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ABSTRACT:

Today also women are treated as the most vulnerable group in the society. In this emerging era, women are striving hard for their livelihood. They have to step out of house and work in all the areas with the men. During this lock down of COVID-19, the new trend of *work from home* came into existence and many of the women are doing their official work from home specially in the private sector.e.g: a female employee has to attend the meeting organized by the boss at any time apart from the office hours. There are several types of cyber-crimes, and now sexual harassment has become one of the cyber-crime which is taken place during this pandemic of COVID-19. A working woman or a housewife or a girl/ student, no matter of any age, if she is using the electronic device, she is likely to face the problem of harassment in one or another way. Cyber stalking, Cyber bullying, Child pornography Cyber grooming etc. these are the various types of cyber-crimes which are committed while using the electronic device. The Indian Penal Code and the Information Technology Act, deal with the offences committed under the Cyber Crime. This paper studies about the Cyber-crime against women relating to Sexual Harassment.

Keywords: Cyber, Crime, Harassment, Stalking, Bullying, Pornography, Grooming etc.

INTRODUCTION:

'*Cyber Crime*' is a sophisticated type of crime which is unlawfully committed through any electronic device i.e., computer, mobile, internet etc. where the perpetrator with a malafide intention steals the information which causes loss to the concerned person. Day by day the crimes are increasing and now in this digitalized world when majority of the population are using all types of electronic devices, the fear of crime relating to cyber is also increasing. Women are also not behind in using the devices due to which they have to face a lot of problem. Today also women are treated as the most vulnerable group in the society. In this emerging era, women are striving hard for their livelihood. They have to step out of house and work in all the areas with the men. During this lock down of COVID-19, the new trend of *work from home* came into existence. In metropolitan cities, women are doing their official work from home specially in the private sector. The whole day they have to sit in front of the computer, laptop and carry out their official duty. A female employee has to attend the meeting organized by the boss at any time apart from the office hours. Though women are working from home still they are not even safe there. Several types of cyber-crimes are being committed and now sexual harassment through Cyber has become one of the most active cyber-crime which is taken place during this pandemic of COVID-19. A working woman or a housewife or a girl/ student, no matter of any age, if she is using the electronic device, she is likely to face the problem of harassment in one or the another way. Sexual exploitation such as publication/transmission of obscene/sexually remarks in the electronic form is the sexual harassment. Nowadays cyber-crime in the form of online through the electronic device has become common. Sexual Harassment may be defined as, an act in any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment ^[1]. Online sexual harassment, involves asking someone intimate questions or sending them unwanted pornographic material via the internet and cyberstalking, which involves the repetitive pursuit of an individual through electronic or Internet-enabled devices.

TYPES OF CYBERCRIME:

Cyber harassment is unlike physical or verbal harassment. It is the use of the internet to make unsolicited advances, communication or interactions with another person or entity. Any act which outrages the modesty of a woman is a crime. Then let it be any form online or offline. As today we are discussing the crime of sexual harassment through cyber, we will see that, there are many forms in which the modesty of woman is outraged. She is being humiliated and her right to live and dignity is being infringed. Here are some types of cybercrimes; Cyber stalking, Cyber bullying, Child pornography Cyber grooming, etc. these are the various types of cybercrimes which are committed while using the electronic device. The Indian Penal Code and the Information Technology Act, deal with the offences committed under the Cyber Crime.

CYBER STALKING -

Cyber Stalking' is keeping an eye on the movements of a person or organization through electronic device. Here comes the posting of messages threatening/harass somebody. Cyberstalking may also include monitoring, identity theft, threats, vandalism, solicitation for sex, or gathering information that may be used to threaten/harass or stalk a person [2]. Stalking is a continuous process, consisting of a series of actions, each of which may be entirely legal in itself. Technology ethics Professor Lambèr Royakkers defines 'cyberstalking' as perpetrated by someone without a current relationship with the victim. About the abusive effects of cyberstalking, he writes that: Stalking, is a form of mental assault, in which the perpetrator repeatedly, unwantedly and disruptively breaks into the life-world of the victim, with whom he has no relationship (or no longer has), with motives that are directly or indirectly traceable to the affective sphere. Moreover, the separated acts that make up the intrusion cannot by themselves cause the mental abuse, but do taken together (cumulative effect). Stalking has been defined to mean an act where a man follows or contacts a woman, despite clear indication of disinterest to such contact by the woman, or monitors the cyber activity or use of the Internet or electronic communication of a woman [3].

CYBER BULLYING-

'Cyber Bullying' in general means an online intentional act repeatedly done through electronic device by a person, affecting the dignity and violation of the fundamental rights of the person who is being harassed. A frequently used definition of cyberbullying is "an aggressive, intentional act or behavior that is carried out by a group or an individual, using electronic forms of contact, repeatedly and over time against a victim who cannot easily defend him or herself." The National Crime Prevention Council's more specific definition: "the process of using the Internet, cell phones or other devices to send or post text or images intended to hurt or embarrass another person^[4]. Cyberbullying is often similar to traditional bullying, with some notable distinctions. Victims of cyberbullying may not know the identity of their bully, or why the bully is targeting them, based on the online nature of the interaction. The harassment can have wide-reaching effects on the victim, as the content used to harass the victim can be spread and shared easily among many people and often remains accessible long after the initial incident. The terms "cyber harassment" and "cyberbullying" are sometimes used synonymously, though some people use the latter to refer specifically to harassment among minors or in a school setting^[5].

CYBER PORNOGRAPHY -

Cyber Pornography', according to City of Youngstown V.DeLoreto (USA, 1969), Pornography is the portrayal of erotic behaviour designed to cause Sexual Excitement. It is words, acts or representations that are calculated to stimulate sex feeling independent of the presence of another loved and chosen human being. It divorces from reality in its sole purpose to stimulate erotic response. It is preoccupied with and concentrates on sex organs for the purpose of sexual stimulation. It emphasizes them and focuses on them in varying ways calculated to incite sexual desire. The term Pornography refers to any work or art of form dealing with sex or sexual themes. It involves images, videos of both men and woman involved in sexual activities and is accessible on internet worldwide. Internet has given a very wide facility to communicate people at large at a click. Due to internet people get connected with each other and can share their views and ideas at length. Today, Internet is a very useful measure of communication but as there is *DOES* there also is *DON'T'S*.

CYBER GROOMING -

Cyber Grooming' also called as 'Online grooming' is where someone befriends a child online and builds up their trust with the intention of exploiting them and causing them harm. Harm caused by grooming can be sexual abuse, both in person and online, and exploitation to obtain sexually explicit images and videos of the child.

EFFECTS OF CYBER CRIME

Cyber Crime is a crime committed through internet by electronic device i.e., computer, mobile etc. Cyber Crime causes a very long-time effect. A person who is the victim of cyber sexual harassment can feel insecure, scared, humiliated, shamed, upset, can go in depression, it may even effect the mental health. Online sexual harassment can intersect with discrimination and hate crimes, relating to a person's actual or perceived gender, gender identity, sexual orientation, race, religion, special educational need or disability. Young people in these groups may face unique forms of online sexual harassment, resulting in a more negative impact in both the short and long term, as well as multiple barriers that can prevent them from accessing support. The victims of cyber sexual harassment report a number of serious consequences of victimization such as developing the idea of suicide, Fear, Anger, Depression and Post Traumatic Stress Disorder (PTSD) symptoms. PTSD is hypothesized to be common among cyber-sexual assault victims due to the accessibility of the sexual material by individuals across the globe and within a matter of seconds. Victims of Cyber Sexual assault can be shamed into silence when private photos are made accessible for viewing by family members, friends, employers, schools and social media networks. Women across have experienced online sexual harassment receiving highly sexual comments and visual pornography that dehumanize them⁶. Research has shown that simply being a female she is subject to threats of physical and sexual violence, mental disorder, psychological abuse etc. It also causes pain, anguish and victim is suffered emotionally and physically too.

REMEDY TO SOLVE THE CYBER CRIME -

The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) is an international treaty adopted in 1979 by the United Nations General Assembly.

University Grants Commission (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions) Regulations 2015 has stated the guidelines relating to the Cell to be constituted by each college and the university. It has been made mandatory to set up a cell presided over by a senior female faculty and fifty percent of the members should be female and also that the persons in senior administrative positions such as Vice Chancellor, Pro-Vice-Chancellors, Registrar, Deans, and Heads of Departments should not be members of the Internal Complaints Committee. The University Grants Commission has strictly directed to initiate steps against Colleges/Universities for non-compliance of the guidelines laid down by the UGC.

COURT CASES -

1. *Prakhar Sharma v. The State of Madhya Pradesh*: MCRC-377-2018 Madhya Pradesh High Court. Decided on 12 January, 2018 The accused was charged under Sections 66 (c), 67 and 67(a) of the Information and Technology Act for creating a fake facebook account of the victim, by posting photos which were downloaded from the account of the victim and some vulgar messages. When the accused applied for bail, it was denied by the Madhya Pradesh High Court.
2. *Jitendra Singh Grewal v. The State of West Bengal*: CRM 7252 of 2018 Calcutta High Court (Appellate Side) decided on the 1st October, 2018 The accused was charged u/s 354A, 354D, 500, 507 of India Penal Code and Sec.67A of the Information Technology Act for creating a fake facebook account of the victim and uploading the obscene pictures. The trial court rejected the bail application of the accused.
3. *Hareesh v. State of Kerala*: The accused was charged U/s 354(D) of India Penal Code and Sec.67 and 67E of the Information Technology Act for creating fake facebook profile, morphing obscene photographs of the victim by posting her mobile number so as to enable strangers to contact her. The Court denied the anticipatory bail of the accused.
4. *State of West Bengal v. Animesh Boxi*: The accused was charged U/s 354A, 354C, 354D, 509 of the Indian Penal Code and Sec.66C and 66E of the Information Technology Act. Here the accused hacked some photographs of the victim and blackmailed her by threatening to upload the pictures and videos on the internet. The District Court of West Bengal had convicted the accused for the offence u/s 354(D) of IPC.

There are so many cases wherein some are registered and many of the cases are not registered only because of fear and being a woman. In this pandemic of Covid-19 and till today also there are so many incidences occurring in various parts of India wherein the major as well as minor girl child are being victimised, raped etc. in various ways. Every day we come to hear about making friendship on various sites of internet, and then promising of marriage and then rejecting.

THE INDIAN PENAL CODE, 1860 -

Prior to 2013, there was no law directly dealing with Online Harassment or Crimes pertaining to women in the cyber space. The 2013 Criminal Amendment Act to the Indian Penal Code, 1860 by way of Section 354A to Section 354D.

1. **Sec.354(A):** A man committing any of the following acts i.e. a demand or request for sexual favours; or showing pornography against the will of a woman; or making sexually coloured remarks, shall be guilty of the offence of sexual harassment, shall be punishment with rigorous imprisonment extending upto three years or with fine, or both.
2. **Section 354C:** defines 'Voyeurism' as including the act of capturing the image of a woman engaging in a private act, and/or disseminating said image, without her consent. For the act to qualify as 'Voyeurism', the circumstances must be such where the woman would "*usually have the expectation of not being observed either by the perpetrator or by any other person at the behest of the perpetrator*". A person convicted under this section is liable to be punished with fine as well as imprisonment up to three years on first conviction and seven years on subsequent convictions.
3. **Section 354D:** introduced a provision for stalking which also covers cyber stalking. A man committing the offence of stalking would be liable for imprisonment up to three years for the first offence, and shall also be liable to fine and for any subsequent conviction would be liable for imprisonment up to five years and with fine⁷.

Other than the specific amendments that have been made to the Code, there exist certain other provisions under which Cyber-Crimes may be reported or the accused may be charged.

Sec.499, Sec.503, Sec.507: To defame a person is to do an act with the intention of harming the reputation of the person or Threats made to any person with injury to her reputation, Criminal Intimidation when the same is by a person whose identity is not known to the victim. is punishable with imprisonment for a term, which may extend to two years, or with fine, or both.

Section 509: Any person who utters any word or makes any sound or gesture, or exhibits any object with the intention that such word, sound or gesture or object be heard or seen by a woman and insult her modesty, or intrudes a privacy, may be charged under this section and imprisoned for a term that may extend to 3 years and also with fine. Instances of lewd comments or remarks made over the Internet, or other explicit images and content forcibly shared over the web may be penalized under this section⁸.

The Information Technology Act, 2000 as amended by the Information Technology Act, 2008.

Sec, 66 C, Sec.66 E deals with imprisonment and fine for committing the offences fraudulently or dishonestly make use of the electronic signature, password, the violation of the privacy of a person.

Section 67 prohibits, and punishes with imprisonment extending up to three years and fine for first conviction and to five years and fine upon second conviction, the publication, transmission and causing of transmission of obscene content.

Section 67A makes the publication, transmission or causing of transmission of sexually explicit material punishable with imprisonment extending up to five years and fine for first conviction and to seven years and fine upon second conviction.

Section 67B makes publication/transmission of sexually explicit content depicting children punishable.

Indecent Representation Of Women (Prohibition) Bill, 2012

The Indecent Representation of Women (Prohibition) Act regulates and prohibits the indecent representation of women through the media of advertisements, publications etc. The Indecent Representation of Women (Prohibition) Amendment Bill, 2012 seeks to broaden the scope of the law to cover the audio-visual media and content in electronic form, and distribution of material will also include distribution on the Internet and the portrayal of women over the web.

SUGGESTION:

the above paper the researcher has discussed the various cyber sexual crimes committed by the perpetrator wherein some time the perpetrator is identified and some time he is unknown. Due to unawareness and fear in the society many of the online crime are unreported. So as a basic need and to be free from the online sexual harassment and specially the female it is necessary that, whenever operating an electronic device keep a strong password, do not share it with anybody, be aware while chatting online, do not share any personal information, be careful while reading the terms and condition laid down by the different apps, block unwanted people, be aware from freebies etc.

Sec.2(d) of the Protection of Human Rights Act, 1993 defines the term “Human Rights” as under:

“human rights” means the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by Courts in India⁹.
The basic human right of every woman should be protected. The right to freely live in the society should not be infringed.

CONCLUSION:

The researcher comes to the conclusion that, though there is legal remedy and many steps are taken by the Government to stop the undue practice of online harassment but still due to unawareness and fear many offences are unreported. So to conclude, if the offence is reported within time the culprit can be arrested and charged. Not only the judiciary should play the active role to protect the basic right i.e. right to live and dignity of women but also the various Organizations and mainly the government should take efforts and necessary steps to create awareness relating to right of women and most important is that the mentality of society should be changed.

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WEBINAR ATTENDED:

1. One day webinar on Awareness in Women about Cyber Crime and Security:
2. Mr. Deepak Lagad, Adv. Dr. Vijeta Singh, Mrs. Kavita Datar.
3. One Day Webinar on "Gender Sensitization in India: Prospects and Challenges" under TEQUIP – III (Twinning Programme) organised by
4. Internal Complaint Committee of Government College of Engineering, Jalgaon (M.S.)

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