements, however, the law under Section 499 is strict, and there have been many judicial decisions to this effect. A man's reputation being destroyed by libel may be compared to murdering a man's person in that all those present and encouraging the act are responsible even though only one person actually caused the wound. This may be why the publisher cannot escape liability by claiming ignorance of the disputed material. As a result, the publication bears direct and unqualified liability for the information published.

➤ **Harassment Via Email**

Legislators and employers alike are concerned about a number of difficulties that have arisen as a result of e-mail becoming the predominant mode of communication. Because of the simplicity with which email may be created and sent, people are typically less careful when writing emails than they would have been if they had committed the email's contents to writing. Email, by its very nature, encourages people to be honest and open in the debate. Blackmailing, threatening emails, sending love letters repeatedly under false names, and sending embarrassing emails frequently are all examples of email harassment. Email has all the capabilities of regular letter, or "snail mail," as it is sometimes called.

There are several provisions of the penal code that deal with offences like harassing women and verbally abusing them. The criminal legislation (Amendment) Act of 2013 specifically mentions offences involving stalking in Section 509(IPC), Section 354D, which specifically includes offences involving tracking a woman's internet communications. Sections 66A, 67A, and 67C were added by the IT(Amendment) Act of 2008. Sections 67A and 67B introduce criminal penalties for the offences of publishing and transmitting electronically stored sexually explicit acts and child pornography, respectively. Whereas Section 67 C focuses on an intermediary's duty to safeguard and hold onto information for as long as necessary, in the manner and format that the Central government may specify.

A teenager in the eleventh grade was found guilty in 2001 under section 509 of making crude comments about female classmates on the website Amazing.com. In addition to being a successful use of Section 509 to stop online harassment, it was the first arrest of a minor under the provisions of the statute.

In order to combat online harassment, women can rely on a number of pre-Internet legal measures without having to enter the contentious discourse of the obscenity and indecency laws or off section 66A. But the question still stands: Can a woman opt to employ 66A instead of another law?

Notwithstanding the fact that S 67 stipulates penalties for publishing or distributing electronically any content that contains sexually explicit acts, etc. In contrast, since 66A is a cognisable offense—meaning the police, not a magistrate, determine whether or not a crime has been committed under it—a woman may argue that another law (or set of laws) should be applied when she goes to file a complaint; however, given the mistrust of and negative experiences with the police, it is perhaps debatable to what extent women will be willing to and able to make these arguments successfully. Law enforcement, who ultimately has the final say, may find the reasons why someone might reject Section 66A to be a topic that looks as foreign as unnecessary.

➤ **Cyber Pornography**

Pornography, in particular, "may more effectively kill a person, fizzle their intellect, dissolve their future, obliterate their potential, or destroy civilization than anything else."

It is illegal to publish, transmit, or cause to be published in electronic form any material that contains sexually explicit acts or conduct, according to Section 67 of the IT Act. The

use of internet for pornography is legal. Such content is not illegal to simply download, view, or store. Yet, it is illegal to publish and spread cyberpornography through instant messages, emails, or any other kind of digital communication. Online pornography should be entirely outlawed since it contributes to a sexually permissive culture which results in crimes against women .

As many of these pornographic websites portray women and children as sex objects, denigrating their position and depicting them as passive beneficiaries of degrading and/or violent acts, leading to unreal and artificial expectations and various forms of physical, mental, and sexual abuse. These fictitious and manufactured portrayals frequently put pressure on the victims to engage in actions they deem degrading and which have detrimental effects on their mental and psychological well-being.

The government attempts to prohibit public access to porn sites by requesting that telecom providers across the nation do so, citing the need to uphold public morals.

The opposition to the ban claims that as eroticism is a personal choice, the people of the country should have the freedom to determine what media they choose to watch and what they do not, and that the government has no business interfering in such matters or imposing its values on others. In addition, there are a number of obstacles and difficulties that are outside of the government's purview, such as control over foreign internet service providers and authority over pornographic websites from other countries. The IT act forbids and makes child pornography a crime, but it makes no mention of pornography in general. The IT Act does not contain language that specifically addresses preventing public access to cyberpornography, thus in order to control it, one must include it in the term of "public order," which Indian courts have already defined as "maintenance of the law."

Many cases involving cybercrime against women are covered by Sections 66 E, 67, 67 A and 67 B of The IT Act as well as Sections 354 D, 465, 471, 499, 500 and 509 of IPC. In addition, if a girl is minor Sections 14 and 15 of the POCSO (Protection of Children from Sexual Offences) Act 2012 apply.

The main reason that criminals continue to commit crimes relating to pornography is that they are automatically entitled to bail, in addition to the lengthy trial process. In order to instill terror in the minds of offenders, some provisions of the Act should be rendered non-bailable. This will undoubtedly help to curb crime to some extent. The Govt. of India has started a portal to register cybercrime online ie. <https://cybercrime.gov.in>

Conclusion

The likelihood of becoming a victim of cybercrime is always growing due to increased traffic in the virtual world, which is especially true for women who are frequently viewed as easy targets. The types of cybercrimes that target women have grown, and the trend has not stopped in India. Cyber flaming, cyber eve-teasing, cyber flirting, and internet cheating are a few other sins of the new generation that merit mentioning here. In India, women tend to be reluctant to speak up because they worry that doing so could damage their reputations forever. The more time women spend online without being fully aware of its dangers, the more exposed they are to them. Women should be more vigilant to safeguard themselves from individualised cyber attacks.

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