

PORNOGRAPHY AND SEXUAL VICTIMISATION OF WOMEN IN CYBERSPACE

Women from the past have been the victims of the most heinous crimes inflicted by the male counterparts. “Cyber-crimes against women and children are on the raise and they have been drastically victimised in cyber space”¹ In this digital Era where we talk about the technological advancements there has been a tremendous rise of tomfoolery activities on Internet leading to cyber crimes against women. Women and children are becoming the victims of this flip side of technology. Cyber pornography being the most degraded version among them. In a country like India where Women often are reluctant to Report cyber crimes against them, they become subject to blackmailing in the hands of these criminals. Thus, Pornography is a serious violence against Women where women are reduced to mere sex objects. Robin Morgan has aptly concluded this Idea by her Statement, “Pornography is a theory, and rape is the practice”.² There is a direct and proportional relation between pornography and aggressive attitude against women strata and rape-related attitudes. Violence towards women has been increased due to certain Portrayals in porn content. Sarah Lee for the Guardian states that, “The more porn images filter into mainstream culture, the more girls and women are stripped of full human status and reduced to sex objects. This has a terrible effect on Girl’s sexual identity because it robs them of their own sexual desire”. There is a need to build a healthy sexual culture.

CYBER PORNOGRAPHY: A BOOBY TRAP

Cyber Pornography is the act of using cyberspace to create, display, distribute, import, or publish pornography or obscene material, especially materials depicting children engaged in sexual acts with adults.³ It plays a key role in sexual violence against women, rape, inequality, relationship issues among couples, increase in crime rate among youth etc. It is also argued that much of what is shown in pornography is abusive by its very nature. Gail Dines holds that pornography, exemplified by gonzo pornography, is becoming increasingly

¹ Norton , *Norton Cyber security Insights Report*, (Mar. 25, 2019, 1:10 PM) ,<http://us.norton.com/norton-cybersecurity-insights-report-india>.

²Morgan 1978, pp. 163-169, <https://en.m.wikipedia.org>.

³ “cyberpornography”, YourDictionary,(Mar.24, 2019, 3:07 PM),
<http://www.yourdictionary.com/cyberpornography> .

violent and that women who perform in pornography are brutalized in the process of its production.⁴

Nobody in this country will put you behind bars if you watch porn privately instead of watching it publically. But this is not the case for child pornography which is illegal. Thus making someone else watch it is definitely illegal and a crime punishable with up to 7 years imprisonment. Still women are forced.

PORNOGRAPHY AND SEXUAL AGGRESSION TOWARDS WOMEN

There is relatable association between the people who are regular viewers of porn and there subsequent sexual aggressiveness. Certain types of pornography can influence aggression and indifferent asocial attitudes and behaviours against women, this is not the case for other forms of pornography, especially nonaggressive pornography.⁵ Pornography is sexually denigrating for women. Regular use of pornography has resulted into sexually violent attitude against women, in most of the cases women are not even aware that their images are publicized in an immoral way thus hampering the dignity and reputation of a woman.

SOCIOLOGICAL REASONS BEHIND CRIME OF CYBER PORNOGRAPHY AGAINST WOMAN

Due to lack of knowledge and information among women in India they become susceptible to such technology related immoral crime. Often women are shy and reluctant to report such type of grave Cyber-crime against them. Many times she believes that she herself is responsible for such crime. Recently, The Air Force Balbharati case (Delhi)⁶ where a student in the school was teased by all his classmates for having pockmarked face. That boy, decided to get back at his tormentors and scanned photograph of his classmates and teachers, morphed them with nude photographs and put them up on a website that he uploaded on to a free web hosting service. The Father of one of the class girls featured on the website came to know about this and lodged a complaint with police.

⁴ Gail Dines(24 March), pornography& Pop Culture: Putting the Text in Context

⁵ Edward donnerstein, *Pornography: Its Effect on Violence against Women*, Elsevier Inc., (Mar. 25 ,2019, 12:10 PM) ,<http://www.sciencedirect.com>.

⁶ Abhimanyu Behera, *Cyber Crimes and Law In India*, XXXI, IJCC 19(2010).

In yet another incident, at Mumbai a Swiss couple gathered slum children and then forced them to appear for obscene photographs, which they took and then uploaded those photographs to websites specially designed for Pedophiles . The Mumbai police arrested the couple for Pornography.⁷ Most of the problem relating to these crime will be solved if women start reporting these crimes and abuses the moment they fall victim to them but still very few of them are reported due to the attached stigma to them and pressure of family and friends.

TIME TO END REVENGE PORN OR NON-CONSENSUAL PORNOGRAPHY

In India there is a lack of specific legislation pertaining to pornographic content. Such type of crimes are mostly covered under Information Technology Act and Penal laws (Indian Penal Code and Code of criminal Procedure). Revenge Porn is when private, intimate images, often of a sexual nature, are uploaded or shared without the person's consent. It is therefore, the non-consensual publication of sexually explicit (nude or semi-nude) images online, as a tool for seeking revenge⁸ . In most of the cases it is usually it shared as a revengeful act by the jilted lovers and Ex-partners , they harass , blackmail, injure the reputation of a woman by sharing such images just to seek some pleasure or for sexual favours.

IS THIS BLANKET BAN ON PORNOGRAPHY PRACTICALLY ENFORCEABLE ?

On Oct, 27 2018, Indian government's telecom department told internet service providers (ISPs) to ban 827 websites for hosting pornographic content, following an order by the Uttarakhand High Court. The court asked the centre to ban pornographic websites in India , citing an Incident from Dehradun where a 10th standard girl was raped by four of her seniors, the accused later told the police that they did so after watching pornographic content on the Web. Also the department of telecom (DoT) in the year 2015 had asked the ISPs to ban 857 websites to control cybercrime but after receiving criticism from the authorities, it removed the ban partially. Also it impossible to completely ban porn as many of the servers that host them are outside India, so the porn addicts can have the access easily by hook or by crook through proxy servers.

⁷ G. Rathinasabapathy and L. Rajendran , “ Cyber crimes and Information Frauds : Emerging Challenges For LIS Professionals ,” Conference on Recent Advances in Science & technology (2007).

⁸ Vidya Raj, *Revenge Porn Victims seeking Advice? Here's Laws, Legal Options to Help You* , (Mar. 25, 2019 ,10:04 AM), <https://www.thebetterindia.com>.

LEGAL SCENARIO

Traditionally the law pertaining to Pornography has been dealt by sec. 292 of the IPC, dealing with the offence of obscenity⁹. Any material is considered obscene if, taken as a whole, it is lascivious or appeals to the prurient interests or it its effect is to deprave and corrupt persons who use the same. This section makes selling, distributing, publically exhibiting, putting into circulation, taking part in or receiving profit from any business related to use of obscene objects, advertising , offering or attempting , to do any act which is an offence under this section as punishable offence. Such an offence is punishable with a term of up to five years and a fine of Rs.5000.¹⁰

Additionally section 354A of the IPC inserted in 2013, dealing with sexual harassment includes a man showing pornographic content to a woman against her will.¹¹ Usually it is transmitted via images and videos sent to a woman through Whatsapp , email or other means.

Also one more legal provision under Section 67A of the IT Act provides a further legal recourse as it prohibits publishing or transmitting or causing to be published or transmitted in the electronic form any material which contains sexually explicit act or conduct , and treats such acts as punishable offences .¹² The punishment under the IT act is far more stringent – up to five years imprisonment and a fine up to Rupees Ten lakhs for first conviction, and up to seven years imprisonment and a fine of up to Rupees Ten Lakhs for subsequent convictions.

This section has been widened as per IT Act,2008 and now child pornography and retention of Records by intermediaries are also included.

CONCLUSION

Women suffer from various forms of cyber violence on day to day basis whether on Social Networking sites or somewhere else they are duped easily due to lack of awareness . Firstly Women must be made aware about the cyber laws in our country this is the only way through which we can curb and punish such crimes.

⁹ Indian Penal Code, 1860.

¹⁰ Indian Penal Code, 1860.

¹¹ The criminal Law (Amendment Bill), 2013, (Mar.25, 2019, 5:15 PM),<http://www.prsindia.org>.

¹² Information Technology Act,2000, Acts of Parliament, 2000(India).

Secondly, Although the IT Act deal with Computer related offences, the provisions largely cover economic and financial loss , there is no specific Provision related to the Actual experience women suffer with context to Cyber pornography. Specific legislations pertaining to the ground Reality of cyber Crime of pornography women suffer actually must be enacted. Even National Crime Record Bureau (NCRB) of India does not maintain any separate record of Cyber-crimes against children and woman.¹³ Also the personnel appointed in the cyber cells should be well acquainted with the latest technological advancements for the fast and speedy Investigation and redressal.

In a nut shell this problem of pornography has an underlying root cause that relates to patriarchal society and its misogynist approach that needs to be addressed as soon as possible so that this problem is addressed in an holistic and effective manner.

¹³ National Crime Records Bureau (NCRB) of India -2016, [<http://www.ncrb.gov.in>].