

LEGAL CHALLENGES AND SOLUTIONS TO CYBER CRIME IN INDIA AGAINST WOMEN

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Article history:	Abstract:
Published: 10 th March 2022	<p>The twenty-first century has been an era of inventions. Inventions that have greatly improved the quality of human life. Artificial intelligence's genesis and dominance have been witnessed. We have already entered the 5G era, which began with limited internet access. Another reality has emerged as a result of this unstoppable ascent. An ethereal reality that promotes complete anonymity. With all of the benefits it provides, it has also proven to be lethal. With the rise of the online world came stalkers, hackers, scammers, and a slew of other miscreants and lawbreakers. As a result, the society has become exposed to cybercrime. The researchers will focus on cybercrime perpetrated against women in this study.</p> <p>Women are easy prey for cyber criminals, and they are disproportionately victimized. Cyberbullying, voyeurism, sextortion, and stalking are all widespread online crimes against women. Women's privacy and security are under jeopardy as a result of the rise in cybercrime. The research's main goal is to examine the existing state of cyber security in India and the necessity to enact particular legislation to protect women.</p> <p>The researchers would show how the laws are not being implemented throughout this study. The most important finding of this study is that more precise regulations and legislation against cybercrime are required. The research's main goal is to examine the existing state of cyber security in India and the necessity to enact particular legislation to protect women. The researchers would show how the laws are not being implemented throughout this study. The most important finding of this study is that more precise regulations and legislation against cybercrime are required. With the rise of social media networks and private websites, it is more important than ever for the government to enact special legislation for each type of crime perpetrated against women. Researchers have also looked into the government's success in combating cybercrime and have come up with some useful suggestions for combating this threat.</p>

Keywords: Women, cybercrime

I. INTRODUCTION

India is a country with a population of around 140.52 crores (as on Feb 2022). A country with immense diversity and everlasting vigor. But India has never been a safe place for women. Even though India's biggest religion Hinduism considers women as the embodiment of Lord Lakshmi, it has not happened in real life. According to Thomas Reuters foundation's survey India is considered as the most dangerous country to be a woman.³ Even though it is a debatable topic as there many other countries where quality of life of a woman is worse, it is deafening enough for us to understand the graveness of the situation. According to NCRB⁴ in 2018 33,356 rape cases were reported in India.⁵ This clearly indicates the pathetic situation the country is in right now.

With the development of technology internet has become a part and parcel of our everyday life. The requirement of internet has spread its wings across essential activities such as monetary transaction, shopping, online food delivery etc. This has given rise to a new field of crime in altogether i.e. '*Cybercrime*'.

Cybercrime has become a serious issue in modern day. Hacking, Morphing, sextortion are various types of cybercrimes that occur. Women and children are the most of vulnerable to cybercrimes. In the year of 2001 the case of Ritu Kohli became the first reported cybercrime case in India.⁷ India's Cyber laws never had a particular provision for cyber stalking nor any other sections for protection of women.

II. DIFFERENT TYPES OF CYBER CRIME AGAINST WOMEN

Through Cybercrimes the motive of the offender is to defame the victim by causing mental or physical harm. By passing time, various kinds of Cyber Crimes have come into Picture and some of them are the following-

- a) Cyber Harassment: - If a person is interfering into the personal space of another by using modern telecommunication networks without their consent with the intention to pish, threat, bully, annoy or offend them is called Cyber Harassment. In this the Offender canhack into the account of the Victim and get their personal data, photos or videos. It is neither legal nor OK. It also includes distributing rumorsto damage one's social standing. Article 8 of the European Convention on Human Rights protects personal information that individuals justifiably expect not to be published without their consent.⁸
- b) Cyber Stalking: - When a person stalks or harasses any individual or group of individualsby the use of any electronic means is termed as cyber stalking. It also includes humiliatingor embarrassing the victim, false accusations, false victimization, following one's activities etc. In the year of 2001 India reported its first case on Cyber Stalking⁹. In the case of Ritu Kohli,¹⁰ the petitioner was being stalked by the defendant for four consecutive days. The defendant was chatting illegally by using her name and used obnoxious and obscene words.
- c) Cyber Defamation: - Cyber Defamation occurs when a person publishes any derogatoryor defamatory thing about the other with mala fide intention by using internet. India's first case on cyber defamation was SMC Pneumatics India Pvt. Ltd. Vs Jogesh Kwatra¹¹, in this case the defendant started distributing obscene and derogatory e-mails about the MD (the plaintiff) of his company to spoil goodwill and the status of the company.
- d) Morphing: - When unauthorized user with fake identity downloads victim's pictures andthen uploads or reloads them after editing is known as morphing.¹³ Recently, a Hyderabad film-maker, Ram Gopal Verma was booked under sec 469,509 of IPC,1860 and other pertinent sec of IT Act, 2000 for morphing the photo of former president Pranav Mukherjee to show that he has received the censor certificate 'Amma Rajyam LoKadapa Biddalu (ARLKB)' from the evangelist.¹⁴
- e) Email Spoofing: - E-mail spoofing is a term used to describe (usually fraudulent) email activity in which the sender address and other parts of the email header are altered to appear as though the e-mail originated from a different source.¹⁵ This is often preferredby cyber criminals to get confidential informations and personal photos from unaware women and then they use these things to threaten them. One of the best examples of Cyber spoofing is Gujrat Ambuja's Executive case, in this case the perpetrator pretendedto be a girl for cheating and blackmailing a Abu Dhabi based NRI.¹⁶

III. LEGAL PROVISIONS AGAINST CYBERCRIMES

Cyber laws contain laws related to internet crimes, computer crimes, information crimes and technology crimes. Internet and digital economy provide significant opportunities and they arethe enabler for criminal activities as well.
Provisions for cybercrimes under IT Act, 2000-

- Sec 43¹⁹:- This section deals with the unauthorized access by any person into the computer, computer network or computer system of another. The person shall be held liable for the compensation up to one crore.
- Sec 65²⁰:- This section deals with tampering with the computer source documents. Theoffences in respect of computer source documents (codes) are to be kept or maintainedby law include knowingly or intentionally (i) concealing; (ii) destroying; (iii) altering; (iv) causing another to conceal; (v) causing another to destroy; (vi) causing another to alter the computer source code.
- Sec 66²¹:- This section deals with hacking. The main element of hacking is the mala fide intention to cause wrongful damage to the other person by unlawful means with the knowledge that the certain information if destroyed or concealed would cause harmto the affected person. The offender shall be held liable with imprisonment up to 3 yearsor with fine up to 2 lakhs or both.
- Sec 67²²:- Publication of obscene information in electronic form is punishable under this sec with imprisonment which may extend to 3years or with fine up to 2 lakhs or with both.
- Sec 71²³:- This section deals with the penalty for misrepresentation.
- Sec 72²⁴:- This section deals with the breach of privacy and confidentiality.

Offences falls under IPC 1860²⁷

- Sec 503- Sending threatening messages through email.
- Sec 499- Sending defamatory messages through email.
- Sec 463- Forgery of electronic record.
- Sec 420- Bogus websites, cyber frauds.
- Sec 463- Email spoofing.

- Sec 383- Web-jacking.
- Sec 500- Email abuse.
- Sec 292-Pornographic.

IV. LACK OF SPECIFIC LEGISLATIONS AGAINST CYBERCRIME

Even though there are plenty of legal provisions against cybercrime, India is not entirely successful in protecting women in cyberspace. Information technology act, the major provision against cybercrimes mainly deals with economic and commercial issues as said in its preamble.³¹ Cyber stalking is one of the serious crimes committed online. There was no law against cybercrime till 2013. It was introduced only in 2013 after the recommendation of Justice J.S Verma committee.³² Stalking was made punishable under section 354(D) of IPC. But section 354(D) defined stalking as an act committed only by men.³³ India needs to have separate and elaborate law against cyber crime like that of America.³⁴

Morphing is a cybercrime which is rapidly rising in modern day. Morphing photos of celebrities with nudes or trolling political leaders via morphing has caused a lot of hue and cry.

V. MEASURES TO PROTECT WOMEN FROM CYBERCRIMES

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The National Commission for Women on 23rd of September 2014 has submitted a report on "ways and means to safeguard women from cybercrimes" which inter-alia recommended for stringent law, Policy to discourage hacking activities, dedicated helpline numbers, opening of more cyber cells, and imparting of proper legal to combat cybercrimes.⁴⁷ Other measures are the following:-

- Ministry of Home Affairs has developed a portal named www.cybercrime.gov.in to enable people to report cybercrime complaints⁴⁸.
- Computer security policy with guidelines has been circulated by the government to all the departments to mitigate, detect and prevent cyberattacks.
- Ministry of Electronics & Information Technology has issued an advisory on functioning of Matrimonial website on 6th June, 2016 under IT Act, 2000 and Rules made thereunder directing the matrimonial websites to adopt safeguards to ensure that people using these websites are not deceived through the means of fake profiles or misuse/wrong information posted on the website.⁴⁹
- The Ministry of Electronics & Information Technology (MeitY) has set up Cyber Forensics Training Labs in north-eastern States and cities such as Mumbai, Pune, Kolkata and Bangalore to train State police officials and judiciary in cybercrime detection and collection, preservation and seizing of electronic evidence and dealing with cybercrime.⁵⁰

VI. CONCLUSION

Cybercrime is seen as humanity's next major threat. However, we were mistaken. Cybercrime has spread its wings all over the world. Top intelligence agencies are concerned about hacking and security breaches. Cybercrime has grown into a more covert issue. In this situation, it is critical that we protect women's integrity and dignity. Perverts, cheats, black market agents, and other anti-social forces have found a way to fulfill their wants via cyberspace. National and international authorities, women's rights advocates, and other social service organizations must recognize that cyberspace is as serious a problem as any other. Cybercrime poses a significant threat to India. It would be incredibly difficult to keep track of everyone and everything with such a big data base. To stay up with changes in data services and internet access, the government must increase cyber security. If the true fight is virtual, strengthening border protection or erecting barriers is pointless. Regrettably, this is the case. The world is frightened about nuclear wars, but cyber warfare has become a major source of fear. In this maze of disarray, India would not want to drag or victimize women. It's best to follow the adage that "prevention is better than treatment." India could lead the way in combating this evil by developing cyber security and creating a safe cyber environment for women.

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