

Cyber Victimization of Women & Law in India

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ABSTRACT

Information technology has swiftly broadened itself over the last three decades and has become the nerve of today's technical and global development. However, with the proliferation of internet based technologies, the internet based crimes are also on the rise. Though its ill effects spare nearly none, women folk is identified as the most vulnerable target group of cyber crimes worldwide. Beginning with pornography to cyber stalking and voyeurism, web based businesses thrive on these otherwise anti-women activities finding little or nil regulatory hurdles. Though, our country is in a transition phase from developing to developed, it is worthy to note that societal development including women empowerment is in a slow pace. As a matter of fact, less awareness results in more victimization; even cyber space victimization is also no exception. In India, awareness of cyber victimization remained limited to several useful and informative tips on how to protect one's personal data and personal computer from emotional blackmailers and identity frauds etc., the conventional notion of male superiority still holds ground and women tend to limit themselves from public sphere. Though aware of their rights, women do not really seek redressal from cyber offensives and no wonder; cyber crimes against women largely go unreported. Social stigma and victimization pull them backwards from going ahead with complaints. A share of blame goes to regulatory lapses too. Provisions are harsh enough on paper but unless procedures are eased and effective steps are taken, women's woes in cyber world will persist. Inaction will embolden cyber delinquents in victimizing even more numbers and will result in an endless chain.

Key Words: Cyber-crime, victimization, women, Information Technology Act, 2002

Cyber Crime against women in India

Cyber crime against women is on danger stage and it is a major threat to the security of a person as a whole. In India, the term "cyber crime against women" includes sexual abuse and sexual crime on internet. India is considered as one of the few countries which enacted IT Act, 2000 to punish cybercrimes. This Act widely covers the economic and commercial crimes which is clear from the preamble of the Act. In India, most of the cases related to cyber crime against women reported to the police come within the scope of section 67 (Publishing or transmitting obscene material in electronic form) of the IT Act, 2000 that is very much clear from the following case study.

➤ Dr.L.Prakash v. Superintendent

In this case the accused an occupation was orthopedic surgeon forced women to perform sexual acts and later uploaded on internet and sold these video to adult entertainment materials worldwide. He was charged under section 367 (deals with kidnapping or abduction for causing death or grievous hurt), Section 506 (part II of the section which prescribes punishment for criminal intimidation to cause death or grievous hurt) and 120-B (criminal conspiracy) of the I.P.C and Section 67 of I.T Act, 2000 (which deals with obscene publication in the internet). He was sentenced with imprisonment for life and a

pecuniary fine of rupees 1, 25,000 under the immoral trafficking (prevention) Act, 1956.

➤ **State of Tamil Nadu v. SuhasKatti**

In this case the accused SuhasKutti posted defamatory and obscene messages about a divorced woman in the yahoo message group and advertised her as a solicitor for sex. This case is considered one of the first cases to be registered under the I.T Act, 2000. He was convicted under sections 509, 469 of I.P.C and 67 of the I.T Act, 2000 and he was punished for 2 years rigorous imprisonment and fine.

Above mentioned cases were considered first time under the scope of I.T Act. Other than these cases there are few basic cybercrimes that basically happens to the Indian women in the cyberspace those are cyber stalking, cyber defamation, harassment via e-mail, morphing, hacking, email spoofing, cyber sexual defamation and cyber sexual pornography, cyber bullying and cyber flirting.

1.1. Cyber stalking

This is one of the most important internet crimes in the modern world. Cyber crime can be defined as the repeated acts harassment or threatening behavior of the cyber perpetrator towards the victim by using internet. Stalking is obsessive or unwanted attention by an individual or group of people towards another person. Stalking behavior is related to intimidation or harassment and it may include following the victim in person or monitoring them. Stalking in the internet happens when the culprit follows the victim continuously by leaving unnecessary messages. The motivation of culprit may be considered less than four reasons, (i) obsession for love, (ii) sexual harassment, (iii) ego and power trips, (iv) hate and revenge. The stalkers disturb their targets through public messages as well as private e-mails. Most of the cases reported that the targets of cyber stalking are women especially of the age group of 16 to 40.

In India, cyber stalking not covered by the existing cyber laws. It is covered under section 72 of the I.T Act, 2000 that the culprit can be booked remotely for breach of privacy and confidentiality. The accused may also charged under section 441(for criminal trespass), and section 509(for outraging the modesty of women) of the I.P.C.

1.2. Cyber pornography

Cyber pornography is also one of the main threats to the women. This includes pornographic websites; the internet (to transmit and download pornographic photos, pictures, writings etc) and pornographic magazines produced using computers (to print and publish the material).

Internet has provided a medium for the facilitation of crimes, pornography also one of them. Cyber porn is the main crime in the world as well as in India. Approximately 50% of the web sites show pornographic material on the internet today. The developing is not merely an extension of the existing forms like text, images and photographs. Other than images and still pictures, complete movies and full motion video clips are also available. Another main disadvantage with a media like it is easy accessibility and availability to the children who can log on to pornographic websites from their own houses. Furthermore, there are several serious offences which have universal disapproval like child pornography and very easier for culprits to hide and to propagate through the medium of internet.

1.3. Morphing

When unauthorized user with fake identity downloads victim's pictures and change smoothly one image to another image by small gradual steps using computer animation techniques.

This amount to violation of I.T Act, 2000 as well as I.P.C. the culprit can be also charged under IPC for committing public nuisance under section 290, for criminal trespass under section 441, section 292A for printing or publishing grossly indecent or derogatory matter or matter intended to blackmail and under section 501 for defamation.

1.4. Cyber sexual defamation

Cyber sexual defamation happens between virtually or real persons who out of frustration start publishing abusive words, defaming stories in obscene languages on different social websites later on it turns into cyber pornography. The accused can be charged under section 62 and 72 of the I.T Act as well as under I.P.C as discussed earlier.

1.5. Cyber bullying

Cyber bullying is the use of Information Communication Technology (ITC), especially mobile phones and the internet, intentionally to upset someone else. Cyber bullying is willful and repeated harm inflicted through the use of mobile phones, computers or other electronic devices, by sending messages of threatening or an intimidation

nature. In the world, India is the third behind China, Singapore in online bullying or cyber bullying. In India, cases of suicides related to cyber bullying grown over the past decade.

In India, bullying juniors, classmates or even seniors in the school and college is common culture among the young school students. Nearly, in half of the cases culprits used social networking sites. Girls are about twice as likely as boys to be victims. Most of the reports revealed that compared with the male the victims are more often girls. India is the third on the list in the cases of cyber bullying according to a report, highlighting the need to take serious action and increase education about online behavior.

A CONCEPTUAL MODEL OF REASONS OF VICTIMIZATION

2.1. Globalisation, emotional exploitation and Women's Identity Crisis: Psychological Reasons:

It is real fact that with swift development in every sphere, life styles of individuals have witnessed a lot of change. With the rise of globalization and urbanization process, the Indian joint family structure has changed. In India, traditionally joint family system existed. The joint family served as the basis of existence for Indian society. However, migration from village to urban in search of job, for education and better life has changed the whole scenario. This led to the nuclear family system. With the coming up of nuclear family, individual freedom and privacy became the main focus of families. Family members are only concerned for their own privacy and the practice of caring and sharing went into background. These practices have resulted simplistic relationship. Within the family it is women, especially the homemakers who are mainly victimized as they became more detached than before as the men are busy in their professional pursuit and in their own social circle. Hence, women generally face the existential crisis. Unable to find out answers to their own problems of life. They very often regress in their past, and as a result feeling of depression and loneliness.

To overcome loneliness and depression women are especially homemakers; move to find a support outside their family. It is because of this reason that they tend to rely on unknown persons and make them their confident. With developing technology, they easily get the chance to interact with them through video chat, Skype, WhatsApp, chat room, instant messages etc., while staying at home. In order to come out of depression and loneliness, they indulge in chatting. Mostly

conversations take place among family members and friends, but sometimes unable to find any friend, women indulge in chatting with strangers. Chatting with strangers becomes a source of purgation.

Generally, consider that women are more emotionally expressive than men. For this reason, it becomes easy for the wrongdoer to win over the confidence of lonely women. In an emotional state, females tend to reveal a lot about personal information as well as property, bank account details, family members details, exchange of mobile numbers and photos etc. After receiving such type of information, the culprits can use this information against the women for causing harm, and it is the one of the main reasons for causing some of heinous cyber crimes. Sometimes it becomes so intense that it may lead to murder, rape, kidnapping, and other crimes. In majority of the cases, these crimes are international, but sometimes it may occur due to priming. These types of problems develop because of cyber socializing, which sometimes leads to development of emotional relationship between women and men, and women become easy victims of these relations because of their emotional weakness.

2.2. Break up Relationship and Victimisation

Very recently, I read news that which is victimizing women, in Guntur district, state of Andhra Pradesh. The person name Sai Krishna who is a graduated in engineering posted a bad comment on face book against a girl who is also his childhood classmate because of long standing competition in studies. She claimed in a police complaint that he also previously also posted bad comments on chat box and he defamed me. She also said that because of him I left my home town Guntur and living in Hyderabad

We also, noticed many incidents that after broke of marriage relationship ex husbands posted bad comments on social websites and uploaded their private videos, photos which are degrading women in the society. Also, we noticed after broke of the love the ex boyfriends uploaded on website unseen videos and photos of his ex girl friend.

2.3. Sociological Perspective: Basic training practices and the patriarchal Indian society.

Generally, the Indian society is patriarchal in nature, and this is a main reason for women becoming victims of cyber crime. The cause behind it is that men take care of responsibility of a family on the honour of the women members, which makes women vulnerable. Gender differences cast

tremendous effect on nurturing practices in India. Where a male child is taught to be robust and tough, a female child is expected to be submissive and shy. Because of these types of nurturing practices, female become customary of ignoring imperative matters, by saying nothing had happened. The society decides the role of men and women. Men have to be dignified, rational, serious, robust, bold and dynamic, unemotional, whereas women must be patient, coy, emotional, understanding, compassionate, and must accept sacrifice for her family.

Information Technology Act, 2000 and Cyber Crimes against Women in India

The Information Technology Act, 2000 neither defines cyber crime nor uses the expression, but only provides the definition and punishments for certain crimes. The definitions which have given in IT Act are very narrow terms. The Act has not provided any specific protection for women from cyber crime. Even though, some provisions deal with cyber crime against women in general. Chapter XI deals with the offences those are Tampering with computer source (section 65), hacking with computer system (section 66), publishing of information which is obscene in electronic form (section 67), access to protected system (section 70), publication for fraudulent purpose (section 74), breach of confidentiality and privacy (section 72). IT Act 2000 still need to be modified. In original Act there was no special provision for women and children. In 2008 amendment they added one special provision section 67(b) deals with punishment for publishing or transmitting of material depicting children in sexually explicit act, etc. In electronic form but they did not consider special provisions for women. Apart from these act some IPC provisions also deals with crime against women in general such as section 292(Sale, etc, of obscene books, etc.), 441(Criminal trespass), 469(forgery for purpose of harming reputation), 500(punishment for defamation), 501(printing or engraving matter known to be defamatory), 509(word, gesture or act intended to insult the modest of a woman).

CONCLUSION

Indian women netizen's are at danger zone and always getting victimized. After break-up of marriage or other relationship, enmity that forms between families is one main cause for cyber victimization of women. The development of information technology is playing main role in the country's growth and also it is causing harm to the

women and weaker section in the cyber space. Cyber abuse or cyber crimes against women are violating the constitution rights such as freedom, right to life and dignity. Defamatory comments and cyber stalking, harassment, upload of morphing videos and photos are violating, women's right to life and dignity. This cyber harassment, defamatory statements and other crimes against women are danger than general offences. We have to deter these crimes with strong laws but in India we do not have any specific laws which deal with special crimes against women.

In India the I.T Act, 2000 specially enacted to deal against commercial and e-commerce crime. It does not provide specific provisions for women but it covers some crimes against women in general. To deter the cyber crimes against women in cyber space government has to enact new laws. The best example to my suggestion is USA has many laws in federal level and state level special laws which deal cyber crimes against women. In India, we have to give best training to investigation agencies to investigate and control crime and also create awareness among the netizens especially for women how to use internet with safe guards.

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