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# Infobahn Related to Matron

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AVINASH RAY<sup>1</sup> AND YUSRA KHATOON<sup>2</sup>

## ABSTRACT

*Cyber space meaning the world connected through internet networks. Cybercrimes against women are on lifted women had been drastically victimization in the cyber space. Some executioner tries to slander women by using chat rooms, websites e.tc. developing pornographic videos where women are described in negotiating position mostly constructed without their consent, spoofing e-mails, morphing of images for pornographic content etc. The gender sinner looks for their prey on social network websites, & also on job or marriage websites where people stud their personal information for better odds. The admission of personal information has made women more disaster of cybercrime. The realization of the individuals in regard to the law & policy in this concern is the prime objective & which will mull over the status of India. All confining the regulatory field is colossal body of academic crematory chew over privacy issues in cyberspace from a variety of relative importance. India is among very few countries to enact Information Technology Act, 2000 to rim cybercrimes. The world of internet looks after every user all the mandatory information hasty communication and splitting tool making it most plum sources of information. With the rife' elevation of internet, the crime proving internet poses a great peril to individuals. Cybercrime is a global & women are the soft use of this new form of security onus against women. A conceptual model of cyber victimization of Indian women is put forward as a proposal. Cybercrime is turning up as call for national & economic preservation.*

**Keywords:** *Cybercrime, Information Technology Act 2000, Women, Victimization*

## I. INTRODUCTION

Computer, internet, chat room, Skype e.tc. are used periodically, as this is the era of digital age and our Prime Minister also emphasizes Digital India concept which is gist of many innovation and technological advancement. Technological development related to communication had developed a communication between people who lived across the world and is possible with the onset of internet. With the rise of globalization cyberspace has been blessing to human creature. Socialization through global social networking websites has become a favorite hobby

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<sup>1</sup> Author is a student at Amity University Lucknow Campus, Uttar Pradesh, India.

<sup>2</sup> Author is a student at Amity University Lucknow Campus, Uttar Pradesh, India.

for human from online shopping to net-banking which empowered Indian women to fight for equality. Cyber socialization on one part as provide a great platform for their development ludicrously on the other hand it is a curse to them as it gives rise to cybercrime.

Cyber platform is now-a-days squandered to harass and abuse women which are known as cybercrime. Cybercrime took place through using computer networks on large number of platforms through stalking, blackmailing, threatening etc. Women and children are targeted through photo morphing, pornography etc.

The dub cybercrime can be précised as an act accomplished or barred in violation of a law foreboding or dominating it and for which punishment is enforced upon persuasion. The internet space or cyber space is flourishing very fast and as the cybercrimes. Some of the kinds of cyber criminals are as follows:

- Crackers: These individuals are crucial on knocking out loss to thrill some antisocial motives or just for fun. Many computer virus creators and distributors fall in this category.
- Cyber terrorists: There are many forms of cyber terrorism some time's it is rather smart hacker breaking into government websites, other times it's just a group of like-minded. Internet users who crash a website by flooding it with traffic. No matter how dangerous it may seen, it is silent illegal to those familiarized to drugs, alcohol e.tc to the criminally negligent.
- Hackers: These individuals examined others computer system for education, out of curiosity, or to compete with their peers. They may be pursuing to score the use of a more powerful computer, gain respect from fellow hackers, build reputation, or gain acceptance as an expert without formal education.
- Career animals: These individuals earn part or all of their income from crime although they Malcontents, addicts, and irrational and incompetent people.
- Pranksters: These individuals perpetrate tricks on others. They generally do not designate any particular or long-lasting harm.
- Salami attackers: Those attackers who are used for the commission of financial crimes. The key here is to make the diversification so insignificant that in a single case it would go completely unnoticed.

- **Cyber bulls:** Cyber bullying is any harassment that arises via the internet. Vicious forum posts, name calling in chat rooms, fake profiles on the web sites and mean or cruel email messages all are way of cyber bullying.

Cybercrime is categorized into following:

### 1. Network Crime

- a. **Network interference:** interference with the operating of a computer network by inputting, conducting, prejudicial, eliminating, modifying, suppressing network data.
- b. **Network Sabotage:** incompetent managers vexing to do the jobs of the people they normally are in charge of? It could be the above alone, or a combination of things. But if Verizon is using the help the children, hamstringing first responders line then they might be using network problems as an excuse to get the federal government to intervene in the interest of public safety. Of course if the federal government forces these people back to work what is the purpose of unions and strikes anyways.

### 2. Data Crime

- a. **Data Interception:** An attacker monitors data stream to or from a target to gather information. This bombard may be undertaken to cluster information to support a latter attack or the data collected may be the end goal of the attack. This attack usually engages detecting network traffic, but may combining observing other types of data stream, such as radio.
- b. **Data Modification:** Privacy of communications is essential to assure that data cannot be altered or noticed in transit. Disturb environments carry with them the possibility that a malicious third party can purge a computer crime by changing with the data as it moves between sites.
- c. **Data Theft:** means information is illegally duplicated or appropriated from a business or other individual. Commonly this information is user information as passwords, social security numbers, credit card information, other personal information, or other confidential corporate information. Because this information is illegally procured, when the individual who stole this information is seized, it is likely he or she will be litigated to the full extent of law.

### 3. Access Crime:

- a. **Unauthorized Access:** unjustified access is an insider's view of the computer cracker underground. This filming took place all across the countries. It put eye at the

personalities behind the computers screens and desires to isolate the media hype of the outlaw hacker from the reality.

- b. **Virus Dissemination:** malicious software that attaches itself to other software example worms, Trojan etc.

Thus, there is a crucial urgency of bringing awareness and consciousness among women to be careful while using internet facilities and also a proper guidance, they face cybercrime then they can establish their voice against it. In this paper, an attempt is made to discover out the reasons behind the online victimization of Indian women and a conceptual model is developed for same.

## **II. VISIONARY MINIATURE ACUMENS OF VICTIMIZATION**

Acumens of victimization of Indian women include miniature for that which is of vast variety. These miniatures trapped women to get victimize which in turn becomes cybercrime.

### **Fig: Visionary Miniature of Victimization**

1. **Psychological perspectives:** It deals mainly with three reasons that are:

- Lack of family support
- Loneliness
- Insecurity

It is well established fact that with rapid growth in every sphere, lifestyles of individuals have endorsed a sea change. Now due urbanization and globalization family tradition has been altered from joined family to nuclear. These nuclear families give rise to privacy to each other and this become loneliness.

To overcome from this loneliness and depression women, especially home makers favor to find out a support from outside their family here I would like to give a example from recent bollywood movie name **Dream Girl** where every single person which feels loneliness finding

someone outside to support them. Predictable acumens made it clear from study that women are more sensitive than man and this made very easy for anyone to win the trust of the women. In this situation women reveal almost everything about them which tend to hurt them grievously.

**2. Sociological reason:** Indian society is predominantly fatherly in nature, and this is the major reason for women becoming victims of cybercrime. In India, gender differences cast a tremendous consequence on nurturing practices. These all happen due to:

- Family honor
- Cyber harassment leads to social harassment
- Nurturing practices
- Patriarchal society

Where a male child is taught to be tough and robust, a female child is expected to be shy. That's how society decides the role of men and women. That is the only reason for the female victim not to make report because they always learnt that they are the whole respect of family. If society will get to know about that fact their respect will be destroyed.

**3. Lack of computer knowledge:** Partial computer illiteracy refers to incomplete or fractional knowledge in handling or operating computer system and its application. This is due to two factors that are:

- Partial knowledge
- Difference in perspective to internet usage

Computer literacy does not mean only browsing the internet services but also includes the knowledge of privacy protection, protection from spy ware, internet viruses. Large number of people are using internet over computer system but lack of knowledge this is because India is advent of computer. Very few people learn use of computers from professionals, many learn from peer friends. This resulted in computer illiteracy which creates a big danger for society.

The concept of computer knowledge should be explained in terms of differences between the genders. Widespread research is being done and it is found that women are less aware of privacy policy which is dominating over females. This is mainly because there is difference in approach of both the gender toward this modern technology.

4. **Gap between law and technological approach:** One of the main reasons behind the cybercrime for women in India is less legal protection. As now for this **Information Technology Act, 2000** has been only there. A part from the legal gap the provision of anonymity by the cyber space is a reason for the victimization of women. The cyber world is virtual space where it becomes very fast for the perpetrators to manipulate his identity and hide. The reason behind it is that even if the source from which the offensive matter has been posted can be detected, the police find it difficult to trail offender. The culprit uses the information from the matrimonial or job sites where people give their credentials for better prospect and this information also makes them victim.

### **III. CYBERCRIMES RELATED TO WOMEN**

There are various forms of cyber violence against women and children including not only cyber stalking, non-consensual pornography, gender-based slurs and harassment, slut-shaming, extortion, rape and death threat. These Cybercrimes which may put women get into depression, hypertension, and suffer from anxiety and many more due to these crimes. There are no agreed definitions of these forms of cyber violence against women and children therefore following are some as follows:

1. **Cyber pornography:** Internet may be studied the facilitator of crimes like cyber pornography and is most dangerous hazard to the female and children, would combine pornographic websites or magazines produced using computers to publish and print the material and the internet to download and transmit pornographic pictures, videos. Cyber Pornography is measured an special case which has been covered by the IT Act 2000 to a certain extent by section 67 of the IT Act 2000. Along with the sections of Indian Penal Code 1860:
  - Section 290 deals with the public nuisance
  - Section 292 deals with selling of obscene books
  - Section 292A deals for printing or publishing grossly indecent or scurrilous matter or matter intend to blackmail
  - Section 293 deals for sale e.tc of obscene objects to young persons
  - Section 294 deals for doing or composing, writing e.tc of obscene songs
  - Section 509 deals for outraging the modesty of a women

Case related to cyber pornography obscenity **State v Jayanta Das**<sup>3</sup> where the complainant case against Jayanta Das for doing cyber pornography of the complainant wife over different websites. It was held that the accused should be charged of the offence under **IPC** sections 292/465/469/500 and **IT Act u/s 66(c)/67/67(A)** as he annoyance, do dangerous obstruction, insult, injury, ill-will to the petitioner.

In case of **Avinsh Bajaj v State, 2008**<sup>4</sup> was a case of sale of a video clip shot on mobile phone of sexual act for which he was charged u/s 292 of IPC, u/s482 of Cr.P.C, 1973, u/s 67 of IT Act as it is crime of selling obscene videos.

In one of the recent case known as **Delhi Metro CCTV Footage Leak Case**<sup>5</sup> where the appellate file case as DMRC card asked for the personal detail of the individual and using CCTV footage whether they used that or not it was held that the information asked by the DMRC are personalized and cannot be asked by them as u/s 8(1)(J) of RTI Act,2005 and u/s 67 of the IT Act,2008.

2. **Cyber Defamation:** Cybercrime also dealt with cyber tort that includes libel and defamation. Cyber defamation takes place with the help of computers and internet when someone publishes derogatory or defamatory information to those persons that create defamation to the accused. Cyber defamation is not defined under the IT Act but well explained u/s 500 of IPC with punishment and imprisonment which may extend to two years or fine or both, section 501 of IPC defines ‘whoever prints or engraves any matter, knowing or having good reason to believe that such matter is defamatory of any person shall be punished u/s500.

India first defamation case **SMC Pneumatics (India) Pvt. Ltd. V. Jogesh Kwatra**<sup>6</sup> Court of Delhi Assumed Jurisdiction over a matter where a corporate reputation was being defamed through emails and passed an ex-party injunction.

3. **Cyber Stalking:** This is one of the most common crimes in the modern world Cyber Stalking can be defined as a repeated acts harassment or threatening behavior of the cybercriminal in the direction of the victim by using internet services. The motivation of stalkers may be considered less than four reasons:

- (i) sexual harassment,

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<sup>3</sup> Jayanta Das vs State of Odisha 2017 (4) CHN,432, 2017 CriLJ2841

<sup>4</sup> Avinsh Bajaj v State (N.C.T) of Delhi (2005) 3 Comp LJ 364(Del) <https://indiankanoon.org/doc/309722/>

<sup>5</sup> Pawan S/O Shri Mool Chand v Delhi Metro Rail Corporation, 2019 <https://indiankanoon.org/doc/33683250/>

<sup>6</sup> SMC Pneumatics (India) Pvt. Ltd. V. Jogesh Kwarta, 2014 Suit No.1279/2001 Delhi HC <https://indiankanoon.org/doc/31110930/>



- (ii) obsession for love,
- (iii) revenge and hate,
- (iv) ego and power trips.

India's first cyber stalking case **Ritu Kohli case**<sup>7</sup> where the very first-time question arises that what is cyber stalking? Then in this case the accused was stalking the petitioner by chatting on illegal means. The accused was using the petitioner identity to chat by using obscene and obnoxious language. There were no laws related to cyber stalking till the time and it was a view to government to make laws regarding to this. After that section 66 of IT Act, 2008 come up with covering this.

4. **Photo Morphing:** Editing of the original picture by unauthorized user or fake identity is termed as Morphing. It was recognized that female's pictures are downloaded by means of fake users and again re-posted/uploaded on different websites by creating fake profiles after deletion it. Recently, the **Air Force Balharti Case**<sup>8</sup> where a student of the school was teased by all his classmates for having a pockmarked face where her nudes photos were put on the websites.
5. **Profile Hacking:** Hacking simply means unauthorized access to network or computer systems and is most predominant for profile hacking cybercrime. It is an invasion to privacy of data which breach the fundamental right to privacy. The hackers hack the profile of the individual from the social sites like facebook, instagram, twitter etc. They also the hack the matrimonial sites where they get the detailed information about the girls. Profile hacking govern by the IT Act u/s 43 & 66, section 441 of IPC which deals with criminal trespass, u/s 290 for public nuisance.
6. **Email Spoofing:** An email which misrepresents its origin is a spoofed mail. It displays its origin to be different from which really origin. By changing certain properties of the mail. It is possible because Simple Mail Transfer Protocol does not allow authentication mechanism.

In the case of **Gujarat Ambuja Executive Case**<sup>9</sup> the accused pretended to be a girl for cheating an NRI of Abu Dhabi.

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<sup>7</sup> [http://www.daman.nic.in/acts-rules%5CPolicedepartment%5Cdocuments/.%20IT act 2000%20Act%20..pdf](http://www.daman.nic.in/acts-rules%5CPolicedepartment%5Cdocuments/.%20IT%20act%202000%20Act%20..pdf)

<sup>8</sup> Abhimanyu Behera, "Cybercrimes and Law In India," XXXI, IJCC 19 (2010)

<sup>9</sup> Gujarat Ambuja Cement and Ors. V UOI, 1999 <http://indiankanoon.org/doc/406136/>

#### **IV. CYBERCRIME SMASH UP ON THE SOCIETY**

Cybercrime is a global phenomenon. The advancement of technology, cybercrime and victimization of women are on the high and it poses as a major threat to the security of the person. The personal security and privacy of the individual are under threat with this growing issue of cybercrime in the cyberspace. Cybercrimes against women and children are on the rise and they have been drastically victimized in the cyber space. Some perpetrators try to slander women and children by conveyance obscene e-mails, stalking women and children by using chat rooms, websites etc. by developing pornographic videos. Perpetrators frame these Cybercrimes with a particular intention such as illegal gain, defamation, revenge, insult, blackmailing etc. which has a great smash up on the society in different norms. Organized crimes grouped are using the Internet for major fraud and theft activities. These are trend indicating organized crime involvement in white collar crime.

1. **Potential economic bump:** As today's consumer has become increasingly dependent on computers, networks, and the information these are used to store and preserve, the risk of being subjected to cybercrime is high. Each week we perceive of new attacks on the confidentiality, integrity, and availability of computer systems. This could range from the theft of personally identifiable information to rejection of service attacks. As the economy increases its reliance on internet, it is exposed to all the threats posed by cyber criminals. Stocks are traded via internet, bank transaction are performed via internet. All instances of fraud in such transactions influence the financial state of the affected. Productivity is also at risk via attacks from Worms, viruses e.tc take productive time away from the user.
2. **Smash up on consumer trust:** Since cyber attackers intrude into others' space and try to break the logic of the page, the end consumer visiting the concerned page will be frustrated and discouraged to use the said site on a long-term basis. The site in question is labelled as the fraudulent, while the criminal masterminding the unseen attack is not documented as the root cause. This brand the customer lose confidence in the supposed site and in the internet and its strengths.
3. **Plump areas for appetit ion: National Security** – Modern military of most of the countries depends heavily on advanced computers. Information warfare including network attack, exploitation, and defense, is not a new national security challenge but since 26/11 it has gained some additional importance. Information warfare appeals because it can be low-cost, highly effective and provide deniability to the attacker. It

can easily spread malware, causing network to crash and spread misinformation. Since the emphasis is more on non-information warfare, information warfare is definitely ripe exploration.

## V. LAWS IN INDIA

- (i) Physical contact and advances involving unwelcome and explicit sexual overtures; or
- (ii) A demand or request for sexual favors; or
- (iii) Showing pornography against the will of a woman; or

Making sexually colored remarks, shall be guilty of Starting with the codified law where the offences have been defined to be crime is under:

### A. Indian Penal Code, 1896 contained following laws with regards to this:

- **Section 120-B – Punishment or criminal conspiracy**
  - (i) Whoever is a party to a criminal conspiracy to commit an offence punishable
  - (ii) Whoever is s party to a criminal conspiracy other than a criminal conspiracy to commit an offence punishable
- **Section 290 – Punishment for public nuisance in cases not otherwise provided for:**  
Whoever commits a public nuisance in case not otherwise punishable by this code, shall be punished with fine which may extend to two hundred rupees.
- **Section 292- Sale etc. of obscene objects books, e.tc.:**
  - (1) For the purposes of the sub-section (2), a book, pamphlet, paper, writing, drawing , painting, representation, figure or any other object, shall be deemed to be obscene if it lascivious or appeals to the prurient interest of its effect, or (where it comprises two or more distinct items) the effect of any one of its items, is, if taken as a whole, such as to tend to deprave and corrupt person, who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it.
  - (2) Whoever-
    - (a) Sells, lets to hire, distributes, publicly exhibits or in any manner puts into circulation, or for purposes of sale, hire, distribution, public exhibition or circulation, makes, produces or has in his possession any obscene book, pamphlet, paper, drawing, painting, representation or figure or any other obscene object whatsoever, or

- (b) Imports, exports or conveys any obscene object for any of the purposes aforesaid, or knowing or having reason to believe that such object will be sold, let to hire, distributed or publicly exhibited or in any manner put into circulation, or
- (c) Takes part in or receives profits from any business in the course of which he knows or has reason to believe that any such obscene are of any of the purposes aforesaid, made, produced, purchased, kept, imported, exported, conveyed, publicly exhibited or in any manner put into circulation, or
- (d) Advertises or makes known by any means whatsoever that any person is engaged or is ready to engage in any act which is an offence under this section, or that any such obscene object can be produced from or through any person, or
- (e) Offers or attempts to do any act which is an offence under this section, shall be punished (on first conviction with imprisonment of either description for a term which may extend to two years, and with fine which may extend to two thousand rupees, and, in the event of a second or subsequent conviction, with imprisonment of either description for a term which may extend to five years, and also with fine which may extend to five thousand rupees.

Exception- This section does not extend to-

- (a) Any book, pamphlet, paper, writing, drawing, painting, representation or figures:
  - (i) the publication of which is proved to be justified as being for the public good on the ground that such book, pamphlet, paper, writing, drawing, painting, representation or figure is in the interest of science, literature, art or learning or other objects of general concern, or
  - (ii) which is kept or used bona fide for religious purposes;
- (b) any representation sculptured, engraved, painted or otherwise represented on or in:
  - (i) any ancient monument within the meaning of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), or
  - (ii) any temple, or on any car used for the conveyance of idols, or kept or used for any religious purpose.
- **Section 293- Sale etc. of obscene objects to young persons:** Whoever sells, lets to hire, distributes, exhibits or circulates to any person under the age of twenty years any such obscene object as is referred to in the last preceding section, or offers or attempts

so to so, shall be punished 2( on the first conviction with imprisonment of either description for a term which may extend to three years, and with fine which may extend to two thousand rupees, and, in the event of a second or subsequent conviction, with imprisonment of either description for a term which may extend to seven years, and also with fine which may extend to five thousand rupees.

- **Section 294- Obscene acts and songs:** Whoever, to the annoyance of others-
  - (a) Does any obscene act in any public place, or
  - (b) Sings, recites or utters any obscene song, ballad or words, in or near any public place, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.
- **Section 326- Voluntarily causing grievous hurt by dangerous weapons or means:** Whoever, except in the case provided for by section 335, voluntarily causes grievous hurt by means of any instrument for shooting stabbing or cutting, or any instrument which, used as a weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with one imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.
- **Section 339- Wrongful restraint:** Whoever voluntarily obstructs any person so as to prevent that person from proceeding in any direction in which that person has a right to proceed, is said wrongfully to restrain that person.

**Exception:** The obstruction of a private way over land or water which a person in good faith believes himself to have a lawful right to obstruct, is not an offence within the meaning of this section.
- **Section 441- Punishment for wrongful restraint:** Whoever wrongfully restrains any person shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.
- **Section 354- Assault or criminal force to woman with intent to outrage her modesty:** Whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

- **Section 354A- Sexual harassment and punishment for sexual harassment:**

1. A man committing any of the following acts:

- (iv) the offence of sexual harassment.

1. Any man who commits the offence specified in clause (i, ii, iii, iv) of sub-section 1 shall be punished with rigorous imprisonment for a term which may extend to three years. Or with fine, or with both.

2. Any man who commits the offence specified in clause iv of sub-section 1 shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

- **Section 354B- Assault or use of criminal force to woman with intent to disrobe:**

Whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will there by outrage her modesty<sup>10</sup>, shall be punished with imprisonment of either description for a term which shall not be less than one year but which may extend to five years, shall also be liable to fine.

- **Section 354C- Voyeurism:** Any man who watches, or captures the image of a woman engaging in a private act in circumstances where she should usually have the expectation of not being observed either by the perpetrator or by any other person at the behest of the perpetrator or disseminates such image shall be punished on first conviction with imprisonment of either description for a term which shall not be less than one year, but which may extend to three years, and shall also be liable to fine, and be punished on a second or subsequent conviction, with imprisonment of either description for a term which shall not be less than three years, but which may extend to seven years, and shall also be liable to fine.

**Explanation:**

(1) For the purpose of this section, “private act” includes an act of watching carried out in a place which, in the circumstances, would reasonably be expected to provide privacy and where the victim’s genitals, posterior or breasts are exposed or covered only in underwear; or the victim is using a lavatory; or the victim is doing a sexual act that is not of a kind ordinarily done in public.

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<sup>10</sup> Criminal Law (Amendment) Act, 2013

(2) Where the victim consents to the capture of the images or any act, but not to their dissemination to third persons and where such image or act is disseminated, such dissemination shall be considered an offence under this section

- **Section 354D- Stalking:**

1. A man who-

- (i) Follows a woman and contacts, attempts to contact such woman to foster personal interaction repeatedly despite a clear indication of disinterest by such woman; or
- (ii) Monitors the use by a woman of the internet, email or any other form of electronic communication, commits the offence of stalking

**Provided** that conduct shall not amount to stalking if the man who pursued it proves that-

- (i) It was pursued for the purpose of preventing or detecting crime and the man accused of stalking had been entrusted with the responsibility of prevention and detection of crime by the State; or
  - (ii) It was pursued under any law or to comply with any condition or requirement imposed by any person under any law' or
  - (iii) In the particular circumstances such conduct was reasonable and justified.
2. Whoever commits the offence of stalking shall be punished on first conviction with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and be punished on a second or subsequent conviction, with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

- **Section 359- Kidnapping:** Kidnapping is of two kinds: kidnapping from 1[India], and kidnapping from lawful guardianship.

- **Section 360- Kidnapping from India:** Whoever conveys any person beyond the limits of India without consent of that person, or of some person legally authorized to consent on behalf of that person, is said to kidnap from India.

- **Section 361- Kidnapping from lawful guardianship:** Whoever takes or entices any minor under sixteen years of age if a male, or under eighteen years of age if a female, or any person of unsound mind, out of the keeping of the lawful guardian of such minor

or person of unsound mind, without the consent of such guardian, is said to kidnap such minor or person from lawful guardianship.

**Explanation:** The words “lawful guardian” in this section include any person lawfully entrusted with the care or custody of such minor or other person.

**Exception:** This section does not extend to the act of any person who in good faith believes himself to be the father of an illegitimate child, or who in good faith believes himself to be entitled to lawful custody of such child, unless such act is committed for an immoral or unlawful purpose.

- **Section 370- Buying or disposing of any person as a slave:** Whoever imports, removes, buys, sells or disposes of any person as a slave, or accepts, receives or detains against his will any person as a slave shall be punished with imprisonment of either description for a term which may extend to seven years and shall also be liable to fine.
- **Section 372- Selling minor for purposes of prostitution etc.:** Whoever sells, lets to hire, or otherwise disposes of any 1[person under the age of eighteen years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any age be] employed or used for any such purpose, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall be liable to fine.

**Explanation I.**—When a female under the age of eighteen years is sold, let for hire, or otherwise disposed of to a prostitute or to any person who keeps or manages a brothel, the person so disposing of such female shall, until the contrary is proved, be presumed to have disposed of her with the intent that she shall be used for the purpose of prostitution.

**Explanation II.**—For the purposes of this section “illicit intercourse” means sexual intercourse between persons not united by marriage or by any union or tie which, though not amounting to a marriage, is recognized by the personal law or custom of the community to which they belong or, where they belong to different communities, of both such communities, as constituting between them a quasi-marital relation.

- **Section 373- Buying minor for purposes of prostitution etc.** Whoever buys, hires or otherwise obtains possession of any 1[person under the age of eighteen years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, of knowing



it to be likely that such person will at any age be] employed or used for any purpose, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

**Explanation I.**—Any prostitute or any person keeping or managing a brothel, who buys, hires or otherwise obtains possession of a female under the age of eighteen years shall, until the contrary is proved, be presumed to have obtained possession of such female with the intent that she shall be used for the purpose of prostitution.

**Explanation II,** “Illicit intercourse” has the same meaning as in section 372.

• **Section 376- Punishment for rape:**

1. Whoever, except in the cases provided for by sub-section (2), commits rape shall be punished with imprisonment of either description for a term which shall not be less than seven years but which may be for life or for a term which may extend to ten years and shall also be liable to fine unless the woman raped is his own wife and is not under twelve years of age, in which cases, he shall be punished with imprisonment of either description for a term which may extend to two years or with fine or with both: Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than seven years.
2. Whoever-
  - (a) being a police officer commits rape—
    - (i) within the limits of the police station to which he is appointed; or
    - (ii) on the premises of any station house whether or not situated in the police station to which he is appointed; or
    - (iii) on a woman in his custody or in the custody of a police officer subordinate to him; or
  - (b) being a public servant, takes advantage of his official position and commits rape on a woman in his custody as such public servant or in the custody of a public servant subordinate to him; or
  - (c) being on the management or on the staff of a jail, remand home or other place of custody established by or under any law for the time being in force or of a woman's or children's institution takes advantage of his official position and commits rape on any inmate of such jail, remand home, place or institution; or

- (d) being on the management or on the staff of a hospital, takes advantage of his official position and commits rape on a woman in that hospital; or
- (e) commits rape on a woman knowing her to be pregnant; or
- (f) commits rape on a woman when she is under twelve years of age; or
- (g) commits gang rape, shall be punished with rigorous imprisonment for a term which shall not be less than ten years but which may be for life and shall also be liable to fine: Provided that the Court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment of either description for a term of less than ten years.

**Explanation 1.** Where a woman is raped by one or more in a group of persons acting in furtherance of their common intention, each of the persons shall be deemed to have committed gang rape within the meaning of this sub-section.

**Explanation 2.** “Women’s or children’s institution” means an institution, whether called an orphanage or a home for neglected woman or children or a widows’ home or by any other name, which is established and maintained for the reception and care of woman or children.

**Explanation 3.** “Hospital” means the precincts of the hospital and includes the precincts of any institution for the reception and treatment of persons during convalescence or of persons requiring medical attention or rehabilitation.

- **Section 378- Theft:** Whoever, intending to take dishonestly any moveable property out of the possession of any person without that person’s consent, moves that property in order to such taking, is said to commit theft.

**Explanation 1.** A thing so long as it is attached to the earth, not being movable property, is not the subject of theft; but it becomes capable of being the subject of theft as soon as it is severed from the earth.

**Explanation 2.** A moving effected by the same act which affects the severance may be a theft.

**Explanation 3.** A person is said to cause a thing to move by removing an obstacle which prevented it from moving or by separating it from any other thing, as well as by actually moving it.

**Explanation 4.** A person, who by any means causes an animal to move, is said to move that animal, and to move everything which, in consequence of the motion so caused, is moved by that animal.

**Explanation 5.** The consent mentioned in the definition may be express or implied, and may be given either by the person in possession, or by any person having for that purpose authority either express or implied.

- **Section 379- Punishment for theft:** Whoever commits theft shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.
- **Section 499- Defamation:** Whoever, by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes any imputation concerning any person intending to harm, or knowing or having reason to believe that such imputation will harm, the reputation of such person, is said, except in the cases hereinafter expected, to defame that person.

**Explanation 1.** It may amount to defamation to impute anything to a deceased person, if the imputation would harm the reputation of that person if living, and is intended to be hurtful to the feelings of his family or other near relatives.

**Explanation 2.** It may amount to defamation to make an imputation concerning a company or an association or collection of persons as such.

**Explanation 3.** An imputation in the form of an alternative or expressed ironically, may amount to defamation.

**Explanation 4.** No imputation is said to harm a person's reputation, unless that imputation directly or indirectly, in the estimation of others, lowers the moral or intellectual character of that person, or lowers the character of that person in respect of his caste or of his calling, or lowers the credit of that person, or causes it to be believed that the body of that person is in a loathsome state, or in a state generally considered as disgraceful.

- **Section 500- Punishment for defamation:** Whoever defames another shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.
- **Section 501- Printing or engraving matter known to be defamatory:** Whoever prints or engraves any matter, knowing or having good reason to believe that such matter is defamatory of any person, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.
- **Section 509- Word, gesture or act intended to insult the modesty of a woman:** Whoever, intending to insult the modesty of any woman, utters any word, makes any

sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

**B. Protection of Children Against Sexual Offences Act, 2013**

**C. Sexual Harassment of Women at Workplace Act, 2013**

**D. Information Technology Act, 2008**

- **Section 65- Tampering with computer source documents.**
- **Section 66- Computer related offences.+**
- **Section 67- Punishment for publishing or transmitting obscene material in electronic form.**
- **Section 70- Protected System**
- **Section 72- Penalty for breach of confidentiality and privacy.**
- **Section 74- Publication for fraudulent purpose.**

## **VI. CONCLUSION**

Cyber space or cybercrime goes unreported as Indian women are unaware of these offences due to not having knowledge. This provides the offenders the chance to escape after the commission of cybercrime. The biggest problem lies in the modus operandi. The paper put eye on not only on understanding of cybercrime but also experiences the smash up of cybercrime on the society at different roots.

- Perpetrators know their victims very well. Women are unaware of the safety and privacy policies over social media.
- Cyber laws are not properly implemented.
- Crimes are not being reported properly and gave rise to crime rate as women are not aware of their rights.
- Victims keep silent as they feel embarrassment that is the main reason culprit move freely.

## **VII. RECOMMENDATION**

Now we come to the end of this that we have to find out the solution to overcome from the

problem of cybercrime because this is grievous problem of our society from which most of the women and children are suffering and it is the duty of our legislation, executive as well as judiciary to make rule and bye laws and make them properly implemented by the governments so that our women and children should feel safer from the cyber space.

- **First**, of all we should make aware our women and children society to be aware of security system while using the internet services and they should take care of that they should not reveal their personal information over the social sites if they are doing, they should take care of their privacy.
- **Second**, there should be proper law to be made and implemented by the government
- **Third**, proper system of police and cyber police should be set up to deal with this problem.
- **Fourth**, justice should not be delayed in justice because “**Justice delayed Justice denied**” as it is always said what is the need of that justice that is not done at a proper time.
- **Fifth**, internet security should proper guidance by the government so that no one can misuse that for harassing or abusing the women.
- **Sixth**, present laws are not that much enough there should be some strict actions to be taken by the government to prevent these crimes because it is always said “**Prevention is better than cure**”.
- **Seventh**, proper awareness camp about cybercrime should be run by government to spread awareness in the society.
- **Eighth**, education should be given in schools to the students to know about the cyber space because cyber bulling is done in high ratio in the schools.

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