



INTERNATIONAL JOURNAL OF CREATIVE RESEARCH THOUGHTS (IJCRT)

An International Open Access, Peer-reviewed, Refereed Journal

Cyber Crime Against Women In India: A Critical Study

Author: Balreen Kaur Brar

Under Supervision of Ms. Parul

University School of Law

Rayat Bahra University, V.P.O. Sahauran, Tehsil kharar,

Distt. Mohali, Punjab, 140104 India.

ABSTRACT:

Cybercrime is a rapidly growing problem in India, with a significant impact on women. This is a result of the rise of social media, the proliferation of mobile devices, and the expansion of the internet. This study aims to critically examine the nature and extent of cybercrimes committed against women in India, with a focus on the legal framework and enforcement mechanisms in place to address these crimes. From the ancient time women were treated as Goddess in India. They hold a special status in the society. But there has been an increase in crime against women in India since the time of external invaders, be it ancient times or modern times, crimes against women have been happening only now, the form and platform of crime has changed, which crimes against women used to be in the physical world, Crimes are now happening in Cyber World like eve teasing, bulling, abusing, modesty, harassment, black mailing. It is demonstrated that Cyber Crimes against Women are not adequately addressed by the current rules and practises of India's legal system.

In addition, we must consider a number of solutions for the increasing frequency of cybercrimes against women in India. At the conclusion, we discuss the options available to victims of cybercrime and the modifications that should be made to the overall legal framework to combat the rising tide of cybercrimes.

INTRODUCTION:

Crime against women have increased rapidly in the last few years. From ancient times to the present time also there are some crimes which are happening against women like eve teasing, bullying, abusing, modesty,

harassment but in the present time, the way of committing these crimes and their platform has changed, which we get to see in cyber space as cybercrime.

Cybercrime refers to illegal activities that are carried out using the internet or any digital technology. From the ancient time women are treated as Goddess. They hold a special status in the society. Even though they are having a unique place in the society they are also one of the most vulnerable groups of the society. These crimes often go unreported due to a lack of awareness about the legal options available to victims and a lack of trust in the law enforcement agencies to effectively investigate and prosecute these crimes. The makers of the constitution were equally concerned about the well-being of the women therefore various rights are given to them as a part of fundamental rights. The penal laws are also present for protecting the dignity of women. With the changing time the crime against women is also changing. Crime is not only limited to bodily injury now a days. In the name of freedom of speech and expression people are transmitting obscene content and tarnish the reputation of women. Cybercrime is one of the most recent kinds of crime against women Cybercrime consists of illegal activity conducted on a computer. With the emergence of technology which is for the betterment of the society is creating more problems especially for women.

Eventually, there is a need for a comprehensive approach to addressing cybercrime, including increasing public awareness, strengthening cybersecurity laws and regulations, and providing support to victims of cybercrime. Overview of Cyber Crimes.

OBJECTIVE TO STUDY ABOUT CYBERCRIME:

- 1) To understand the meaning of cyber-crime against women.
- 2) To find out causation behind the victimization of women.
- 3) To analyse the prevalence and types of cybercrimes targeting women in India. 4) To examine the impact of cybercrime on women mental health, privacy and social well- being.
- 5) To assess the effectiveness of legal framework including IT Act,2000 and IPC provisions
- 6) To identify the preventive measures and its digital safety practices.
- 7) To recommend policy changes and awareness programs.

MEANING OF CYBERCRIME:

The term 'cyber-crime' has nowhere been defined in any statute/ Act passed or enacted by the Indian Parliament. Generally, cybercrime can be defined as unlawful activities conducted through the internet and digital devices intending to creep into the private space of others and disturb them with objectionable content and misbehaviour.

Dr. Debarati Halder and Dr. K. Jaishankar stated in their book ‘Cybercrimes against women in India’ (October 2016) the following definition to cybercrimes:

“Offences that are committed against individuals or groups of individuals with a criminal motive to intentionally harm the reputation of the victim or cause physical or mental harm, or loss, to the victim directly or indirectly, using modern telecommunication networks such as Internet (Chat rooms, emails, notice boards and groups) and mobile phones (SMS/MMS).”

REASONS OF CYBERCRIME AGAINST WOMEN:

- a) Gender biases is the major reason of cybercrime against women that lead to online abuse, trolling, and objectification.
- b) social stigma and victim-Blaming, it basically enhances the fear of judgement discourages women from reporting cybercrimes.
- c) Rise of social media and dating apps that has increased the misuse of personal data, stalking and blackmailing.
- d) With help of Deepfakes and AI exploitation, cybercriminals can easily create explicit deepfake images or videos, leading to blackmail and reputational damage.
- e) Inadequate cybersecurity measures due to which women personal data gets shared unknowingly and it is making easier for criminals to target women.
- f) Lack of awareness regarding privacy settings, cybersecurity measures, and how to seek legal remedies and report cybercrimes.
- g) With the advancement of technology and internet, perpetrators can hide their identity, making it easier to harass, blackmail, or exploit women.

IMPACT OF CYBERCRIME ON WOMEN:

- Victim suffer from anxiety, depression, PTSD and emotional distress due to online harassment, blackmail or cyberstalking. Even, fear of further attacks can lead to withdrawal from online and social activities.
- Women social and professional reputation can be destroyed, if any private photos or videos, deepfake content and fake profiles get leaked and it discourage women from seeking justice.
- Cybercrimes like sextortion, online fraud and phishing scams can lead to monetary losses and sometime victim is blackmailed into paying money to cybercriminals.
- Cybercrime also restrict women to express their opinions online due to fear of trolling, threats, and abuse and leaking personal details on social media can put women at risk of physical harm.

PURPOSE OF COMMITTING CYBER CRIME AGAINST WOMEN:

To seek revenge by leaking personal data or by spreading false information on social media.

- ❖ For financial gain scammers, fraudsters, blackmailers exploit women and destroy her reputation in society.
- ❖ To silenced women voice and discourage her to express opinions on social or political issues.
- ❖ For entertainment purpose, some offenders engage in cyberstalking, trolling, or hacking without realizing the emotional harm caused.
- ❖ To destroy her reputation in society and in professional life which makes her difficult to survive in society.

MAJOR CYBER CRIMES AGAINST WOMEN:

- I. **Cyber Harassment:** Cyber harassment is a pattern of behaviour designed to annoy or agitate a person via the use of the internet. Sexual harassment is a kind of harassment that is sexual in character, and it covers a variety of activities, the most common of which is repeated and unwelcome sexual advances.
- II. **Cyber Stalking:** Although stalking isn't always sexual in nature, it however tortures, terrorises, intimidates and harasses the victim. The stalker strives to create a connection with the victim without her agreement, which is a flagrant invasion of her privacy. Stalking may take place in person or via technological methods, such as cyber-stalking.
- III. **Cyber Pornography:** It is the act of creating, publishing, or disseminating pornographic items through the use of internet. Charge of 'obscenity' has traditionally dealt with pornography legislation. Any content is deemed obscene if it is lewd or appeals to racy interests, or if it has the effect of depraving and corrupting those who utilise it. An act like this may result in a sentence of up to 5 years in jail and with a fine up to Rs. 5000.
- IV. **Harassment through e-mails:** It is not a new concept. It is very similar to harassing through letters. Harassment includes blackmailing, threatening, bullying, and even cheating via email. E-harassments are similar to the letter harassment but creates problem quite often when posted from fake ids. The motives behind cyber stalking have been divided in to four reasons, namely, for sexual harassment, for obsession for love, for revenge and hate and for ego and power trips. Cyber stalkers target and harass their victims via websites, chat rooms, discussion forums, open publishing websites (e.g. blogs and Indy media) and email. The availability of free email and website space, as well as the anonymity provided by these chat rooms and forums, has contributed to the increase of cyber stalking as a form of harassment.
- V. **Cyber Bullying:** -Today, people all over the world have the capability to communicate with each other with just a click of a button and technology opens up new risks. Cyber bullying is the use of Information Communications Technology (ICT), particularly mobile phones and the internet, deliberately to upset someone else. Cyber bullying is "wilful and repeated harm inflicted through

the use of computers, cell phones or other electronic devices, by sending messages of an intimidating or threatening nature.

- VI. **Cyber Defamation:** Cyber defamation includes both libel and defamation. It involves publishing defamatory information about the person on a website or circulating it among the social and friends circle of victims or organisation which is an easy method to ruin a women's reputation by causing her grievous mental agony and pain.
- VII. **Morphing:** Morphing is editing the original picture by unauthorised user or fake identity. it was identified that female's pictures are downloaded by fake users and again re-posted /uploaded on different websites by creating fake profiles after editing it.
- VIII. **Trolling:** Trolls spreads conflict on the Internet, criminal's starts quarrelling or upsetting victim by posting inflammatory or off-topic messages in an online community with the intention to provoke victims into an emotional, upsetting response. Trolls are professional abusers who, by creating and using fake ids on social media, create a cold war atmosphere in the cyber space and are not even easy to trace.
- IX. **Sexual harassment on social media:** Women may be contacted by other women or men for discussing any topic of interest. It is often seen fake user IDs are created by men to grab a fake identity and pose as women or children or grab an identity to look younger or the older than the actual age. The motive behind such acts can be to carry out sexual harassment through writing such remarks, sexual favours or show pornography against the will of a woman.
- X. **Voyeurism:** A person expects privacy in certain areas – washroom, changing areas in malls and in one's own bed room. However, it is shocking to see rampant privacy invasions. Different Cyber Crimes targeting women through use of hidden web cameras frequently reported in news reports.
- XI. **Sending obscene content:** Sometimes women may receive unsolicited calls and obscene video or images which are obscene in nature from a stranger or a known person.
- XII. **Identity theft:** A number of cases have been reported where fake profiles of women have been created on social media using their genuine pictures illegally used from the internet.
- XIII. **Virtual rape:** In many cases cyber victimization of a woman could occur where offender posts vulgar messages threatening to rape her and encourage other members to comment on his post.
- XIV. **Domestic violence through verbal abuse:** In many cases where a man or a woman are experiencing relationship difficulties, one may vent out anger against the other on social media.

LANDMARK CASE LAWS:

In India's first case of cyber stalking, Ritu Kohli case:

Manish Kathuria was arrested by the New Delhi Police. He was stalking an Indian lady, Ms Ritu Kohli by illegally chatting on the Web site MIRC using her name. He used obscene and obnoxious language, and distributed her residence telephone number, inviting people to chat with her on the phone. As a result of which, Ritu kept getting obscene calls from everywhere, and people promptly talked dirty with her. In a state of shock, she called the Delhi police and reported the matter. For once, the police department did not

waste time swinging into action, traced the culprit and slapped a case under Section 509 of the Indian Penal Code for outraging the modesty of Ritu Kohli.

Case: Shreya Singhal v. Union of India:

This landmark case questioned the legitimacy of Section 66A of the Information Technology Act of 2000, which authorised the arrest of persons for posting "offensive" content online. The Supreme Court declared Section 66A illegal because it breached Article 19(1)(a) of the Indian Constitution, which guarantees free speech. Although the case did not explicitly address cybercrime against women, it is significant since Section 66A was frequently utilised to combat online abuse, particularly that of women.

Case: Sushil Ansal v. State through NCT of Delhi:

This case concerned the unauthorised sharing of sexually explicit videos of women via an online pornography website. Sushil Ansal, the accused, was charged with sending and publishing sexually explicit content under Section 67A of the IT Act, as well as voyeurism under Sections 354C and 509 of the IPC. The court affirmed the accused's harsh sentencing, emphasising the importance of remaining vigilant against such acts.

CRITICAL ANALYSIS OF CYBER CRIME:

The IT Act lacks a section specifically addressing gender-based cybercrime. It has generic prohibitions about privacy violations and obscene content, but many crimes affecting women, such as revenge pornography or cyberbullying, are not specifically mentioned or addressed. Additionally, Despite the IT Act's provisions, enforcement remains a big concern. Law enforcement agents are frequently poorly trained in cyber forensics and digital investigations, which impedes effective policing. Furthermore, victims are frequently unaware of the options accessible to them, resulting in underreporting of cyber-crimes. Moreover, Because of their nature, cybercrimes frequently cross-national borders. The IT Act's jurisdiction is limited to India, making it difficult to track down criminals outside of India. Global collaboration among law enforcement authorities remains a difficulty, with many cases unresolved.

RECOMMENDATION AND CONCLUSION:

The cybercrime against women is increasing at a very fast rate new offences like trolling and gender bullying are emerging as new field of cybercrime. But the IT Act 2000 does not include such crimes and the process of investigation is not appropriate. Act do not provide any remedy to cyber trolling and gender bullying which is one of the lacunae of the act. There is a need to create separate cell for the investigation. Special training must be given be the officers to deal with the cybercrimes against women. Judicial system of the country should try to tackle the problem of cybercrimes against women effectively. Also, Women should be taught to take preventative measures such as being cautious when communicating with strangers online, and protection of passwords and other sensitive information that could compromise a woman's privacy and security. As a preventative strategy, women internet users in India need to be more aware of how to improve privacy settings on social networking sites.

REFERENCES:

- <https://www.questjournals.org/jrhss/papers/vol8-issue1/M08017579.pdf>
- <https://www.ijfans.org/uploads/paper/374cf990d6568e78319acc782da11d f2.pdf>
- <https://www.sethassociates.com/wp-content/uploads/2008/08/Women and-Cyber-Crime.pdf>
- [Shodhganga@INFLIBNET: Cyber Crimes and victimization of women in India A Critical Analysis with special reference to state of Madhya Pradesh](#)
- <https://ijcrt.org/papers/IJCRT2108017.pdf>
- https://www.researchgate.net/publication/275709598_CYBER_CRIME_CHANGING_EVERYTHING_-_AN_EMPIRICAL_STUDY

