



CYBER CRIMES AND FEMALE VICTIMS

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Abstract-- "Yatra naryastu pujyante ramante tatra Devata, yatra itaastu na pujyante sarvaastatra falaah kriyaah" - Manu Smrithi. Which means "Women are honored where, divinity blossoms there and where women are dishonored, all action no matter how noble remain unfruitful". The Indian philosophers of olden days and the Rishi Munies considered that the seeds of divinity grow and blossom in a truly cultured society where women are given due respect and equal opportunities of rise and dignity. Womanhood is a symbol of eternal virtues of humanity expressed in compassion, selfless love and caring for others.

In the 21st century India is fast emerging as a global power but for half of its population, the women across the country, struggle to live life with dignity still continues. Women are facing problems in every sphere of life whether employment, access to health care, property rights and cyber-crimes against them.

INTRODUCTION

Today without the computers and internet, it is highly impossible to live in the modern society. These advancements in modern technology have helped countries to develop and expand their communication networks, enabling faster and easier networking and information exchange. We have witnessed a revolution in the field of Information Technology especially in 20th Century onwards by the invention of Computers. Computer technology and its commercialization is the one of the greatest inventions of recent past. In fact, the world of internet today has become a parallel form of life and living. The usage of internet has significantly increased over the past few years. The use of internet is very rapid, and unplanned as it is easily available to anyone. This cheap, powerful, user-friendly computer has enabled more and more people to use them and rely on them as part of their life. This is the real power of the internet today as the access of internet moved from the internet cafes to personal computers to mobile phones. Computers and their use are a day-to-day activity of all fields like the Students, Professionals, Teachers, Universities, and Banks, Supermarkets, in the Entertainment field, in Medical Profession and also in Higher Education etc. It gives immense and invaluable power of information and communication quickly. Actually, Computer and Internet use has become a new weapon in the world today. The use of this weapon is spreading vary widely in all parts of our society. As a result of all these, today the whole world has become like a small box.

As every weapon has two ways of operation like good and essential and the other is bad and not essential, in the same way computer and internet use also has two ways of use in the world. Because of anonymous nature of the internet it is became possible to engage into a variety of criminal activities. Crimes are as old as man himself and computer crimes are as old as computers themselves. Today, Cyber-crime is emerging as a serious threat. Worldwide governments, police departments and intelligence units have started to react to these new crimes. Initiatives to curb cross border cyber threats are taking shape. Indian police also have initiated special cyber cells across the country and have started educating the people in this regard. But the investigations of cyber-crimes are very complex, as the criminal activity itself is borderless by nature.

Generally Cyber-crimes are the criminal wrongs committed with the help of computer. NCRB (National Crime Record Bureau) of India has identified Cyber-crimes as a new class of crimes rapidly increasing due to extensive use of Internet and Information Technology enabled services. Cyber-crimes can be generally categorized as crimes against Property, Persons and State (Government). Cyber-crimes against women comes under cyber-crimes against persons. In this paper I tied to look at the role of legal system in dealing with issue of cybercrimes against women and in giving essential support system to the victims of these crimes and found vacuum in most of the places. The Information Technology Act 2000 still not sufficiently covering the cyber-crime issues regarding women.



VICTIMIZATION OF WOMEN BY CYBER CRIMES

Women, the half population of the world are facing severe threat from distant perpetrators in the Cyber world in this 21st Century. The number of social network users in India has increased drastically from 181.7 million in 2015 to 216.5 million in 2016 to 250.8 million in 2017. It is expected that the same would increase to at least 336.7 million by 2020. Facebook, Twitter, Instagram, LinkedIn, YouTube, WhatsApp and SnapChat are some of the more popular social networking sites in India.

By the introduction of third and fourth generation (3G and 4G even 5G and 6G also) mobile telephones has made the mobile Internet access almost universal in India. Because of this, many kinds of crimes are recognised which are committing against the women in the online environment. The major threat to the society today is caused by the transcendental jurisdiction of Internet in the form of cybercrime. The main victim of this transgression are women and children. Cyber-crime and victimization of women are on the high and it poses as a major threat to the security of a person as a whole. By use of text, images, videos and sounds over internet, women have been becoming victim of cybercrimes and the number of these kinds of crimes are increasing constantly today.

The biggest problem of cyber-crime lies in the modus operandi and the motive of the cybercriminal. Cyber space is a transit space for many people, including offenders. While people do not live in cyber space, they come and go like any other place. This nature provides the offenders the chance to escape after the commission of cyber-crime. Many websites and blogs provide security tips for the safety of women and children in the net. Still cyber-crime against women are on rise. In the world several states have shown a proactive approach in fighting with the cybercrimes, most of the laws and approaches are the criminal centric rather than victim centric. It is very clear that, cyber victimization can cause all victims irrespective of gender or age. Actually, the law, research etc. has ignored the victims of cyber-crimes as a stakeholder in the fight against cyber-crimes especially against women. Some of the adverse impacts of cyber-crimes identified are Reputational harms, Severe emotional distress, loss of employment and physical assault. Some extreme cases of online abuse have resulted in death through suicide or as a result of targeted attacks. In many cases the number of girls were dropped out from the school due to never complained sexual harassment or number of women workers left their jobs because of and many families are ruined out sexual harassment. Same will be the result of cyber world also. It is observed that women are disproportionately targets, especially of age group of 16 years to 35 years through cyber-crimes.

According to the report, the number of mobile internet users increased by 17.22 percent from December 2016 to reach 456 million users by December 2017. The number of mobile internet users in India is estimated to touch 478 million by June 2018, a new report has said. The report, Mobile Internet in India 2017, published jointly by the Internet and Mobile Association of India (IAMAI) and KANTAR-IMRB, estimates 291 million urban mobile internet users and 187 million rural mobile internet users as of December 2017.

According to the official statistics provided by the NCRB (National Crime Records Bureau), Government of India, 9622 cases of cyber-crimes were registered in 2014 and 5752 persons arrested. In 2015, 11,592 cases were registered, showing an increase of 20% in registration of cases and 8121 persons arrested. NCRB statistics provide no information on the profile of victims. Hence no official statistics are available in India to inform us of the extent and forms of cyber-crimes against women. It is very common phenomenon that the important information of the net surfer is being disclosed easily by the owners of cyber cafe and then it is used for illegal purposes. Although acquaintance with technology is positive aspect that can be considered important for the development of any country but at the same time it is becoming the source to increase the crime rate with technology against the weaker section of the society.

The reason for the increasing cyber-crime rate against women can be categorized into two folds;

1. Legal and
2. Sociological reasons.

1. Legal Reasons: The IT Act was created mainly for enhancing e-commerce hence it covers commercial or financial crimes i.e., hacking, fraud, and breach of confidentiality etc. but the drafters were unaware about the safety of net users. The majority of cyber-crimes are being prosecuted under Section 66 (Hacking), 67(publishing or transmitting obscene material in electronic form) and 72(breach of confidentiality). The most of the cyber-



crimes other than e-commerce related crime are being dealt with these three sections. Cyber defamation, email spoofing, cyber-sex, hacking and trespassing into one's private domain is very common today, but IT Act is not expressly mentioning them under specific Sections or provisions. Whereas IPC, Criminal Procedure Code and Indian Constitution give special protection to women and children like modesty of women is protected under Section 506 and rape, forceful marriage, kidnapping and abortion against the will of the woman are offences and prosecuted under IPC. Indian constitution guarantees equal right to live, education, health, food and work to women. But the same modesty of women seems not to be protected in general except for Section 67 which covers cyber-sex. As transcendental nature of Internet is one of the main reasons for the growth of cyber-crime so whereas Section 75 of the IT Act deals with the offences or contravention committed outside India but it is not talking about the jurisdiction of the crimes committed in the cyberspace specially the question of place for reporting the case arises when the crime is committed in one place affected at another place and then reported at another place. Although in the most of the cases, for the matter of territorial jurisdiction Criminal Procedure Code is being followed.

2. Sociological Reasons: Most of the cyber-crimes remain unreported due to the hesitation and shyness of the victim and her fear of defamation of family's name. Many times, she believes that she herself is responsible for the crime done to her. The women are more susceptible to the danger of cyber-crime as the perpetrator's identity remains anonymous and he may constantly threaten and blackmail the victim with different names and identities. Although the women net surfers are very less in number as mentioned but the other groups targeting them above India, women still do not go to the police to complain against sexual harassment, whether it is in the real world or the virtual world they prefer to shun off the matter as they feel that it may disturb their family life.

A. Provisions of the IT Act 2000 relating to cyber-crime and offences against women in India and the loopholes of the said Act:

India has enacted the Information Technology Act, 2000 to combat cybercrimes. This act was initially aiming at providing law enabled environment for e-commerce later on it was amended several times to cover various cyber-crimes. Unfortunately, even though Chapter XI of the IT Act deals with the offences such as Tampering with computer source documents (s.65), Hacking with computer system (s. 66), publishing of information which is obscene in electronic form (s.67) Access to protected system(s70), Breach of confidentiality and privacy (s.72), Publication for fraudulent purpose (s.74). Wrongs like Identity theft (s. 66C), cheating by impersonation (s. 66D), posting sexually explicit material (s. 67A) were included as offences. But the grave threat to the security of women in general is not covered fully by this Act. So, IT Act 2000 still needs to be modified.

The elementary problems, which are associated with Cyber-Crimes, are Jurisdiction, Loss of evidence, Lack of cyber army and Cyber savvy judges who are the need of the day. Judiciary plays a vital role in shaping the enactment according to the order of the day. One such stage, which needs appreciation, is the P.I.L., which the Kerela high Court has accepted through an email. Today with the growing arms of cyberspace the growing arms of cyberspace the territorial boundaries seem to vanish thus the concept of territorial jurisdiction as envisaged under S.16 of C.P.C. and S.2.of the I.P.C. will have to give way to alternative method of dispute resolution. Again, under no section in IT ACT 2000, Obscenity, personal viewing etc. is an offence, infact like in IPC 292 again if it is proved that you have published or transmitted or caused to be published in the electronic form only then under Section 67 it can be an offence. Last but not the least, the IT Act 2000 does not mention the typical cyber-crimes like cyber stalking, morphing and email spoofing as offences. Government report says, Cyber-crimes cases registered in the country have grown with the number rising from 9,622 and 11,592 to 12,317 during 2014, 2015 and 2016 respectively.

B. Types of Cyber - Crime That Are Committed Against Women:

Amongst the various cyber-crimes committed against individuals and society at large, crimes that are specifically targeting women are as follows, but the list keeps increasing with new technological advancements.

1. Cyber-stalking.
2. Harassment via e-mails.



3. Cyber Bullying
4. Morphing.
5. Email spoofing.
6. Cyber Defamation.
7. Cyber Pornography.

1. Cyber Stalking: Cyber stalking is one of the most talked about net crimes in the modern world. Cyber stalking involves following a person's movements across the Internet by posting messages (sometimes threatening) on the bulletin boards frequented by the victim, entering the chat-rooms frequented by the victim, constantly bombarding the victim with emails, messages with obscene language etc. Typically, the cyber stalker's victim is new on the web, and inexperienced with the rules of netiquette & Internet safety. Their main targets are the mostly females, children, emotionally weak or unstable, etc. It is believed that Over 75% of the victims are female. 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.

Ritu Kohli Case

The perfectly normal married life of Ritu Kohli, New Delhi turned upside down, when she started receiving a number of emails from an unknown source. Initially she ignored the mails. [Mukut 2012].

Stalker used obscene and obnoxious language, and post her residence telephone number and other personal details on various websites, inviting people to chat with her on the phone. As a result, she started receiving numerous obscene calls at odd hours from everywhere, then she got alarmed. Distraught, Kohli lodged a police complaint. Fortunately, Delhi police immediately sprang into action. They tracked down the IP address (Internet Protocol address) of the hacker to a cyber cafe. The cyber stalker- Manish Kathuria, later got arrested by the Delhi police and was booked under sec 509 of the IPC (Indian Penal Code) for outraging the modesty of a woman and also under the IT Act (Information Technology Act) of 2000. The case highlighted here is the first case of cyber stalking to be reported in India [Mukut 2012].

In another case, an engineering and management graduate, facing prosecution in a dowry harassment case, was arrested by Delhi police for sending obscene e-mails in his wife's name to several persons. In June 2000, a man was arrested by the Delhi police for assuming the identify of his ex-employer's wife in a chat channel an encouraging other to telephone net. The victim who was getting obscene telephone calls at night from stranger made a complaint to the police. The accused was then located "on line" in the chat room under the identity of the victim and later traced through the telephone number used by him to access the internet (Mishra, 2001).

2. Harassment via e-mails: Harassment via e-mails 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.

Harassment on the Internet can take place in a number of ways. One form may include Harassment through e-mails includes blackmailing, threatening, bullying, constant sending of love letters in anonymous names or regular sending of embarrassing mails to one's mail box. Indian Penal Code, Criminal Procedure Code and select sections of IT Act deal with the protection from cyber-crime. In general, they are used to book the perpetrators along with Section 292A of the IPC for printing or publishing grossly indecent or scurrilous matter or matter intended to blackmail, and under Section 509 of the IPC for uttering any word or making any gesture intended to insult the modesty of a woman.

3. Cyber Bullying: Cyber bullying means the use of electronic communication to bully a person, typically by sending messages of an intimidating or threatening nature. The main aim and objective behind such crime may be to defame the target out of anger, hatred or frustration or when the perpetrator wants to make simple fun of his friends, classmates, juniors or unknown net friends. In *The United States v Lori Drew* (2006) is one of the examples of cyber bullying. In this case a 13-year-old girl got a message on Internet, "the world would be better



off without you" and took it to her heart. She had not met the person who sent this message but only after twenty minutes she hung herself. The story turned to be more terrific when it found that the person was just a creation of some Lori Drew, who was arrested in 2008 for violating the Computer Fraud and Abuse Act but unfortunately was acquitted in 2009. The social network like Orkut, Facebook can be considered the main source of cyber bullying. But despite of the vulnerability of women net surfers IT Act does not provide some direct protection to the victims. While most of the crimes can be booked under IPC, under IT Act there are only three provisions which connote cyber-crime i.e., Section 67, 70 and 72.

Cyber Bullying New - Age Threat: Harini (name changed), a 12-year-old girl when put up her profile picture on a social networking site, she did not know that she would soon face serious physical threat. When she finally told her parents about the happening, they were shocked that a person living in the neighbourhood had been bullying her and threatening to misuse her personal information and photos if she told anyone. After certain visits to the cyber-crime police station, they somehow managed to get rid of the threat. However, Harini's parents are still not sure how to make their daughter overcome the fear and regain her self-esteem [Indian Express 2012].

4. 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. This amounts to violation of I.T. Act, 2000 and attracts sec. 43 & 66 of the said Act. The violator can also be booked under IPC. The Times of India reported that in October, a Delhi-based beautician told the police that her photograph was flashed on a porno portal along with her mobile number.

5. Email spoofing: A spoofed e-mail may be said to be one, which misrepresents its origin. It shows its origin to be different from which actually it originates. The more common method used by men is to email vulgar photographs of themselves to women, praising their beauty, and asking them for a date or inquiring how much they charge for 'services'. Besides sending explicit messages via e-mail, SMS and chat, many also morph photographs - placing the victim's face on another, usually nude, body. In another instance, a couple entered an internet chat room agreeing to strip for each other using a web camera." The guy stripped, but the person at the other end was actually another man and his friends, who obviously didn't. They recorded it and uploaded the clip on a porno website.". "These things happen in every city but only one in every 500 cases is reported,"

6. Cyber Defamation: Cyber tort including libel and defamation is another common crime against women in the net. This occurs when defamation takes place with the help of computers and / or the Internet. E.g., someone publishes defamatory matter about someone on a website or sends e-mails containing defamatory information to all of that person's friends.

7. Cyber Pornography: Cyber pornography is the other threat to the female netizens. This would include pornographic websites; pornographic magazines produced using computers (to publish and print the material) and the Internet (to download and transmit pornographic pictures, photos, writings etc). Almost 50% of the web sites exhibit pornographic material on the Internet today. Pornographic materials can be reproduced more quickly and cheaply on new media like hard disks, floppy discs and CD-Roms. The new technology is not merely an extension of the existing forms like text, photographs and images. Apart from still pictures and images, full motion video clips and complete movies are also available. Another great disadvantage with a media like this is its easy availability and accessibility to children who can now log on to pornographic web-sites.

Recent Indian incidents revolving around cyber pornography include *the Air Force Balbharati School case*. A student of the Air Force Balbharati School, Delhi, was teased by all his classmates for having a pockmarked face. Tired of the cruel jokes, he decided to get back at his tormentors. He scanned photographs of his classmates and teachers, morphed them with nude photographs and put them up on a website that he uploaded on to a free web hosting service. It was only after the father of one of the class girls featured on the website objected and lodged a complaint with the police that any action was taken.

In another incident, in Mumbai a Swiss couple would gather slum children and then would force them to appear



for obscene photographs. They would then upload these photographs to websites specially designed for paedophiles. The Mumbai police arrested the couple for pornography.

CONCLUSION

India is having vast history of its own culture. In real Vedic culture it is taught that every man should view and respect every woman, except his own wife, as his mother, and every girl with the same concern and care as his own daughter. It is only because of the lack of such training and the social distancing from the high morals as this that this teaching is being forgotten, and the respect that society should have for women has been reduced especially in modern days and with the use of internet etc. we are witnessing present generation is decline from our great culture. Cybercrimes against women are increasing day by day and it mentally and socially effect the reputation of the women. The right to internet usage has now become a human right as declared by the United Nations Human Rights Council in June 2016. India is considered as one of the very few countries to enact IT Act 2000 to combat cyber-crimes. It doesn't contain specific provision to protect security of women and children. But there are few provisions to cover some of the crimes against women in cyber space. Women in particular have not been seen as an identifiable section of society in formation of law on internet. This has resulted into most of the cases of cybercrime against women. Various forms of cyber-crimes are experienced by Indian women who use the internet in the contemporary context. Neither the IPC provisions nor the provisions of the IT Act fully reflect the ground realities of women's experiences.

There is a need of cyber education to facilitate the victims about their rights and the cybercriminally about their wrongs. Sometimes the reason of these wrongs may not be intentional harm also. Many women are unaware of their rights in law, cyber-crimes. Awareness raising of women is an important agenda for the Indian Government. Usually, victims have been turning to Non-Governmental Organizations (NGO's) and private counsellors for seeking help. Such help is discretionary and not available to all victims always. The state needs to promote the greater online responsibility and laws to ensure strong legal and psychological help for women victims and to have an effective redressal of cybercrimes against women. Grievance redressal mechanisms and institutions should be vitalized and popularised, with the ease of lodging complaints and minimizing delay in investigation and prosecution as major objectives. So, continued research into the prevalence, types and impacts of cyber – victimization is required in order to inform victim service provision and effectively address the needs of current and future cyber-crimes. It is important to acknowledge that law does not have the potential to provide all solutions to the issue of cyber-crimes against women in India. Women themselves should be trained to take preventive measures, such as caution in posting their and their loved ones photographs and video clips online, caution in communicating with strangers online and protecting passwords and other vital information which may compromise with the woman's security and privacy. Women internet users in India require an increased awareness of enhancing privacy settings in social networking sites as a preventive measure.

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