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Digital Predation Claiming Silent Victims

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ABSTRACT

With our growing dependency on technology and digitalization of every day activities, the incidences of cyber offences has been on the rise. As technological developments are made, sociopaths find newer ways to exploit them for personal gain. While financial exploitations are on the rise and are openly spoken about, the subtler yet graver offence of sexual exploitation of women and children over the internet is creeping higher on the graphs as well. Owing to fear of judgment by the society and consequential victim shaming, the victims often keep it on the down low when they get trapped in this vicious cycle causing more courage to the offenders that they can walk free without any accountability.

The anonymity and privacy provided by social media fake accounts and dependency on VPN services and DarkWeb encourage these offenders to boldly engage in offences that they would never dare to commit in person as their identity would be easily given away.

Information Technology Act, 2000, Indian Penal Code, 1860 and Protection of Children from Sexual Offences Act, 2012 have been long established to recognize and penalize cyber offences. But people lack general awareness about how offenders target their victims and how to respond to them. Government has been taking steps to curb the growth of the offences by bringing out national policy and web portals for reporting such offences efficiently and speedily. Yet there are lacunas in the implementation and enforcement of existing laws causing people to lose faith in the judiciary and enforcement agencies.

Overall the paper focuses on why cyber crimes are rampant and what role society can play in curbing its growth and pave way for a safer and secure online world for both women and children.

Keywords: *Sexual Offences, Child Exploitation, Cyberspace, Curbing.*

I. INTRODUCTION

It is undeniable that the current day to day affairs of every individual revolves around technological developments. Whether it is a simple call to a loved one or expanding knowledge about the outer space, mankind has become deeply infused with technology. Internet has become more than just a knowledge source. It has created platforms where anybody can turn from a nobody to somebody. It has given opportunities for several people around the world to voice out their opinion irrespective of whether such opinion is trivial or revolutionary. Social

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media platforms have their pros and cons and certainly the usefulness or harmfulness depends greatly on the user and one cannot blame the internet for it. Can they?

As technology keeps evolving and developing itself to be a better version of its previous self, the same cannot be said about the sociopaths using the said technology. They find ways to be more of a nightmare than they previously were. From banking frauds to sex offences, the cyber world has taken many a victim to its ill effects. One cannot seem to be cautious enough when it comes to cyber offences. With applications blatantly stealing personal information and crossing boundaries and becoming straight up privacy violations in the name of “personalized experience” it is undeniable that we have all been scared at the capabilities of internet and the cyber world.

But a whole different word has to be come up with to describe the terror that internet induces in women and young children. If one is wondering how an abstract reality such as the internet or the people using it and coming in contact with a woman or child can ever be terrifying, think about the 2019 Pollachi incident where just 4 petty nobodies were able to traumatize and dehumanize over 275 women in just Tamil Nadu alone. Certainly, victim blamers will turn blind eye and blame the women for conversing with strangers, but in reality, it takes real demons to turn deaf to the pleas of another human being begging to be left alone and apologizing for no fault of hers while they merely laughed and went on to scar her for life and several other women. All it took for these women and young girls to come across such nightmarish monsters was a simple “hey” on a social media platform. They didn’t need to go out and run into them. The act started as a seemingly innocent greeting over a possibly 6-inch screen of their smart phone inside the four walls of their house that they were supposed to be safe within.

II. WHAT CONSTITUTES A CYBER OFFENCE?

What constitutes a cyber offence is envisaged under Chapter XI of the Information Technology Act, 2000 especially in Sections 65 to 67C and Sections 71 to 74. It lists out the various acts committed over a computer source which are regarded as an offence in India. Cyber offences against women and children are listed under Section 66E, 67, 67A and 67B of the Information Technology Act, 2000 and also 354D, 463, 465, 471, 499 and 500 of the Indian Penal Code, 1860.

Some of the major cyber offences against women and children are Cyber Stalking, Cyber hacking, Cyber Bullying, Sextortion, Non-Consensual or Revenge Pornographic Content, Cyber Grooming, Cyber Trafficking, etc. These are the wider known cyber offences but as technology develops, sociopaths find newer ways to exploit their victims. 2024 has been marked

with two growing global trends - cyber kidnapping and cyber rape - though not yet prevalent in India.”

Cyber Kidnapping is an extortion racket by inducing fear in the victim’s family by tricking them into believing that their loved one has been kidnapped. Fraudsters target those who are staying away from their families. They threaten and blackmail the victim to isolate themselves and then contact their family members and coerce them into paying a hefty ransom.

“A sensational case came to the fore last month when a Chinese family of a foreign exchange student studying in the Utah state of the US was extorted a whopping \$80,000 by scammers who tricked them into believing that their son was kidnapped. In reality, the Chinese student had just isolated himself on the instructions of the criminals.”²

Cyber Rape is the act of forcing the targeted victim in the virtual world to commit non-consensual sexual acts. It has gotten to the extent that women are not safe even in a metaverse where all they want to do is relax and play games. Though it doesn’t sound as serious as rape in person, victims feel traumatized nonetheless when their metaverse character who has been designed after them bearing their name and played by them is violated for sexual pleasure of another creep online. The feeling of helplessness and humiliation and fear is still present making it an offence.

III. WHY CYBER OFFENCES ARE PREVALENT AND GROWING?

From eve teasing, flashing in public, assaulting, molesting up to rape, sexual offences are increasing unbridled. While reported incidences reflect rise in sexual offences, there are still several instances that go unreported owing to fear of victim shaming. Even brutal gang rape incidences such as the Nirbhaya case failed to invoke feeling of sympathy and empathy towards the victim. While many took to the streets protesting nation wide, there were still many who had the audacity to blame the victim for being out late, hanging out with a guy, that no “good woman” would be going out of her house when it is dark, etc,. Fearing such brutal remarks and potential “loss of face” in the society many incidences go unreported.

Indian Cinema has glorified and portrayed several offences against women as “heroism”. Coaxing a woman to love them back, stalking her in the name of “love”, eve-teasing the woman, calling her names when she doesn’t agree and portraying her as arrogant when she establishes her boundaries, singing flimsy songs demeaning her or objectifying her, etc has become the

²Ujwal Jalaj, *Why rape and kidnapping are the latest avatars of cybercrime*, NEW INDIAN EXPRESS, (Jan 28, 2024 11:17 a.m.) <https://www.newindianexpress.com/explainers/2024/Jan/28/why-rape-and-kidnapping-are-the-latest-avatars-of-cybercrime>

norm, building an opinion in the minds of impressive teens and men that not taking “No” for a no is the only way to impress or get her to consent. Unlike how it is portrayed in cinema, it is undeniable that when a guy rejected by a woman follows her home or to her workplace, the first emotion that she feels is panic and feeling unsafe. With growth of technology and social networking, it requires even lesser effort to cyber stalk the woman. Following the woman on social media and her friends in order to keep track as to her whereabouts and about whatever she is doing has become easier and more convenient for creeps to do it within the four walls of their house while maintaining their anonymity.

“Economic Offences, Cyber Crimes: Recorded increases of 11.1 per cent and 24.4 per cent respectively, suggesting a growing digital impact on criminal activities” NCRB data of the year 2022 reflects.³

“Recent data from the National Crime Records Bureau (NCRB) unveiled last month, paints a concerning picture regarding cyber crimes against children. According to the 2022 report, instances of cybercrimes against minors have surged by 32% compared to the previous year”⁴

Cyber Offences are rampant owing to the growing dependency on technology. During COVID19 pandemic, many took to depending on technology for classes, work, etc. Children as young as 4-5 years old began using internet to access their classes. Thus, the number of users using internet networking and social media applications have increased.

Parents having work of their own, often find giving their children a phone solves most of their parenting problems. What content is viewed by the child often goes unnoticed. YouTube playing children’s nursery rhymes suddenly plays an age-inappropriate video owing to Autoplay and the parent’s negligence to switch to kids version of YouTube. Young children are easily groomed by pedophiles who prey on the children’s curiosity or vulnerability knowing how to talk and approach each child while misusing the information that the child naively shares over social media. Broken families, absent parents, abusive parents, etc., play a role in pushing children into seeking love and affection in the wrong places. Sharing their frustration to seemingly harmless old men who take interest in them all the while thinking that this person cares for them, the child fails to realise that these men are feigning interest in them for the sole purpose of getting the children dependent on them that the thought of losing them becomes a

³ Nalini Sharma, *Crimes against women on the rise, cruelty by husband in majority: Report*, INDIA TODAY, (Dec 4, 2023 20:52 IST) <https://www.indiatoday.in/law/story/crimes-against-women-children-national-crimes-record-bureau-ncrb-data-2471938-2023-12-04>

⁴ Mohua Das, *Child cyber crime surges 32% reveals NCRB data, underlining vulnerability to online risks*, THE TIMES OF INDIA, (Jan 25, 2024) <https://www.msn.com/en-in/news/other/child-cyber-crime-surges-32-reveals-ncrb-data-underlining-vulnerability-to-online-risks/ar-BB1hils9>

fear. This would help them to eventually make inappropriate demands and coax the child to give in out of fear of losing “the only person who cares for them”.

Patriarchal society and the shame culture followed in India and many other countries causes a similar fear in women. Once a pervert takes advantage of their vulnerability, it becomes easier to blackmail them into conceding and obeying his wishes. With growth of technology such as DeepFake, it has become very easy to morph nude photos of women and replace the faces to make it seem realistic. The fear that when such a morphed pictures gets out to the public and their judgmental eyes it would ruin their reputation and their families’ reputation is enough to cause the woman to silently go through with the sex offender’s demands. Often the only options that the woman seems to have in moments like these are either to give in or commit suicide as cultural values of this patriarchal society praises a woman who dies to keep her chastity more than a woman who lived to tell the tale.

While fear keeps the women and child victims silenced, the sex offender’s veiled by VPN and DarkWeb go on to terrorize them as their identity is kept anonymous. The effectiveness of networking websites and social networking applications dehumanize the victim. The offender rarely considers them to be a real human being with human emotions on the other side of their device. They often just think of them as prey to their lust and it is **enabled** by the anonymity removing all accountability.

IV. HOW CYBER OFFENCES CAN BE CURBED?

The biggest step taken to curb cyber crime in India is identification of the cyber offences and enactment of the Information Technology Act, 2000. A National Cyber Security Policy has been formulated to safeguard and strengthen cyber security and cyber security organisations. Government has also launched a National Cyber Crime Reporting Portal (www.cybercrime.gov.in) for making it easier for women and children to raise their complaints with ease and efficiency. Apart from establishing reporting portal, Government has also set up Cyber Cells and Cyber Crime Investigation Units to conduct investigations and prosecute offenders.

Though India has stringent laws to prevent cyber crime and protect its citizens from cyber offenders such as the Information Technology Act, 2000, Protection of Children from Sexual Offences and the Indian Penal Code, 1860, the enforcement of these laws are quite lacking. And it is not helping that social networking applications connect people from all around the world making it harder to pinpoint the offenders amongst all jurisdiction issues between countries.

We have grown dependent on internet services for even day-to-day activities such as payments

made to shop keepers or to contact loved ones who are abroad or to attend classes or work from home. As we move towards the goal of Digital India, we need to spread awareness about rampant cyber offences and the offender's modus operandi. Awareness has to be spread teaching people how to handle these situations and how to report them and the importance of time while lodging their complaints.

As newer technology is swiftly followed by newer acts of cyber crime, it is necessary that the cyber laws and enforcement agencies too need to be quicker and constantly updating themselves to identify offences, track offenders and prosecute them.

Sex education has to become a part and parcel of school education's curriculum as it not only teaches reproductive organs to the children but it also emphasizes on consent. The importance of consent is the sole factor that differentiates an intimate moment between two persons and an act of rape. Sex education teaches the children of either gender, good touch and bad touch and teaches them that it is okay to draw a boundary and tell "no" when they are uncomfortable with the actions of the other person. Young Children often lack the knowledge of what is right from wrong. Educational institutions need to teach the children about keeping themselves safe in the online world just as they keep themselves safe in the physical world.

Often in Indian culture we teach children to be respectful of their elders and allow adults to shower them with kisses and hugs not in the least bothered about whether the child feels comfortable with such acts of love. Though it seems like a harmless habit, teaching children that respecting elders is more important than elders respecting the child's boundaries is a potentially dangerous lesson that we can teach kids with the number of pedophiles living amongst us. Children too have anatomy rights over their bodies and showing of affection should not cause discomfort to anyone whether a child or an adult. Inculcating this mannerism of respecting elders or to not talk back elders creates a grey area for the naive child when it comes to predators preying on them in the cyber space. Parents need to be sensitized about the existence of various cyber offences exploiting children. Building a safe space for children to report such offences to their parents would easily help bring children out of a life altering traumatic experience.

Protecting children and women from sexual offenders can be achieved only by educating the society as a whole to stop victim blaming and victim shaming in order to encourage the victimized women and children to speak out when their rights are infringed and their bodies are violated. This is the only way in which we can prevent the offenders from committing repeated offences as they walk free owing to the fear of the victim. The cycle can be broken only if the

victim cooperates to catch the offender which can only be done, if the society starting from the parents start placing the blame where it actually belongs- on the offender.

In conclusion, curbing sexual offences cannot be achieved overnight. It needs a mass movement of awareness among public and bringing offenders to light in order to break the vicious cycle and prevent these monsters from claiming another victim. Unlearning patriarchal stereotypes and victim blaming attitude needs to change in order to encourage the victims to speak out and judicially try the offenders. Meanwhile, we can bring change from within our families. Teaching our children that it is okay to say “No” when they feel uncomfortable with physical contact or unnecessary comments that elders might pass. Teaching women that their physical and mental wellbeing and safety is far more important than societies’ opinions. Empowering victims to fight back is the only way to efficiently curb the growth of cyber offences.
