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**“UNDERSTANDING “SEXTORTION & REVENGE-PORNS” AS NEW FACE OF CYBER
CRIME: A NEED FOR REFORM IN INDIAN CYBER LAWS.”**

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I. INTRODUCTION:

Cyberextortion is a method of online extortion by the perpetrators where the demand is usually a huge amount of money or any other favour in exchange of not carrying out any harm to the victim’s private information¹. The methods that are generally used by extortionist involve “incapacitating” the targeted victim by way of DoS (Denial of Service) attack or blackmailing the victim to surrender him/her to the demands of the perpetrator etc. Cyberextortion is one like a proverbial elephant in a room, a problem which is so serious and grave but has never been discussed.

There are numerous incidents that take place but which go unreported because of various reasons like the victim is threatened against her reputation in society and from this fear doesn’t report it to the authorities and falls prey to the trap set by the perpetrator. Also sometimes the fear of loss of customers and loss of future income makes the victim hesitant in reporting the crime. For example, in a recent case, a daughter of a well-known MNC CEO fell into a trap, when she posted her vacation and hotel destination on social media and from there the hackers captured her intimate moments from the hotel she was staying in. The perpetrator asked for a large amount of sum, otherwise threatened him to post those pictures online. In the end, they had to pay since the police was unable to crack the racket.²

¹ Gregory M. Bednarski, *Enumerating and Reducing the Threat of Transnational Cyber Extortion Against Small and Medium Size Organizations*, INFORMATIONWEEK, Sept. 13, 2004, at 21.

² Shalina Pillai, *Shubham Mukherjee: Hackers Target Wealthy for Cyber Extortion*, (Apr 5, 2016, 18:22 IST), <https://timesofindia.indiatimes.com/india/Hackers-target-wealthy-for-cyber-extortion/articleshow/51676281.cms>.

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Now, the newest form that is most reported and which has also gained the attention of researchers is the crime of “Sextortion” which is one of the forms of the extortion. So far no legal definition has been assigned to it due to its non-recognizance by the authorities since it does not fit neatly in one category like partially falling under provision of criminal and cyber laws like extortion, identity theft, voyeurism etc. and therefore treated leniently; but in general terms it means “a kind of sexual exploitation that employs non-physical form of coercion to extort sexual favours from victim”. In other sense, it is a kind of corruption wherein powerful people such as government officials, educators, law enforcement personnel etc. utilize their power to extort sexual favours in exchange for something within their authority to grant or withhold meaning thereby; quid pro quo in such cases is sex rather than money. A few examples to “sextortion” could be a teacher demanding sexual favour from a student in trade of good grades, an employee getting a promotion at an organization in lieu of sexual favour done to an employer or a government official permitting licence only after sexual favour is done.

Such cases are reported not only in India but also in many other parts of the world but others countries have included in their penal statues, laws which “criminalize any other favours in addition to monetary favour for grant of some benefit” and India is still negligent about it. Like a recent statute in Tanzania i.e The Tanzanian Prevention and Combating of Corruption Act, 2007, makes it an offense for “any person in position of power or authority” to “demand or impose sexual favours” as a condition of the exercise of that authority and also laws in the U.S. do not expressly cover it under some statute, but it is recognized impliedly by the courts in its judgments for example in the case of United States v. Carlock,³ the court upheld the conviction for a union official found guilty of threatening two female workers with an economic loss unless they acceded to his sexual demands.

Also, there are various aspects of this crime which is directly linked to the human rights issue, like the violation of right to live with dignity and other civil rights which are not redressed in any such cases. The most traumatizing fact above all is that the victim is left on the mercy of the society, to decide on their fate of the character, after winning or losing the legal battle against the perpetrator. Therefore, the issue also lies where the uneducated society

³ 806 F.2d 535, 543 (5th Cir. 1986).

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views and treats the person who has acceded to the demands of sexual favours different from the person who has acceded to the monetary demands. The stigma, shame, and psychological damage that are associated with sexual bribery are different from and greater than financial bribery even though the legal culpability, on the other hand, may be greater if money is involved. In India, there are 'n' number of such cases that occur frequently which is almost equivalent to other homicidal cases but goes unreported due to naming and shaming reason and those who are even reported are approached in a lenient manner by the law enforcement agencies due to lack of laws and therefore the perpetrators take advantage of this grey area and use it for their benefit.

A recent case of "Sextortion" was reported from Punjab and Haryana High Court where the 3 students of OP Jindal University were alleged to commit rape against their female friend by blackmailing and threatening her to post her nude pictures viral on the internet. On these grounds, she was forced to have sex with them. The case was finally registered before the concerned police station by the father of the victim who later arrested those students.⁴ The police arrested the perpetrators under various criminal and internet laws but no culpability was placed on them for the offence of sextortion. Like this many cases under different modus operandi are reported in India but fail to get reported due to social stigmas attached to them and even if they are reported they are not attracted by on point laws and therefore a setback for all those victims who fall prey to this trap.

Another set of crimes that are most reported in newspapers are the cases of "revenge porn". Usually, cases of revenge porn involve where mostly the ex-lover make the pictures of victim viral over the internet due to estranged relationship without permission of the victim.⁵ It is an indiscriminating beast. This image of the victim is accompanied by her personal information like age, email address, nicknames and links to other social media accounts. This act or nature by the perpetrator is termed by the medical sciences as a psychopath, which comes out when the duo ends up their relationship and the one lover who is upset disseminate their

⁴ Shalini Narayan, Hisar: *Blackmail, rape, arrest of 3 law students has campus in turmoil*, (May 28, 2015 3:56:23am), <https://indianexpress.com/article/india/india-others/hisar-blackmail-rape-arrest-of-3-law-students-has-campus-in-turmoil/>.

⁵ Clay Calvert, *Revenge Porn and Freedom of Expression: Legislative Pushback to an Online Weapon of Emotional and Reputational Destruction*, 24 *FORDHAM INTELL. PROP., MEDIA & ENT. L.J.* 673, 677 (2014); Taylor Linkous, *It's Time for Revenge Porn to Get a Taste of Its Own Medicine: An Argument for the Federal Criminalization of Revenge Porn*, 20 *RICH. J.L. & TECH.* 1, 6 1 6 (2014).

intimate picture in anger. It has been reported that only 2% of the crime is actually reported even though it is a global phenomenon.⁶

The cases of revenge porn go unreported in India due to the stigma attached of naming and shaming women in the society by calling her slut and whore and the one who first shared her nude picture with the person in the relationship and also hands are raised on her character. The cases of such type have only one consequence that the victim instead of coming out and reporting such crime in the society, hangs herself to death due to the consequences attached to such crime.

In India, few crimes on “Revenge porn” were reported last year wherein one student of class 11 killed herself after the ex-lover posted her private picture on Facebook. Some similar incident occurred where a 21-year-old girl killed herself after her morphed pictures were circulated over the internet.⁷ But, recently a historical judgment has come from the Midnapore district of West Bengal, where for the first time the court recorded conviction of accused of 23years old in “revenge porn” case for the imprisonment of 5 years and slapped with a minimal amount of Rs.9000.⁸

The charges against him were framed under different provision of Information Technology Act, 2008 like under section 67,67A and 66E and in Indian Penal Code, 1860 under section 354, 354A, 500, 504 and 506. Sections under IT Act, 2008 deals with “publishing and circulation of lascivious and obscene content in cyberspace and privacy issues and under Indian Penal Code section talks about outraging the modesty of women, extortion and criminal intimidation etc. There is no specific crime which deals directly with these crimes. Applying these sections to cases under sextortion and revenge porn results into negligible penal outcome since the underlying principle of laws which are applied are different since it was never the intent of the legislature address both these issues. Therefore, the significance of this paper in the context of the contemporary modern era is to look into the incidents of

⁶ Sahana Chaudhari, *Indian Court Sets Precedent in Revenge porn Case*, The Cyber Blog India (March 24, 2018), <https://cyberblogindia.in/revenge-porn-judgement-west-bengal/>.

⁷ Yashee, *Man getting 5 years in Jail for sharing nude videos of ex shows India is waking up to revenge porn*, DailyO, March 12,2018, <https://www.dailyo.in/variety/revenge-porn-midnapore-cyber-crime-crimes-against-women/story/1/22796.html>.

⁸ Ibid.

sextortion and revenge porn that are being reported in India rampantly as well as in other countries and highlighting the instant need to address both these crimes separately under either cyber or penal laws of the land.

II. ISSUE:

Cases of sextortion and revenge porn always prevailed in society since acting in cyberspace has become easy due to features like “anonymity” which acts as the best tool for the predator to commit such crimes without fear of being caught. The first issue is that to address these crimes, there is no specific law in India as against the laws that exist in laws of the rest of the countries; thereby no deterrent effect in society. Secondly, the present laws that are accounted for such crimes are not clear in their application as to different facts and circumstances of each case which creates more complexity while dealing.

III. HYPOTHESIS:

A Need to clearly define law to encompass all the cases of sextortion and revenge porn because of the void created by the cyber and other major criminal laws of India, most cases of sextortion and other allied crimes go unreported. Indian Judiciary is shoved to put this offence in the category of other sexual crimes in the absence of a specifically carved definition of such offences. With the recent advent of technology and the darker side of its advancement intertwined with the perverted human behaviour, we are in dire need of clearly defined law to punish offences of sextortion and other allied crimes.

IV. RESEARCH METHODOLOGY:

The research methodology adopted by the researcher for this research work is purely “Doctrinal, Analytical and Descriptive”. The researcher has gathered information from primary sources like statutes, judgments and journals. The secondary data like articles, research papers, websites, news articles, committee reports etc. are also utilized to complete this paper. The internet has played a major role in this research project as it helped the researcher to explore this concept in detail.

V. SEXTORTION: A PSYCHOLOGICAL COERCION:

It is the new method of extortion which has an element of sexual harassment in it is called “Sextortion”. In this, the technique used by sextortionist is blackmailing and threatening the victim to publicize their private image and information, which might be embarrassing unless the victim provides the extortionist with the sexual favours like agreeing or participating in sex or live or online pornography and other kinds of direct video communications.⁹ Though there are advantages of digital age which gives ease of clicking pictures but it becomes a problem when these techniques become a bane for any person like the clicking of intimate pictures can later be shared for the coercion or threat purpose. Sextortion is one such example where the technology is a bane for the human. Such offences can be committed online through hacking of Emails, Skype’s and any other online communication sites. It is also called as web blackmail, where criminals coerce victim for unclothing and performing sexual acts.¹⁰ Generally, the youngsters are the victim of such crimes as they tend to divulge their private information on the internet and also expose themselves in intimate ways.

The article “Sextortion and International Justice” by Benjamin Wittes and Senior Fellow explains about “sextortion” being an International crime since it can be committed inter as well as intra border. The article furthers this argument by stating that now it is possible to commit sexual assault in the country to which you don’t belong. Further, the article points out that there is a little bit of demographics problem in sextortion, which means often young females are the victims of such crime and hardly there is any women who is seen in the character of extortionist. Since the victims are mostly very young, it is also sometimes termed as child exploitation. The author also makes this point that the child victim could be anyone, but as older you get, you see more female victims. The author then tells us about the methods used for sextortion like he tricks you on stealing your passwords and getting a nude or

⁹ Press Release, Dep’t of Justice, Maine Resident Charged and Arrested for Allegedly Engaging in Cyber “Sextortion” of New Hampshire Victim (July 18, 2012), available at <http://www.justice.gov/opa/pr/2012/July/12-crm-886.html>.

¹⁰ Martin Bagot, Thousands of teens blackmailed by 'sextortion' criminals who threaten to post naked pictures online”, *Mirror* (August 11, 2014), <http://www.mirror.co.uk/news/uk-news/thousands-teens-blackmailed-sextortion-criminals-4038111>; “Sextortion”, BBC, <http://www.bbc.co.uk/programmes/profiles/40DhRnbN7b69gMkPqsJ1m0Q/sextortion>; “Sextortion”, FBI (July 2015), <https://www.fbi.gov/news/stories/2015/july/sextortion>. See also Stop Cyber Sextortion, Facebook, <https://www.facebook.com/pages/STOP-Cyber-Sextortion/666823696724014>.

personal picture and then he uses the data to coerce for this activity. Another method is used by some of the smart hackers who insert malware into computers and turn on their webcam against themselves and then uses their personal image to extort. Though “sextortion” is a crime in most of the countries but where it has not been specifically mentioned, it is generally prosecuted under various criminal laws like extortion, bribery, breach of trust, corruption, sexual coercion, sexual exploitation, sexual assault, child pornography, computer hacking and wiretapping.¹¹

The article “Online Sexual Harassment: Issue and Solution” by Mohammed Chawki highlights a few recent incidents that happened outside India which led other countries to frame laws. In the year 2010, a person in the Alabama state of U.S.A. was held under the “Sextortion” laws for threatening 50 young women victims from different states i.e. Alabama, Pennsylvania and Missouri to make viral their nudes over Facebook and MySpace. He was sentenced for 18 years of imprisonment.¹²In another astonishing incident, a 31-year-old resident of California was arrested under the extortion charges for hacking 200 computers and possessing nude pictures of the victim and threatening them to do sexual favours for him otherwise he will post those over the internet. In this case, 4 victims were juveniles¹³

Subsequently, in October 2012, a Canadian teen girl began an online relationship with a boy, during which she sent him intimate photos of herself. The boy then coerced the girl to keep sending the video of her. Later when she refused to send the pictures, he gained access to her email and sent across her picture to several contacts from her email contact list. The boy was prosecuted for possession of and distribution of child pornography, extortion, and threatening death.¹⁴

In some countries, the offence of “Sextortion” is seen as a crime under corruption laws as reported under “Stopping the abuse of power through Sexual Exploitation: Naming, Shaming and Ending Sextortion”, a report by IAWJ i.e. International Association of Women Judges. This article explains “Sextortion” as one of the forms of corruption as in this the illegal

¹¹ Mohamed Chawki; Yassin el Shazly, Online Sexual Harassment: Issues & Solutions, 4 J. Intell. Prop. Info. Tech. & Elec. Com. L. 71 (2013).

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

gratification is not the currency but rather sex.¹⁵ To commit such crime, the sextortionist must be someone with the power or in the position of authority and the victim must be submissive. The perpetrator must then abuse his position or power to extract sexual favours from the victim.¹⁶

VI. REVENGE PORN: RESULT OF FAULTY MINDSET:

In the article of “Image-based sexual abuse: More than just revenge porn” by Clare McGlynn and Erika Rackley”, in this article, the term revenge porn has been defined as a springing phenomenon where the ex-lovers without the consent of the victim, distribute her private pictures and information online in vengeance.¹⁷ As seen, image-based sexual crime is gendered in the sense that the victims are often young girls and women. The abuse, torture and harassment against them are also sexualized. It gives a misogynistic outlook to these offences. Such offence tends to deprive the victim of her individuality and freedoms as it humiliates her in front of her family, friends and employers. Sometimes, the strangers to the crime also blame the victims.¹⁸

In the article of “IS JUSTICE BEST SERVED COLD?: a Transformative Approach to Revenge Porn” by Ashlee Hamilton,¹⁹In this article, the revenge porn is explained a new problem of society again depicting hierarchal notion of society existence which assumes male as the protector of women and thereby reinforcing his dominance over women over and over again. Also, it objectifies the sexuality of women²⁰.

Through this article, she has tried to address various question which arise in the victim’s mind like why did she even take those pictures, should she inform the police, shouldn’t she sue the website too and from the perspective of the offender, the questions like he didn’t

¹⁵ International Association of Women Judges, *Stopping the abuse of power through Sexual Exploitation: Naming, Shaming and Ending Sextortion*, 2012.

¹⁶ Ibid.

¹⁷ Clare McGlynn and Erika Rackley, *Image based sexual abuse: More than just revenge porn*, Research Spotlight, (2016).

¹⁸ Ibid.

¹⁹ Ashlee Hamilton, *Is Justice Best Served Cold: A Transformation Approach to Revenge Porn*, 25 UCLA Women's L.J. 1 (2018).

²⁰ Caitlin PenzeyMoog, *Scarlet Letters: Digital Sexual Subjugation of Revenge Pornography*, 43 MEDIA REP. TO WOMEN 12, 16 (2015).

intend to cause distress and how serious is the distress anyway etc. The author tries to apply the theory of transformative justice (community-based approach) in the cases of revenge porn since the theory of transformative justice tries to go to the basic root cause of the problem faced by the victim in the society after the commission of such crime. Though there are certain challenges that come on the application of Transformative justice theory like the untamable nature of the internet which makes it seemingly impossible to contain the harm etc. But despite all these challenges, she argues that a transformative justice framework will serve the best and most humane short and long-term solution to this type of harm.²¹

In another article, “Addressing Cyber revenge and Sexbullying” by Raphael Cohen-Almagor²², in this article the author says that the cybercrime is one of the kinds of cyber revenge where the perpetrator motive is to harass and humiliate the victim. She explains “Sexting” as sharing of personal pictures, videos or explicit text via cell phone. These kinds of activities are usually rising these days. Kiss-and-tell now becomes show-and-tell.²³

Often the targets of such crime are very young children or they are bisexuals or transgender whose sexuality is often questioned.²⁴ In the end, the article discusses the responsibility as a “Net citizen”, which is basically legal, moral and social responsibility. People should respect their responsibilities knowing that the omission to them would lead to dangerous consequences.

VII. LAWS DEALING WITH SEXTORTION AND REVENGE PRON IN INDIA AND PROBLEM IN ITS IMPLEMENTATION:

a) LAWS DEALING WITH SEXTORTION IN INDIA:

As we don't have any particular law for the cases of “Sextortion” and therefore there is not much clarity in the application of laws in such cases which makes it vulnerable and prone area, which the offender can easily take benefit of. Some of the provisions applicable are:

²¹ supra note, 19.

²² Raphael Cohen-Almagor, *Addressing Cyberevenge and Sexbullying*, *Journal of Applied Ethics and Philosophy*, Vol. 7 (2015), pp. 14-23.

²³ Ibid.

²⁴ Elliot Spagat, “*Transgender Teen Commits Suicide After Bullying*”, *Time* (April 11, 2015).

1.) PREVENTIVE STEP:

One of the quickest remedy available in the Indian laws is under section 108(i)(a) of the Code of Criminal Procedure, 1973, which empowers the victim to inform the magistrate about the attempt or the intended act done by the offender to disseminate the objectionable matter, either orally or in writing, the magistrate has the power either to detain or to order the offender to fill and sign a bond along with the sureties that he will not commit any such act which harms the victim and if not then has to explain with the reasons why such bond should not be filled by him.²⁵

2.) REMEDIAL STEPS:

- Under section 292 of Indian Penal Code, 1860, any material which is lascivious or appeals to prurient interest, if circulated either through pamphlets, books or through any electronic mode, is punishable with 2 years or the fine of an amount of Rs.2000 for the first time offenders.²⁶
- Another section of penal code that is attracted is Section 354C, which talks about offence of Voyeurism, an offence committed by the offender which infringes the privacy of a women, which means if any obscene pictures taken where the women usually expect privacy is circulated is punishable with 1 year which can be extended to three years and shall be liable to fine.²⁷
- Under section 383 of Indian Penal Code, 1860, cases dealing with “Extortion” is dealt, in which the modus operandi is the threat or fear used in order of delivery of the material thing by the victim to the offender.²⁸

Section 72 of the Information Technology Act, 2008, criminalizes the act where the privacy is breached by the offender by means of gaining access to electronic records, such as

²⁵ V. Anirudh Narendra & Samraddhi Shetty, *Of Sextortions, laws, and what victims of this crime can do*, Business Line, April 27, 2018 (<https://www.thehindubusinessline.com/news/national/of-sextortion-laws-and-what-victims-of-this-crime-can-do/article23726557.ece>).

²⁶ Ibid.

²⁷ Ibid.

²⁸ Kriti Jayakumar, *Does the IPC Needs some work to catch up with Sextortion, A new Cyber Crime?*, August 1, 2016 (<https://www.womensweb.in/2016/08/sextortion-cyber-crime/0>).

information, books etc. without the consent of the victim discloses such material to any other person, is liable and punishable for 2 years with the fine of Rs.1 lakhs.²⁹

b) FAILURE IN ADDRESSING THE ISSUE OF "SEXTORTION":

- Since, there is no law on "Sextortion" in India, the cases of such nature are dealt in a like manner as cases of extortion in India, which is only punishable up to 3 years and are not as grave as this offence, since this offence is related to the respect of human dignity with respect to bodily integrity.

- These crimes are generally not reported keeping in mind the mindset of the society which is perverse and un-accommodative to such acts, and believes in that the wrong is done by the victim to herself. This is supported by the fact that the Mumbai cyber branch was reported of such offence by the victims. In all these five cases, the victims sought the police's help to trace the perpetrators and make the extortion stop. However, all of them declined when asked to file an official complaint, fearing that they would be disgraced once their experiences became part of public record.³⁰ The use of such pictures for intimidating the victim is a powerful tool since in some societies shame is a bigger matter.

- Another drawback is that there is an issue of securing the websites in India which means any information can be recovered easily by the sharp-minded hackers, who can befool the victim easily into their trap etc.

c) LAWS DEALING WITH REVENGE PORN IN INDIA:

In revenge porn cases, we don't have any direct law. So, whenever such crimes take place, they are dealt under the provisions of the "*Information Technology Act, 2008 (Sections 66E, 67, and 67A) read along with the provisions of the Indian Penal Code, 1860 (Sections 354A, 354C, 354D, 509)*"³¹

²⁹ Ibid.

³⁰ Gautam S.Mengle, *Enter 'Sextortion', now a reality in India*, October 08, 2018 (<https://www.thehindu.com/news/national/enter-sextortion-now-a-reality-in-india/article25160519.ece>).

³¹ Sahana Chaudhari, *Indian Courts Sets Precedent in a Revenge Porn Case*, March 24, 2018 (<https://cyberblogindia.in/revenge-porn-judgement-west-bengal/>).

But recently in March 2018, first conviction was made in the case of revenge porn on International Women's day in the case of *State of West Bengal v Animesh Boxi*, where a 23 year boy is convicted for 5 years in Prison for making "revenge porn" of a 20-year-old girl, who broke up with him after estranged relationship.

The accused was convicted under *sections 354A, 354C, 354 and 509 of IPC as well as Sections 66E, 66C, 67 and 67A of ITA 2008*. In the case, several electronic and forensic online evidences were provided to prove the case.³²

d) PROBLEMS IN APPLICATION OF INDIAN LAWS IN CASES OF REVENGE PORN:

Under Section 67 and 67 A of Information Technology Act, 2008, which punishes any person who circulates "obscene" or "lascivious" content in electronic form without that person's consent, is held to be punishable for this crime for imprisonment up to 5 years and fine up to 1 lakh rupees. But applying these sections to "revenge porn" cases can be a bit problematic since it says that anyone who transmits these kinds of pictures which is lascivious or appeals to the prurient interest of any person and tends to deprave or corrupt a person can be held under this section. Since it is the victim, who first shares the picture can be technically booked under this section for transmitting such content.

VIII. LAWS ON "SEXTORTION" AND "REVENGE PORN" IN OTHER COUNTRIES:

For "Sextortion" cases: The United States of America, has a statute to revert to the crime of "adult sextortion" which is called as "Workhouse Statute" which address the cases which occur interstate. The statute addresses the "issue of morality" in the offence. But the problem with the statute is that the culpability of crime is less as compared to its abusiveness and harm it causes i.e. psychological trauma. Only where the victims are children, there only the punishment is relatively equal to that of the consequences of the act.³³ Recently, New Jersey has passed a law on video voyeur criminal statutes which prohibit "*posting of a person's sexually revealing recordings or images of victims without their consent if a reasonable person would not have expected to be observed.*"

³² Vijayashankar Na, *Does this revenge porn Judgment inspires confidence?*, March 10, 2018 (<https://www.naavi.org/wp/does-this-revenge-porn-judgement-inspire-confidence/>).

³³ Benjamin Wittes, *Cyber Sextortion and International Justice*, 48 Geo. J. Int'l L. 941 (2017).

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In the Philippines, “*Anti Rape Law, 1947 which indirectly says that: One of the ways in which “a man who has carnal knowledge of a woman” can commit rape is “by means of fraudulent machination or grave abuse of authority.”*”³⁴ There is similar kind of laws are in Tanzania Sexual Offences Special Provisions Act Of 1998 in which the definition of “rape” includes, “*Whoever -being a person in a position of authority, takes advantage of his official position, and commits rape on a girl or woman in his official custody*”.³⁵ This indiscriminate use of authority can be availed by the one in power for having forced sex with the person in a submissive position. For “Revenge-Porn” cases: Although United States does not have a Federal law on “Revenge porn”, but still there are 34 states which have a state law to address this issue unlike India and few countries who trust on laws of “cyber-bullying” and “protection of privacy” to address this issue.

Only Japan is an exception and has laws against this crime which carries a maximum sentence of 500,000 yen or three years in jail”.³⁶ Israel has also recently introduced anti-revenge porn laws. Under *Criminal Justice and Courts Act 2015*, in England, “*to disclose a private, sexual image without the consent of the person in the image, with the intention of causing that person distress defense if disclosing for purposes of crime, in public interest journalism, or image has previously been disclosed for financial gain*” is a criminal offence subject to up to 2 years imprisonment.³⁷

IX. SUGGESTIONS OR RECOMMENDATIONS:

- Passing of laws for both the offences i.e. Sextortion and Revenge Porn under Information Technology (Amendment) Act, 2008 as early as possible since there is no clarity in the application of already existing laws. Also, making the law might solve the issue of pending cases. Laws can be framed in accordance with the laws in common law countries. The law must include the reckless intention to cause distress.

³⁴ Supra note, 15.

³⁵ Supra note, 34.

³⁶ Piyasree Dasgupta, *What can Victims of Revenge Porn in India, Do To Get The Criminals Punished*, July 13, 2017, (https://www.huffingtonpost.in/2017/07/13/what-can-victims-of-revenge-porn-in-india-do-to-punish-the-perpe_a_23027563/).

³⁷ Supra Note, 17.

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- The Penal action taken for the crime must be stringent since it harms the person's right to live with dignity which is one of the highest right recognized by any law. There can also be a civil remedy provided to the victim as an alternative option.
- Regular educational programs or orientation to be provided to the students of schools and colleges, employers and employees of an institution, as young ones are often the prey of such crimes. In such institutions, there must be a separate committee which hears and redress the complaints made.
- Some kind of campaigns or awareness programs to be conducted and demonstrated to the public at large to deal with the issues of stigma and shame attached to such offences. Such kind of program may help in changing or developing the mindset of the society against the victim, who thinks her as the main culprit to such offences.
- Victims of such crime must be treated at par with the victims of the rape cases by the state. The state must take care of their counselling sessions to address their physical and mental trauma and monetary relief within few days of the filing of the charge sheet, for which a rehabilitation fund can be created to utilize the fund amount when needed. An alternative can be securing of a future job.

X. CONCLUSION:

The need of the hour is to address these growing issues. The government must make amendments to the existing cyber laws by providing harsher punishments to such heinous crimes, which are growing with the growth in technology. Currently, these issues do not fit under one such category but under various definitions of offences under Indian Penal Code like extortion, theft, and voyeurism and therefore are treated leniently. The new laws must be framed as such, which creates a deterrent effect on society. Social media platforms are often used to disseminate such content. Now it is a call for them to play a more active role and filter the content before it is uploaded. For instance, an app like Facebook has attempted to prevent the re-posting of revenge porn by cataloguing content. Therefore, well-framed laws along with the active role of social media will act as a tool to fight against such a growing menace in society.

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