



CYBER CRIME AGAINST WOMEN

Reena Rani, Desh Bhagat University, Mandi Gobindgarh, Punjab

Dr. Arti Assistant Professor cum AR Research, Desh Bhagat University, Mandi Gobindgarh, Punjab

Abstract

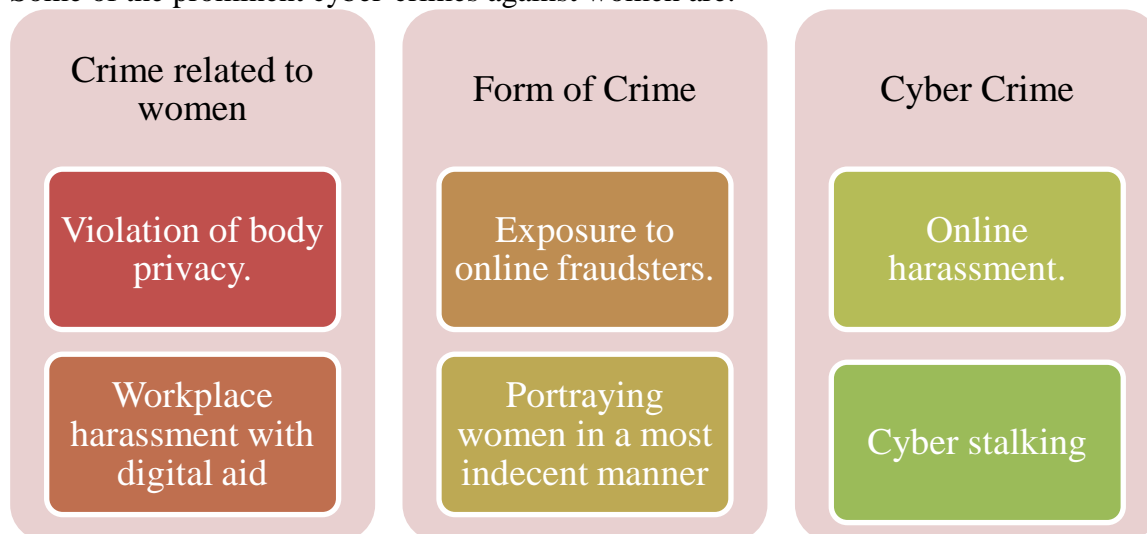
Cybercrime against Women is becomes a general thing in society. According to Constitution of India every person shall be treated equal in eye of law. Women are having special status under Article 15(3). The state shall have a power to make special law for women & children welfare. By the way women are physically different from men need to special protection. Post covid-19 number of cybercrime cases enhanced regarding women. The research paper focus on the drawback of law, role of men, and role of mind set of society, etc. the doctrinal methodology used by the author for the completion of research study on cybercrime against Women in the country. The delimitation of the study is only cyber space area concerning women and the result of the research paper cybercrime against women is enhancing compare with child & man. The suggestive point related to research paper is needed to change mind set of society and strong legal system as well as awareness on the ground level. The CEDAW also recommended protection of rights of women prominent object of the International convention and all member states.

Key Words: Strategic Plan, Legislation, Cyber Crime, Right of Women, Cyber Security.

I. Introduction

The Ministry of Home Affairs (MHA) is responsible for a wide range of duties, with internal security, Management of the Central Armed Police Forces, border management, Center-State relations, administration of Union Territories, etc. Although the Union is required by Article 355 of the Constitution to protect every State against external aggression and internal disturbance and to ensure that the Government of every State is carried out in accordance with the provisions of the Constitution, public order and police are the responsibilities of the States. In order to fulfill these duties, the Ministry of Home In order to maintain security, peace, and harmony without infringing upon the State governments' constitutional rights, Affairs continuously monitors the situation with regard to internal security, issues the appropriate advisories, shares intelligence inputs, and provides manpower, financial support, guidance, and expertise to the State Governments.

Some of the prominent cyber-crimes against women are:





Many reasons to increasing the cyber-crime against crime in the country

1. The transcendental nature of the internet-no boundaries, ever changing.
2. Low equipment cost.
3. Numerous vulnerable targets- Loneliness is a prime cause as many female students and staff live away from their family and work for long hours over the computers. Thereby, the computers become their trusted pal.
4. Easy concealment due to anonymity.
5. Cyber-crimes in most of the cases are not even reported due to the fear of society, hesitation, shyness and fear of defamation.
6. In most cases, such cyber-crimes are not even addressed due to the hesitation and shyness of the victim and her fear of defamation of the family's name in the society.

II. Segment of International Conventions on Rights of Women

Cyber-attacks also referred to as attacks on our digital infrastructure, are a typical occurrence in the twenty-first century. Our reliance on digital communications has made us vulnerable to attacks that might substantially disrupt global digital infrastructures, made possible by high-speed wireless data transmission technology. Financial markets, telecommunications, healthcare, transportation, national security, and other technology-driven industries are examples of such infrastructures(1).

An international bill of rights for women is frequently used to characterize the UN General Assembly's 1979 adoption of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). It defines what constitutes discrimination against women and lays out a plan for national action to abolish it. It consists of a prologue and 30 articles. The Convention lays the groundwork for achieving gender parity by guaranteeing women's equal access to and opportunities in political and public life, including the ability to vote and to run for office, as well as in areas like education, health, and employment. States parties concur to implement all necessary steps, including legislation and short-term exceptional measures, to ensure that women can fully exercise their fundamental rights and human freedoms(2).

The Convention is the only human rights pact that upholds women's right to abortion while also focusing on how culture and custom shape gender roles and family dynamics. It upholds women's rights to choose their nationality, as well as the nationality of their offspring. Additionally, States Parties Agree to Take Appropriate Action against All Forms of Women's Trafficking and Exploitation(3).

During the year 2021, the internal security situation in the country remained under control. The Government of India accorded due priority to enhancing internal security. The principal focus on the internal security front remained on countering terrorism in Jammu and Kashmir, improving the security scenario in the North Eastern States, combating Left Wing Extremism and maintaining peace in the hinterland of the country(4).

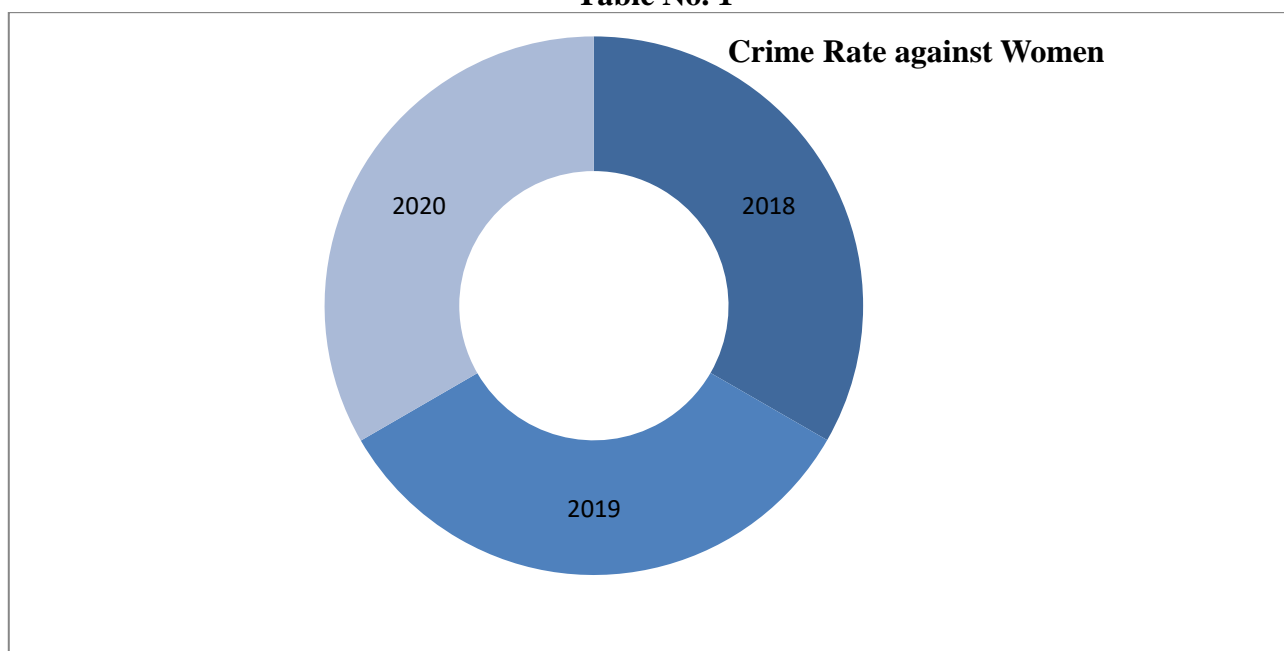
III. Women Safety Division: Ministry of Home Affairs

On May 28, 2018, the government established a Women Safety Division in the Ministry of Home Affairs to improve safeguards for women in the nation and provide them a stronger sense of security by ensuring a safer environment and swift, efficient, and comprehensive administration of justice. The Division is in charge of developing policies, organizing projects, coordinating efforts, and putting them into action to help States and Union Territories accomplish their goals. They also oversee jail reform efforts and other related initiatives. Among other things, this entails a greater use of IT and technology in the criminal justice system and the creation of a conducive environment for forensic sciences, crime, and criminal records. According to Annual report of NCRB crime against women is increasing 2018-19 to 2020 mentioned with table no. 1 & 2(5).



| Under Law | Crime Incidence | | | Crime Rate* | | |
|--------------|------------------|------------------|------------------|--------------|--------------|--------------|
| | 2018 | 2019 | 2020 | 2018 | 2019 | 2020 |
| IPC | 31,32,955 | 32,25,597 | 42,54,356 | 236.7 | 241.1 | 314.3 |
| SLL | 19,41,680 | 19,30,561 | 23,46,929 | 146.7 | 144.3 | 173.4 |
| Total | 50,74,635 | 51,56,158 | 66,01,285 | 383.5 | 385.5 | 487.8 |

Table No. 1



Report of NCRB, 2020-2021, assessed from <https://ncrb.gov.in/>

Internet-based crimes could take the form of committed in India they following as-

1. Internet stalking
2. Online bullying
3. Online bullying
4. Identity fraud
5. Breach and breach of secrecy and privacy
6. Voyeurism

Although it falls under the category of cyber harassment, revenge pornography is one such cybercrime that has received a lot of attention recently due to an increase in non-consensual pornography. Many heinous crimes was committed in country mentioned in below –

| Crime Head | Crime Incidence | | | Crime Rate* | | |
|---------------|-----------------|--------|--------|-------------|------|------|
| | 2018 | 2019 | 2020 | 2018 | 2019 | 2020 |
| Murder | 29,017 | 28,915 | 29,193 | 2.2 | 2.2 | 2.2 |



| | | | | | | |
|-----------------------------------|----------|----------|----------|------|------|------|
| Kidnapping & Abduction | 1,05,734 | 1,05,036 | 84,805 | 8.0 | 7.9 | 6.3 |
| Total Violent Crimes | 4,28,135 | 4,17,846 | 4,00,006 | 32.4 | 31.2 | 29.6 |

Table No. 2 Source: NCRB

Above table indicated crime against women has increased in Murder, Kidnapping & Abduction as well as including cybercrime. In 2018 Total crime rate was 32.4%, 2019 total crime rate 31.2% , and 2020 total crime rate increased 29.6 % in India. Many common crimes, like murder, robbery, cheating, etc., also victimize women. Only crimes particularly committed against women are referred to as "Crimes against Women. The figure shows that, compared to the year 2019, there was an 8.3% drop in the reporting of incidents involving crimes against women in 2020. This could be the outcome of many actions made by the Indian government, such making it(6).

IV. Legal Response on Cyber Security Regarding Women Security

a) Indian Penal Code, 1860

There was no specific statute in place prior to 2013 that addressed crimes against women committed online or online harassment. Sections 354A through 354D of the Indian Penal Code, 1860 were added by the 2013 Criminal Amendment Act.

According to Section 354A, a man who engages in any of the following behaviors asking or demanding sexual favours; showing pornography against a woman's wishes; or making sexually suggestive comments commits the crime of sexual harassment and may be punished with a fine, a term of rigorous imprisonment that may reach three years, or with both a fine and incarceration.

In accordance with Section 354C voyeurism includes the act of photographing and/or broadcasting a woman performing a private act without the lady's agreement. The lady must typically have the expectation of not being seen either by the perpetrator or by any other person at the behest of the perpetrator for the conduct to qualify as voyeurism. A person who violates this section may be sentenced to a fine and up to three years in jail on their first conviction and up to seven years on consecutive offences.

A stalking clause was added in Section 354D, and it includes online stalking. Stalking is described as an act in which a male contacts or pursues a woman despite her blatant indications that she is not interested in being contacted, or watches over her online activities, usage of the Internet, or electronic communications. For the first offence, a stalker offender faces a maximum sentence of three years in jail and a fine. For any future convictions, the maximum sentence increases to five years in prison and a fine (7).

b) The Information Technology Act, 2000

Identity theft is a criminal offence according to Section 66C of the IT Act. The scope of this regulation would include instances of cyber hacking. Anyone who uses another person's electronic signature, password, or other unique identification feature dishonestly or fraudulently is subject to imprisonment of either kind for a term that may not exceed three years and a fine that may not exceed Rs. 1 lakh(5). The IT Act's Section 66E addresses invasions of a person's privacy. When someone's privacy is violated and their private areas are photographed, published, or transmitted without their permission, they could face up to three years in prison or other penalties. The publication, transmission, and inducing of the transmission of obscene content are prohibited under Section 67, and they are punishable by up to three years in jail and a fine for a first offence and up to five years and a fine for a second offence. Obscene content has the same definition as in Section 292 of the IPC, and as a result, the definition of obscenity is the same as it is under that section.



Additionally, under Section 67A, the publication, transmission, or causing of transmission of sexually explicit material is punishable by up to five years in prison and a fine for a first offence and up to seven years in prison and a fine for a second offence. The publication or transmission of sexually explicit material featuring children is prohibited by Section 67B(8).

Conclusion

The most recent form of crime is it. Internet-based social and communication applications are used to establish, run, and manage the activism in this kind of crime, such as speedier communication with people or the rapid dissemination of information to a large audience. Twitter, Facebook, YouTube, LinkedIn, WhatsApp, Gmail, and other e-communication tools are employed in this activism. These tools are made for beneficial goals like greater connectivity with friends, coworkers, and employees and sharing the latest information readily across a broad geographic area. It suggests that law & policies should be made effective implementation concerning cybercrime and need to responsible individual as well as cyber operating system supervised by government official.

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