

THE HARSH REALITY OF CYBER SPACE-ARE WOMEN NO LONGER SAFE IN THE SOCIAL WORLD?¹

INTRODUCTION

1.1 Introduction to Cyberspace

As coined by science fiction writer William Gibson² in the year 1984 in his novel *Neuromancer*³, the term cyberspace is not limited to the internet or the world wide web. The term cyberspace is used to describe the interconnection between human beings via electronic means such as computers and telecommunication. While the term is popularly associated with science fiction, it is widely used by entrepreneurs, governments, military leaders and security officers under the domain of global technology. Cyberspace became a widely used term in 1990's when internet, networking and digital communication had started developing at a very rapid rate giving rise to several new ideas and practices. If we are to define Cyberspace in a nutshell, it is an unregulated, uncontrolled domain created by human beings to establish interconnection between each other.

At present the social world has undergone a rapid growth where individuals interact, exchange ideas, provide and share information, play games and communicate, leading to a whole new application for cyber

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² Goodreads Librarian, *William Gibson*, Goodreads.com, 5th Sept. 2010

Refer (https://www.goodreads.com/author/show/9226.William_Gibson)

³ Ed Cumming, *William Gibson: the man who saw tomorrow*, The Guardian, 28th July 2014

Refer (<https://www.theguardian.com/books/2014/jul/28/william-gibson-neuromancer-cyberpunk-books>)

space, which relies more on social interactions over technical implications. With the rapid growth of technology and rapid rate of growth in the population, the human need for communication has also undergone rapid transformation.

In the 19th century, humans relied on newspapers, magazines and radios for gathering information and news. With evolution, communication media transformed in the 20th century and brought in the internet, a defining achievement in the history of mankind. This led to the current influx of smart phones, tablets and other smart devices which has created an easily accessible world of social media and cyber space in the 21st century. With the advancement of cyberspace, came the advancement of society, and with society came the advancement of human mindset and behavior. Gone were the days of oppression and in came the days of progress, fight for equality and the eradication of backward thoughts.

1.2 Women in Cyberspace

While the world of cyber space progressed along with society and technology, another activity increased over the cyber space- crimes and harassment towards women. Women form an important part of the society, and like all men are bound to be treated with equal opportunities and rights. The world has seen several movements which women had to undertake in order to obtain their rights and rightful place alongside men- from fighting to obtain women rights⁴ in the medieval period, to fighting to obtain the right to vote⁵, women have always had to fight for their rights. The progress in the world of cyberspace has made rights, privileges and opportunities easily accessible to women, and also aided the feminist movement⁶ which seeks to fight for equality in the society.

While the cyberspace has aided women in several ways, it has always left gaping loopholes, through which women are targeted and victimized

⁴ Alex Bovey, *Women in Medieval Society*, The British Library, 30th Apr. 2015

Refer (<https://www.bl.uk/the-middle-ages/articles/women-in-medieval-society>)

⁵ Megan Gibson, *A brief history of women's protests- The Suffrage Movement*, Time.com, 12th Aug 2011

Refer(http://content.time.com/time/specials/packages/article/0,28804,2088114_2087975_2087964,00.html)

⁶ Martin Pugh, *The Women's Movement*, History Today, 27th Mar 1997

Refer (<http://www.historytoday.com/martin-pugh/womens-movement>)

over the cyberspace. In India alone, the rate of cyber-crimes doubled up in the year of 2014⁷, with experts determining that colleagues, classmates and even spouses resorted to such activities due to strained relationships and unrequited love. Actions such as shaming, fake profiles, circulating obscene images and leaking private pictures are common ways by which women are harassed over cyberspace. The Global Cyber Security Response Team⁸ which provides assistance to women has indicated in its reports that women are targeted more over the cyberspace when compared to men when it comes to cyber-crimes and that more than 75% of these women are still unable to come out in the open and report their complaints due to personal and social constraints such as embarrassment and loss of respect for family in the society. Such constraints which are put in place due to society and its way of thinking gives the perpetrators the upper hand, which is further aided by the act of always finding fault with the woman, a very backward and negative mindset which is carried by society. The world of cyberspace might have a gold plated entrance to it filled with equality and opportunity. but in the inside it carries a world which is threatening towards women and their integrity.

1.3 Introduction to Cyber Crime

The concept of cyber-crime is similar to traditional crime where there is an act which causes breach of laws in place. Cyber-crime in definitive terms can be described as crimes done with a computer with access to the internet. It is an illegal activity which is done using a computer and can be committed against an individual or a group of individuals with the intention to cause harm to their reputation, cause mental harm and indulge in harassment activities. With the rise in technology, the rate of cyber-crimes has been increasing at an alarming rate and are generally directed towards women. The issue of cyber-crime against women was acknowledged at the UN Congress on Prevention of Cyber Crime and

⁷ Marri Ramu & Asif Yar Khan, *Cyberspace too is not safe for women*, The Hindu, 29th Jan 2015

Refer

(<http://www.thehindu.com/news/cities/Hyderabad/cyberspace-too-is-not-safe-for-women/article6832664.ece>)

⁸ Shubhamangala, *GCSRT- Global Cyber Security Response Team*, Shubhamangalasunil.com, 15th Jul 2016

Refer (<http://shubhamangalasunil.com/gcsrt-global-cyber-security-response-team-pvt-ltd/>)

Treatment of Offenders⁹. According to the United Nations, cyber-crime constitutes of the following two characteristics:

1. Any illegal behavior using computers which targets other systems containing sensitive data and information.
2. Any illegal behavior using computers which is used to possess data illegally, distribute or offer data illegally using a computer network.

In the Indian context, cyber-crime can be defined as any act which is carried out willfully which affects a person, property, or computer systems and is illegal under the Information Technology Act and under certain provisions of the Indian Penal Code¹⁰

2. Are cyberspace laws doing enough to protect women?

2.1 History of the Internet and cyberspace laws in India

On 15th August 1995, the VSNL group¹¹ formally launched the first internet service in India. It was called the VSNL Gateway Internet Access Service¹². This was the first initial step which India took towards the world of Internet and today according to the TRAI (Telecom Regulatory Authority of India) it has over 450 million internet subscribers. The current rate of internet usage puts India second in the world with almost 35% growth every year. Prior to the year 1995, Internet in India was only limited to military, education and research usage and with the introduction of the VSNL GAIS, it became accessible to the public in the form of dial up connections with a speed of 9.6kbps.

⁹ UN Press Release, *Tenth United Nations Congress on prevention of crime and treatment of offenders opens in Vienna*, United Nations SOC/CP/216, 10th Apr 2000

Refer (<http://www.un.org/press/en/2000/20000410.soccp216.doc.html>)

¹⁰ Section 499 (Defamation), Section 120B (Punishment for criminal conspiracy)

Refer (<http://heroice.co/story/opinion/victimization-women-cyber-world>)

¹¹ VSNL, *Videsh Sanchar Nigam Limited*, IBEF

Refer (https://www.ibef.org/download/VSNL_23oct.pdf)

¹² Sci-Tech, *Evolution of Internet in India- The Indispensable Visage of Media*, YKA Youth Ki Awaaz, 21st Feb 2011

Refer (<https://www.youthkiawaaz.com/2011/02/evolution-of-internet-in-india/>)

While the introduction of Internet was a milestone for India, the need for regulating and monitoring the cyberspace was also required. Since India had signed the cyber-nation agreement¹³ with the United Nations, it also had the obligation for forming cyber laws which will be utilized to govern the cyberspace and ensure uniformity of law.

In India the bill proposal for cyberspace laws was drafted by the Department of Electronics¹⁴ (DoE) in July 1998 and the Information Technology Act bill was passed by the Parliament in the year 2000. Cyberspace laws are governed by the TRAI in India and it also includes the Cyber Law Database of India and the Techno-Legal ICT Regulations Database in India.

2.2 The need for Cyberspace laws in India

India, a country recognized as the largest democracy in the world and also the fastest growing economy¹⁵, has indeed progressed well over the last two decades. With the current movement towards a more techno-savvy environment, our country is becoming more dependent on the world of cyberspace and along with that so are the crimes being committed over the cyberspace. The movement towards e-commerce, e-business, e-government, etc. has put a lot of emphasis on the rising need for more efficient cyberspace laws in India, in order to deal with all legal issues over the cyberspace. According to the National Crime Records Bureau¹⁶, the year 2011 registered 1800 cases under the IT Act and under cyber-crime related provisions of the Indian Penal Code, compared to 966 registered cases in the year 2010, which shows the

¹³ *History of Cyber Law in India*, Indian Cyber Security, 29th Aug 2017

Refer (<http://www.indiancybersecurity.com/cyber-law/8-history-of-cyber-law-in-india.html>)

¹⁴ *Ministry of Communications and Information Technology (India)*, Wikipedia, 7th Dec 2017

Refer ([https://en.wikipedia.org/wiki/Ministry_of_Communications_and_Information_Technology_\(India\)](https://en.wikipedia.org/wiki/Ministry_of_Communications_and_Information_Technology_(India)))

¹⁵ Prabhaskar K Dutta, *India, not China is among the fastest growing economies: World Bank*, India Today, 17th Jul 2017

Refer (<http://indiatoday.intoday.in/story/india-china-fastest-growing-economies-world-bank/1/1004183.html>)

¹⁶ Government of India, *National Crime Records Bureau*, Data.gov.in, Open Government Data Platform

Refer (https://data.gov.in/catalogs/ministry_department/national-crime-records-bureau-ncrb)

alarming rise of cyber-crimes. In the year 2017, over 27,480¹⁷ cases were reported by the NCRB.

When it comes to social media, a total of 496 cases were registered under the IPC provisions of cyber-crime for obscene publications and images directed towards women and only 443 were arrested for such crimes. Another important factor when it comes to cyberspace crimes is the age group for crimes committed under the IT Act, 2000. The reports published by the NCRB and police records show that 60% of the offenders were under the age group of 18-30 years and 32% were in the age group of 30-45 years. These statistics show a glaring hole in the society where teenagers and young adults indulge in cyberspace crimes and specifically target women. In order to safeguard women and also society as a whole, cyberspace laws are a must in today's generation and must be implemented more strictly as it will prevent the abuse of the internet and also provide legal remedies to the victims of such crimes.

2.3 Provisions and loopholes in the Information Technology Act

The Information Technology Act, 2000 is the primary Act which was the result of the agreement signed by all the cyber-nations in the United Nations General Assembly, 1997¹⁸. The IT Act as it is commonly known is the most important line of defense as it consists of provisions and remedies towards actions defined as cyber-crimes. Women form an important part of the society and have equal rights and privileges and it is this particular gender which is usually targeted when it comes to cyber-crimes. When these crimes began to rise, the IT Act was amended in the year 2008 to combat cybercrimes and several provisions related to cyber-crimes were also amended in the Indian Penal Code. The amended provisions included Chapter XI¹⁹ into the existing IT Act which included:

¹⁷ Shubhang Chauhan, *27,482 cases of cybercrimes reported in 2017, One Attack in India Every 10 minutes*, India.com, 22nd Jul 2017

Refer

(<http://www.india.com/news/india/27482-cases-of-cybercrimes-reported-in-2017-one-attack-in-india-every-10-minutes-2341055/>)

¹⁸ *United Nations General Assembly- 1997 United Nations General Assembly Resolutions*, World LII, 1997

Refer (<http://www.worldlii.org/int/other/UNGA/1997/>)

¹⁹ Admin, *Chapter 11: Offences*, Information Technology Act

Refer(<http://www.itlaw.in/bareact/chapter-11-offences/>)

Section 65- Tampering with computer documents,

Section 66- Hacking,

Section 67- Publishing of obscene images and information in electronic form.

Section 70- Access to protected system,

Section 72- Breach of confidentiality and privacy and

Section 74- Publication for fraud purposes.

While these provisions did provide legal means to fight cyber-crimes, the biggest loophole is the lack of specified crimes directed towards women. Certain gaping loopholes include jurisdiction, lack of evidence and the lack of cyber-monitoring and cyber-army to combat such incidents. The burden of proof lies on the women who are victims of cyber-crimes as in order to prosecute an offender it has to be proved that they played a role in the publishing or transmission of obscene images in order to be prosecuted under Section 67 of the IT Act. This leaves a major loop hole as the offenders might erase all evidence or even tamper with it in order to avoid any prosecution, which allows them to get away without any repercussions. The last loophole in the IT Act is lack of certain terms such as cyber stalking, morphing, eve teasing and also email spoofing as offences, as with no particular definitions for these terms, the power of the judiciary is limited when it comes to dealing with crimes of this nature.

These loopholes have made it difficult for Indian women to come forward and be open about cyber-crimes as the biggest challenge faced by the judiciary is in determining the modus operandi²⁰ and the motive of the cyber-criminal and the lack of clear and effective laws leave a gaping hole in cyberspace where criminals can come and go as they please, leaving women vulnerable and susceptible to various forms of cyber-crimes.

3.The abuse of cyberspace towards women

3.1 Cyber-crimes against women in India

²⁰ Merriam-Webster team, *Definition of Modulus Operandi*, Merriam-Webster, 1st Dec 2017

Refer (<https://www.merriam-webster.com/dictionary/modus%20operandi>)

The Indian Constitution provides equal rights and status to women under Article 14²¹ of the Constitution which stands for the Right to Equality. Women rights are further supported by Article 15(3)²² which provides reservation for women in the field of employment and education and this was followed by the 1992 Amendment²³ which provided 33% seats for women in panchayats and municipalities. All these provisions are regarded as landmark steps which were taken to provide socio-economic equality and empowerment to women. Despite of these provisions, women have been subjected to violence and harassment over the years and with the development of technology, the acts of targeting women for cybercrimes holds a major threat to their wellbeing and security. In India alone cybercrime rates has risen to 64%²⁴, with nearly 25% of all cases being related to blackmailing, outraging the modesty of a woman and harassment.

Maneka Gandhi²⁵, the minister for Women and Child Welfare Development had stated that online trolling and abuse of women in India has to be treated in the same way as violence is treated in the real world. Her statement led to the creation of the portal “Cyber Crime Prevention against Women and Children²⁶” on 17th May 2016 by the Home Ministry. The purpose of this portal is to support women to report complaints about online harassment and other cybercrimes against them. Online

²¹ Monika Sharma, *Right to Equality Under Article 14 of the Constitution*, Legal Bites, 5th Mar 2017

Refer (<https://www.legalbites.in/law-notes-constitution-right-to-equality-under-article-14-of-constitution/>)

²² Male Factor team, *Article 15(3) of the Indian Constitution: When Exception is the Rule*, The Male Factor, 29th Dec 2013

Refer (<https://themalefactor.com/2013/12/29/article-153-of-indian-constitution-when-exception-is-the-rule/>)

²³ *Constitution 73rd Amendment and Panchayat Raj in India*, IAS Point, 24th Feb 2016

Refer (<https://academy.gktoday.in/article/constitution-73rd-amendment-and-panchayati-raj-in-india/>)

²⁴ Anita Gurumurthy & Niveditha Menon, *Violence Against Women Via Cyberspace*, IT for Change, 3rd Oct 2009

Refer (http://www.itforchange.net/sites/default/files/353/violence_against_women_via_cyberspace.pdf)

²⁵ *Maneka Gandhi*, Wikipedia, 16th Dec 2017

Refer (https://en.wikipedia.org/wiki/Maneka_Gandhi)

²⁶ Express Web Desk, *WCD Ministry announces portal to tackle cybercrime, harassment, directed towards women and children*, Indian Express, 8th Sept 2017

Refer (<http://indianexpress.com/article/india/wcd-announces-portal-to-tackle-cyber-crime-harassment-directed-against-women-children-cpwc-4832580/>)

violence against women should be treated as a serious offence as it has harmful and lasting effects on the mental state and emotional wellbeing of women and due to the nature of the society, women are usually seen at fault for such incidents. Cybercrimes against women can be classified into the following types:

1. Cyber-stalking
2. Cyber-bullying
3. Cyber harassment
4. Morphing
5. Cyber Defamation

3.1.1 Cyber Stalking

Stalking is a problem which needs no introduction- it is a rather obsessive way of pursuing a person secretly and is majorly directed towards women. Stalking also takes place in cyberspace in the form of cyberstalking and online harassment. Cyber stalking in more specific terms would mean a situation where someone pursues a woman and tries to contact her through various means such as emails, chat rooms, instant messaging, etc. which forms a pattern of behavior resulting in the victim feeling harassed and threatened by the stalker. Cyber stalking involves invasion of a person's privacy and obtaining their personal information which will be abused or used for illicit purposes. Stalkers can be people who know the victim on a daily basis or a complete stranger with more than 75% of the victims²⁷ being women.

3.1.2 Cyber-bullying

Bullying is a social issue which is prevalent all around the world. In India alone bullying juniors, classmates and in certain cases seniors is a common practice. Similarly, in the cyberspace, bullying prevails in various forms where women are bullied for expressing their liberal

²⁷ Debarati Halder, *Cyber Crime Against Women in India*, Cyber Law Times

Refer (<http://www.cyberlawtimes.com/articles/103.html>)

views, where women are subjected to threats and abuse for expressing feminine views and many other similar instances.

India ranks 3rd ²⁸ behind China and Singapore when it comes to cybercrime and cyber bullying and without proper action it cannot be curtailed.

3.1.3 Cyber harassment

Email is one of the most widely used and well known methods of communication in the world and it is a part of the cyberspace. Another method of communication over the cyberspace is through online chat rooms. While these inventions have its advantages, it has also given rise to harassment targeted towards women. Actions such as blackmailing, threats, bullying, obscene mails and embarrassing mails, abusive messages and defamatory messages, constitute harassment over cyberspace.

3.1.4 Morphing

Every day millions of women upload their pictures on their social media accounts and websites. These pictures are their original uploads and solely belong to them. When unauthorized people download these images, edit them and later upload it on the other websites using fake profile names and information, it constitutes to morphing.

3.1.5 Cyber defamation

Defamation in general terms takes place when any harm or injury is caused to the reputation of a person. Women are susceptible and subjected to several acts of cyber defamation, where their personal information is accessed and published illegally, which can contain obscene pictures, morphed information and leakage of personal pictures and videos. It usually takes place when the victim's personal photos are posted in a defamatory way in questionable websites or is communicated to known friends and family members via email. With the expanding size of the internet and cyberspace, the possibility of defamation towards

²⁸ Childnet International, *Cyberbullying: A whole school community issue*, Child Net

Refer (<http://digizen.org/downloads/cyberbullyingOverview.pdf>)

women has also grown due to lack of proper definition of laws relating to defamation in the Information Technology Act.

3.2 Incidents of cyberspace crimes

Cyberspace crimes have been rapidly escalating in India due to technological advancements and lack of proper legal remedies. The Information Technology Act, which is the main line of defense against cybercrimes in India, has several gaping loopholes which raise concern towards an alerting number of cybercrimes directed towards women.

1. The very first instance of cybercrime reported in India is the Ritu Kohli case²⁹ where the perfectly normal married life of Mrs. Kohli was the victim of cybercrime. She was a victim of stalking, where the stalker sent her emails containing obscene language and also shared her telephone number and other personal details on several websites, through which unknown sources started contacting her with vulgar and obscene language. When a complaint was lodged, Delhi police took immediate action and arrested the cyber-stalker Mr. Manish Kathuria and booked him under Section 509 of the IPC³⁰ and also under the IT Act, 2000.

2. Another incident involving cyber bullying is the Neha Ghai case³¹, where Neha Ghai, aged 28 started receiving obscene and vulgar messages and calls in her phone along with emails in her inbox. When the complaint was lodged, the cyber cell had revealed that all her personal details were collected by the accused and posted on objectionable websites.

²⁹ Prachi Shah, *Cyber Stalking and the impact of its legislative provisions in India*, Legal India, 2nd Aug 2012

Refer (<https://www.legalindia.com/cyber-stalking-the-impact-of-its-legislative-provisions-in-india/>)

Staff Report, *First Cyber Sex crime in Delhi*, the Hindu, 18th Jun 2000

Refer (<http://www.thehindu.com/2000/06/18/stories/14182186.htm>)

³⁰ Pinki Sarkar, *Section 509 of the IPC Explained*, Share your essays

Refer (<http://www.shareyouressays.com/knowledge/section-509-of-indian-penal-code-1860-explained/118562>)

³¹ TNN, *Cyber Stalkers leave residents in web of trouble*, Times of India, 13th Mar 2013

Refer (<https://timesofindia.indiatimes.com/city/ludhiana/Cyber-stalkers-leave-residents-in-web-of-trouble/articleshow/19031742.cms>)

3. Incidents of cyber-bullying are widely reported in India. One such instance is the Harini case³² where a 12-year-old girl had uploaded her profile picture on social media. She would later become a victim of cyber-bullying where her neighbor bullied her and threatened to misuse her personal information if she revealed about the bullying to anyone. When she ultimately revealed it to her parents, they were able to get rid of the problem with the aid of the cyber cell. This case constituted a new age and method of bullying towards unsuspecting women.

4. Defamation is also an alerting crime towards women in cyberspace. One such instance of defamation was where a teenage student named Abhishek was arrested by police after he had created a fake account with obscene pictures and details in the name of his classmate who was a girl and posted her personal details which defamed her image and also caused harassment and trauma³³.

5. Several other incidents of cyberspace crimes have been reported on social media. Twitter and Facebook are huge social media platforms consisting of billions of users. These platforms bred several cybercrimes against women. Certain incidents are:

- Indian writer, poet and activist Meena Kandasamy³⁴ was threatened with acid attacks and televised gang rapes after she had discussed a beef eating festival on twitter
- Indian journalist Sagarika Ghose³⁵ received rape threats on twitter for expressing her liberal views on women equality and her daughter's name and school details were also published by the cybercriminals
- In 2015, journalist Barkha Dutt³⁶ was trolled, harassed and abused and termed as an antinationalist on twitter after she mentioned

³² Express News Service, *Cyber Bullying new age threat*, Indian Express, 24th Nov 2012

Refer (<http://www.newindianexpress.com/cities/bengaluru/2012/nov/24/cyber-bullying-new-age-threat-427607.html>)

³³ Didwania, *India: Cyber Defamation*, Mondaq, 31st Jan 2013

Refer (<http://www.mondaq.com/india/x/218890/Social+Media/Cyber+Defamati>)

³⁴ *Meena Kandasamy*, Wikipedia, 4th Sept 2017

Refer (https://en.wikipedia.org/wiki/Meena_Kandasamy)

³⁵ *Sagarika Ghose*, Wikipedia, 16th Dec 2017

Refer (https://en.wikipedia.org/wiki/Sagarika_Ghose)

³⁶ *Barkha Dutt*, Wikipedia, 26th Dec 2017

about her being sexually abused as a child in her book 'This Unquiet Land'³⁷.

These incidents are some of the reported instances of cybercrimes which were committed against women. The year of 2014 reported 9,600 cases, 2015 reported 11,600 cases³⁸, 2016 reported 12,300 cases and 2017 reported 27,480 cases. While these were the reported number of cases, the National Crime Records Bureau and cyber law experts have expressed that this makes up roughly 1% of all the cybercrimes which take place towards women and the major blame lies with the loopholes in the legal system related to cyber laws. In the year 2008, a majority of cybercrimes were offences which provided bail³⁹ for the offenders and they would erase all evidence related to their crimes once released on bail. Another reason for the low number of reporting has been the hostility displayed by the police when it comes to cyberspace cases, especially when it is against a woman.

3.3 Protection for women- International and Indian perspective

Cyberspace crime is a global incident which keeps on increasing on a daily basis due to the growth and expansion of the internet, with women being targeted specifically. The United Nations in its General Assembly in the year 1997, raised the need for having cyberspace laws in place in order to combat cybercrime and also provide legal remedies to its victims. Several countries adopted various different laws and policies in order to combat and protect women over cyberspace.

Refer (https://en.wikipedia.org/wiki/Barkha_Dutt)

³⁷ Dilip D'Souza, *Book Review: This Unquiet Land by Barkha Dutt*, Live Mint, 2nd Jan 2016

Refer (<http://www.livemint.com/Leisure/phDPYthfmotoqyl6DMJY2O/Book-review-This-Unquiet-Land-by-Barkha-Dutt.html>)

³⁸ Japleen Pasricha, *Violence Online in India: Cybercrimes against women and minorities on Social Media*, Feminism in India

Refer (https://feminisminindia.com/wp-content/uploads/2016/05/FII_cyberbullying_report_website.pdf)

³⁹ Shyam Prasad, *Cyberlaw in India, Its History and Future*, Silicon India blogs

Refer (https://blogs.siliconindia.com/Shayam/Cyber_Law_In_India_Its_History_And_Future-bid-1b5VfoRu95994174.html)

With the dignity and fundamental freedom of women at threat due to cybercrimes, the worldwide community cannot remain silent and moved to ensure that strict and stringent laws were applied.

The United Kingdom introduced the Protection from Harassment Act⁴⁰ in the year 1997. During the late 1990's gender sensitive cybercrime became a national issue which started with the stalking of female celebrities over the internet. The Protection from Harassment Act was passed in the Parliament of United Kingdom, with the intention of providing protection for women and other victims from harassment. Under this Act harassment would be considered in the following three actions- stalking, racial harassment and anti-social behavior by neighbors. While the Act was held as a landmark piece of legislation, it has drawn a fair amount of criticism due to its vague provisions and has also been criticized as a breach of basic human rights⁴¹, with the drafting of the act being termed as deficient. The Act draws its biggest criticism as it does not have women specific regulations which arise from domestic violence, unauthorized access to computers and personal files and hacking.

The United States of America has introduced several cyberspace laws and legislations, making it the country with the highest number of cyberspace laws. Acts such as the US Communication and Decency Act⁴², 1996, Computer Fraud and Abuse Act, 1986⁴³ form an integral part of the US judiciary system to combat cybercrime against women.

The US Communication and Decency Act, 1996 defines child pornography and provides federal and state laws to deal with cyberspace related crimes. Similarly, the Computer Fraud and Abuse Act is meant to regulate offences related to hacking and unauthorized access to personal

⁴⁰ Pat Strickland, *The Protection from Harassment Act 1997*, Parliament.uk, 9th Jun 2017

Refer (<http://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN06648>)

⁴¹ *Article 7 of the European Convention on Human Rights*, Wikipedia, 12th Sept 2016

Refer (https://en.wikipedia.org/wiki/Article_7_of_the_European_Convention_on_Human_Rights)

⁴² Admin, *Crimes Against Women in the cyber space- Cyber protection to women in the USA*, Lex-Warrier, 19th Nov 2014

Refer (<http://lex-warrier.in/2014/11/crimes-against-women-in-cyber-space-internet-crimes/>)

⁴³ Admin, *Computer Fraud and Abuse Act (CFAA)*, ILT-EFF, 24th Apr 2013

Refer ([https://ilt.eff.org/index.php/Computer_Fraud_and_Abuse_Act_\(CFAA\)](https://ilt.eff.org/index.php/Computer_Fraud_and_Abuse_Act_(CFAA)))

files, similar to Title 18⁴⁴ of the US Constitution. The most important feature of US Laws against cyberspace is the clear definition on women specific regulations.

In India, the Indian Parliament passed the Information Technology Act, 2000 in order to regulate laws related to cyberspace. The IT Act, 2000 was a result of the Model Law on Electronic Commerce, 1996⁴⁵ which was adopted by the United Nations Commission on International Trade Law. The Indian government also referenced the Electronic Transaction Act, 1996⁴⁶ of Singapore during the framing procedure of the IT Act. The IT Act, 2000 was amended in the year 2008 and included chapters IX and XI in order to determine the penalties for cybercrimes. While the Act does provide penalties, it has several legal loopholes where it does not define or utilize the term 'cybercrime' and instead only mentions the penalties which can be imposed towards certain actions.

Concerning the protection of women from cybercrimes, the Information Technology Act is an incomplete law. The criticism is justified as the act only mentions penalties and punishments towards several actions under Chapter XI, but it does not mention or specify crimes against women. Furthermore, several jurisdiction and evidence related issues lead to gaping loopholes which provide little to inadequate protection against cybercrimes towards women in India

3.4 Legal Obstructions towards women safety

Safety and equality towards women are guaranteed through law. Cybercrimes directed towards women have risen at an alarming rate and the primary reason for this is due to lack of legal remedies. The responsibility of imposing strict laws lie with the State and law enforcement officers have the responsibility of taking measures to prevent cyberspace crimes. Lack of cyber cells for women, lack of female judges and cops creates a lack of understanding in these matters

⁴⁴ Cornell Law School, *US Code: Title 18- Crimes and Criminal Procedure*, Legal Information Institute

Refer (<https://www.law.cornell.edu/uscode/text/18>)

⁴⁵ UNCITRAL, *UNCITRAL Model Law on Electronic Commerce*, Trade Facilitation Implementation Guide, 1996

Refer (<http://tfig.unece.org/contents/uncitral-model-law-ecommerce.htm>)

⁴⁶ Admin, *Cyber Crime Against Women*, Jus Dicere, 8th Mar 2017

Refer (<http://www.jusdicere.co.in/blog/cyber-crime-against-women/>)

and prevents any legal remedies from being put in place. Other major reasons such as facing embarrassment, humiliation and damage to family image also stops several women from reporting cybercrimes.

Lack of legal awareness and lack of clarity towards legal guidelines also make women vulnerable to crimes over cyberspace, especially on social networking sites. Other incidents such as mental torture, stress, depression and social anxiety prevents any legal reporting of such incidents. As mentioned earlier, the loopholes in the legal system and also the lack of clarity in the Information Technology Act, 2000 makes it difficult to impose any legal sanctions for cybercrimes. While the Act does cover penalties for several illegal actions over cyberspace, it does not directly mention crimes such as cyber bullying, cyber eve teasing, cyber harassment, etc.

Another important aspect of legal obstruction is the lack of any uniform or universal laws against cybercrimes committed towards women. The UN Budapest Convention⁴⁷ became the first international treaty which addressed the issue of cybercrime, and laid down the foundation for implication of national laws, improvements in investigation and also co-operation between nations for information. This was the first Public International Law initiative towards tackling cybercrimes, but it lacked a major component- while it does put an emphasis on investigation and national laws, it does not specify any provisions related to cybercrimes against women.

4. Conclusion and Views

Cybercrime is an act which is escalating at an alarming rate all over the world. Any woman who utilizes the internet can be a victim of cyberspace crime and without proper legal remedies, it becomes difficult to combat these activities. In order to eradicate cybercrimes from society, proper application of laws, educating women on their rights and making them aware of their cyber rights is an important step. Another important implication would be to enact strict laws which encourage

⁴⁷ Yeshvant Naik, *Cyber Obscenity and victimisation of Women in India*. iPleaders, 9th May 2017

Refer (<https://blog.iplayers.in/cyber-obscenity/>)

Shalini S, *Budapest Convention on Cybercrime- An overview*, NLU Delhi, CCG, 3rd Mar 2016

Refer (<https://ccgnludelhi.wordpress.com/2016/03/03/budapest-convention-on-cybercrime-an-overview/>)

privacy and provides safety measures to women from cybercrimes. The Internet is a world with no limits and the rapid growth of technology means that laws will need to be regulated in a more efficient manner to keep up with the growth of the cyberspace and while the Criminal Law Amendment Act, 2013⁴⁸ introduced Section 354(B)⁴⁹ which deals with online stalking and leaking private pictures and moments illegally, it has to be accepted that implying laws alone will not put a stop to cybercrimes. To prevent and control something as big as cybercrime, a complete coordinated effort is required, in order to protect the dignity of women.

In our point of view, cyberspace is no longer a safe environment for women in India, as several issues such as lack of proper laws, hostility towards cybercrime cases and even social constraints, put a lot of women in danger. There are several recommendations which can be implied in order to improve cyberspace for women. The recommendations are as follows:

1. Social media sites can create redress addressing mechanism for women through which they can report activities such as harassment, stalking and bullying to local law enforcement officials and officers.
2. Governments can encourage women to report cybercrimes without any hesitation or fear and introduce more stringent laws concerning the safety of women in cyberspace making individuals who commit these crimes accountable and responsible for their actions.
3. The law enforcement officers should take measures to ensure that victims don't feel hostility while filing their complaints and that these cases are not dismissed on the basis of gender crimes taking place on cyberspace. Most importantly law enforcers should also be educated about laws relating to cyberspace and that cybercrime is also a serious offence in the lines of traditional crimes.

⁴⁸ Kanchi, *Criminal Law Amendment Act 2013: Sexual Offences*, Lawctopus Academike, 8th Apr 2015

Refer (<https://www.lawctopus.com/academike/criminal-law-amendment/>)

⁴⁹ *Criminal Law (Amendment) Act 2013*, Advocate Khoj

Refer

([https://www.advocatekhoj.com/library/bareacts/criminallawamendment/7.php?Title=Criminal%20Law%20\(Amendment\)%20Act,%202013&STitle=After%20section%20354%20of%20the%20Penal%20Code,%20the%20following%20sections%20shall%20be%20inserted,%20namely](https://www.advocatekhoj.com/library/bareacts/criminallawamendment/7.php?Title=Criminal%20Law%20(Amendment)%20Act,%202013&STitle=After%20section%20354%20of%20the%20Penal%20Code,%20the%20following%20sections%20shall%20be%20inserted,%20namely))