Cybercrime and Cyber Law with regard to Women: A critical analysis

Dr. Urvashi Pandey [*], Kiran Fartiyal[†]

Abstract

In the age technological advancement, the internet user increasesrapidly. Internet with its merit also have lots of demerits, as the service of almost all the sector move online crime also spread its roots in cyber space and to be known as cybercrime. As we know from the previous study that women and girls are the most vulnerable group to cybercrime such as cyber stalking, cyber harassment, cyber pornography and cyber defamation etc. However, instead of having Information Technological Act, 2000 to combat cybercrimes, there are other aspects such as gaps in the laws and rules, lack of awareness and feeling of hesitation and embarrassment becoming the major concern to address for the safety of women in the cyber space. Therefore, by addressing the shortcoming in the cyber laws and giving education to women regarding the cybercrime and cyber laws becoming a keyturn point towards preparing a safe environment for women in the cyber world. This paper concludes the lack of awareness regarding the cybercrime among women, loopholes in the cyber law and a week legislation against cyber offence, and judicial role in the in providing the speedy justice to the victim of cybercrime.

Key words: Cybercrime, Cyber law, Women, Information Technology.

INTRODUCTION

In the development of India, the main factor that contributing is a technological advancement. Whenever, the revolution occur it bring beneficial things to mankind ever time. The advancement in the technological development and Information technology provides a route to India to step ahead remarkably. Therefore, foroverall inclusive development, science and technology is becoming a main focus point for a modern India. Also, in India, social network users have increased radically from 181.7 million to 216.5 millions in 2015 and 2016 respectively. And it further projected around 250.8 million in 2017. Additionally by 2020, expected increase level in user to at least 336.7 million (1). However, technology is beneficial but at the same time it has developed safety issue in the

[*]Assistant Professor,Department of Sociology, M.B.G.P.G College, Haldwani
[†]Research Scholar, Department of sociology, M.B.G.P.G College, Haldwani (Corresponding Author)

life of women due to the rising of criminal activity in the cyberspace. With the appearance of internet, the safety of all the women instead of their ages and background are in risk. The emergency of technology gives rise to the cybercrime that accompany with the victimization of female in the virtual world. And it become a threaten remark to the safety of a person (2).

Cybercrime refers to the illegal act, the task of which includes the usage of information and communication technologies. (3). It is a malpractice which is carries out opposed to a individual or a group. It involves a criminal mind to purposefully cause damage to the dignity of the victim which is physically or mentally, direct or indirect through the modern telecommunication networks such as internet (2).

In the previous studies, it was stated that cyber stalking and cyber harassment are gender specific cybercrimes and consequently, women and girls are more prone to experience this types of cybercrime than men or boys (4). In 2017, India came out as the third most in danger country with regard to risk of cyber threat for example malware, spam and ransom ware. As the development of the technology is for the advancement of the society but instead of this it create a lots of problem especially for women. The cases such as cyber trolling on social media and harassment through emails are the few aspect of the cybercrime opposed to women (5).

In India, National Crime Record Bureau (NCRB), under the Ministry of Home Affair, Government of India, work to release the data on cybercrime every year under its report ' Crime in India'. In 2017, NCRB for the first time begin to collected data on cybercrime against women (6).The NCRB, in 2021, released its latest published data for the year 2020. From the NCRB report of 2021 report it is saw that the number of crime rate against women decreases by 24%, but the cybercrime rate against women increases by 55% in 2020 (7).

Boston consulting Group and Retailers Association of Indiaalsoconducted a study on the internet uses of India which concluded that number of women using internet in India are approximately 29%. Thus, one cannot avoid the fact that in our society women group are more vulnerable to cybercrime. Therefore, it becomes crucial to addressing cyber space impact women (1).

Some types of cybercrime against women

1. **Cyber stalking–**

   Cyber Stalking is the most prevalent cybercrime in the modern world. It is internet based crime where a person follows the other one account and posting threaten message and constantly bother the victim through emails, message etc. Cyber stalking is commonly occur with women and children by men and adult predators respectively. Around 75% of cyber stalking victim are female (4).

   Ritu Kohli Case

   The first case in cyber stalking is the Ritu Kohli case, in this she was complained a file in police station against a person. A person was using her identity at the website htt://www.micro.com/ to chat with the other's around four consecutive days mainly in Delhi channel. The person using her name and giving her address and phone number to other and encouraging them to call her. Though, Ritukohli received around 40 calls in 3 days. After filling the case, the police look over the entire matter and trace the IP address and finally arrested the offender under the section 509, and after that offender was released on bail(8).

2. **Cyber defamation**

   Cyber defamation means to publicize the defamatory facts and figures opposed to another person with the aegis of internet or computer (9).

   A new case of cyber defamation has been registered at the pune cyber police station, the case was against a person, who circulated a video over social media in which a face of women morphed over the naked body of another women. The victimfile a case under section 500(punishment for defamation) of the Indian Penal Code, and section 66(e) and 67 of the Information Technology Act (10).

3. **Cyber morphing**

   Cyber morphing refers to make a photo look differently from what is actually looks like by a fake users. A person download a picture of victim from the social media account and transform it and then use it in their fake accounts (**2).**

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   In this case, victim was constantly being stalked, and later the offender created a fake account of her and also send indecent message to her friend's. the offender also posted a naked photos of her in the walls of the victim hostel. In last, court imprison the criminals liable for his crime (11).

4. **Cyber pornography**

"It is the graphic, sexually explicit subordination of women through pictures or words that also includes pornography is verbal or pictorial material which represents or describes sexual behavior that is degrading or abusive to one or more of participants in such a way as to endorse the degradation. The person has chosen or consented to be harmed, abused, subjected to coercion does not alter the degrading character of such behavior" (12).

The first case in the cyber pornography was registered in the Puri, 2017. The offender allegedly uploading indecent comment opposed to a journalist wife on a porn site. He trying to defame the wife of journalist just to take a revenge from her husband, who allegedly reveal his black money lending business. The court sentenced 6 year of imprisonment and charge Rs 9000 as a fine (13).

5. **Email spoofing**

Email spoofing is a mendacious email activity. In email spoofing the address and other component of the email header are change as through the email derive from a dissimilar source. The users maliciously can formulate the email look like to be from someone other than the original sender by just altering certain stuff of the emails which includes from, Return Path and Reply-to field. The central protocol utilized in sending email is Simple Mail Transfer Protocol which make way possible to email spoofing because it does not permit an authentication mechanism. However, the Simple Mail Transfer Protocol allows their client to pass over a security stages with a mail server, but this safeguard is not regularly taken(7).

Cyber law against cybercrime for women

Cyber law is a legal matter that involves the use of communication technology especially in cyberspace. Cyber law is an attempt to merge the issue introduced by human action on the cyberspace with legacy system of laws appropriate to the concrete world(14). In the era of technology, cyber law plays a significant role. Cyber law is examining nearly all features of activities and transaction which on the internet, World Wide Web and cyber space, thus it is known as significant. In cyber space, each and every action and reaction has few legal and cyber legal side.(15).

In India, according to legal framework, there are mainly two major statuses to combat cyber crime against female. The first one is IPC (Indian Penal Code) 1860 and another one is Information Technology Act 2000. However, IPC does not particularly about the cyber crime instead of this, it talk about the general crime that describe the various offence and

specific punishment to be allotted for the criminal activities to offender. And the offender should be listed in code that is addressed for their activities in the real world. IPC provisions are important for cyber violence which is against women through legislative amendments and judicial clarification. However, IT act 2000 covers majorly commercial and economic crime but not give specific account to cybercrimes angst women (2).

Recommendation & Suggestion

1) Women should not give out their personal details to the unknown person's in the cyber world.

2) Women also concern about the thing and matter which they sharing through post and updating a status in the cyber space.

3) The members from the Government, NGOs and civil society should organize the awareness campaign about the cybercrime and up to date them regarding the consequences of the cyber world.

4) There should be a necessity of seminars and workshops for women to acknowledge them about the personal setting and privacy in the site of social media. And also regarding protective use of the cyber space.

5) There is a need of strong legislation for cybercrime against women, as there is no separate law against the commencement of cybercrime. Thus, to combat the cybercrime against women, there is a urgency to have a rigid and strict laws

6) As the uncountable number of cases already pending in the court which make judicial process slow down and this discourage the women to file a case against cybercrime as it take a longer time to solve. So, there is a requirement for a separate all to look into the matter of cybercrime against women.

Conclusion

The use of cyber space is became a need in the modern world. But, it also came with some consequences especially for children's and women's. In the recent report of National Crime Record Bureau, it is estimate that around 55% case of cybercrime against women was raises in the year of 2020. There are many factors which led to these cybercrime that arise from the sides of users, legislation and judicial systems. Thus, there is a necessity to aware the women about the proper use of cyber space, strong our legislation and judicial system.

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