CYBER SPACE- A CRITICAL ANALYSIS ON THE FEMININE FACET

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ABSTRACT

Cyber space also known as the virtual world, is one of the most trending phenomenon of the 21st Century. It is a world of computers and internets. It is a space in which computer transactions occur, particularly transactions between different computers. Images and text we send and receive on the Internet exist in cyberspace. People of every age are crazy about this virtual world. For few, they begin and end there day in this world. But what happens exactly in this cyber space? Do we actually care about the consequences? I guess the answer is "NO". There are few who are not or fewer aware of the facts of the virtual world and put themselves in trouble, but there are still few who are well aware of the facts and consequences, but are careless towards their act.

Keywords: Cyber Space, Cyber Crime, Women, Safety, Rights, Equality, Justice

INTRODUCTION

The victims are generally "women" of all ages and group. Cyber-crimes against women are on the raise and women have been drastically victimized in the cyberspace. The sex-offenders look for their victims on social network websites, and also on job or marriage websites where people post their personal information for better prospect. The revealing of personal information has made women more a casualty of cybercrime. It is evident that victimization of women is leading to cybercrime and vice versa. While there are many instances where women in western countries are victimized, there is a raise of such victimization of women in the eastern regions such as India, and these women are relatively with less legal protection and they are unique than their western counterparts. Technical measures to protect computer systems are being implemented along with legal measures to prevent and deter criminal behaviour. But this technology knows no physical boundaries; it flows more easily around the world subsequently the criminals are increasingly located in places other than where their acts produce their effects and Cyberspace[i] is no exception to it.

WOMEN IN CYBER SPACE

Women victimization is an age-old practice which still continues, though today the forms of harassment have changed. The position of women has been vulnerable, always. Even if women are said to be equal to men in various aspects, there still exists and erupts new ways of suppressing her. And in the present era of technology women are not left out in the virtual world too. The use of cyber space and its attendant features continue to influence negatively to the social and cultural aspects of society. Millions of women and girls around the globe are subjected to deliberate violence because of their gender. Violence against women and girls are cutting across borders, race, and culture profoundly harming victims, people around them, and society as a whole[ii]. The social networking sites have become a very familiar mode to express one's thought or ideas and communicate to the world. The cyberspace has provided secure tools and spaces where women can enjoy their freedom of expression, information and privacy

of communication, the same benefits of anonymity and privacy also extend to those, who do criminal activities of violence against women.

The use of internet to stalk, abuse, intimidate, harass, and humiliate women is palpable. Global Cyber Security Response Team, which provides technical assistance to the Women's Cyber Security Cell study, reveals that there are more female victims than males in cyber crimes, exposing their vulnerability. In cyber space, women are subjected to harassment via e-mail, cyber-stalking, cyber defamation, morphing, hacking, cyber pornography, cyber flirting and bullying. One of the most common forms of it is depicting a woman through false and derogatory identities mostly through social networking sites. The typical nature of victimization includes the creation of fake profiles which may include pictures and personal information. Women are exposed to an audience in a fashion in which she never wish or authorize anyone to expose her[iii]. Cases of cyber victimization of women especially through offences like the creation of fake profiles to describe the victim indecently, leaves a deep impact on the victim.[iv] Not only does this indecent representation remain 'alive' for a long time to create huge embarrassment for her, it also deters her professional as well as personal reputation. In most of the cases such profiles are left open for public viewing and are constantly updated in search engines. Of late, the trend has broadened to include verbal descriptions of the victim in extremely derogatory slangs.

CYBER CRIMES AGAINST WOMEN

With the advent of technology, cyber crimes and victimization of women are on the high and it poses a major threat to the security of a person as a whole. Though India is one of the few countries to enact IT Act to combat cyber crimes, issues regarding women still remain untouched in this Act. There are few offences termed as punishable offences but the crucial threat to the security of women in general is not covered completely by this Act.[v] In cyber space, women are found to be victims of various crimes, amongst which few can be mentioned as specially targeting women are as follows:

1. Harassment via e-mail
2. Cyber-stalking

3. Cyber defamation
4. Morphing
5. Email spoofing
6. Cyber pornography
7. Hacking
8. Cyber sexual defamation
9. Cyber flirting
10. Cyber bullying

Harassment via e-mail:

Harassment through e-mails is similar to harassing through letters. Harassment includes blackmailing, threatening, bullying, and even cheating via email. E-harassments are similar to the letter harassment but creates problem quite often when posted from fake ids.

Cyber-stalking:

Cyber stalking is one of the most talked about net crimes in the modern world. Cyber stalking involves following a person's movements across the Internet by posting messages on the bulletin boards frequented by the victim, entering the chat-rooms frequented by the victim, constantly bombarding the victim with emails etc. Cyber Stalking usually occurs with women, who are stalked by men, or children who are stalked by adult predators. Typically, the cyber stalker's victim is new on the web, and inexperienced with the rules of net & Internet safety.[vi] Their main targets are mostly females, children, emotionally weak or unstable, etc. It is believed that Over 75% of the victims are female. There are a couple of reported cases, which speak of the position of the cyber stalking in India.

In the year 2001 a man named Manish Kathuria was arrested by the New Delhi Police. He was stalking an Indian lady, Ms Ritu Kohli by illegally chatting on the Web site MIRC using her name. He used obscene and obnoxious language, and distributed her residence telephone number, inviting people to chat with her on the phone. As a result of which, Ritu kept getting obscene calls from everywhere, and people promptly talked filthy with her. In a state of shock,

she reported the matter to Delhi police. For once, the police swing into action, traced the culprit and filed a case under Section 509 of the Indian Penal Code for outraging the modesty of Ritu Kohli. Though Kathuria was charged under a section 509 of the Indian Penal Code (IPC) for "outraging the modesty" of his victim Ritu Kohli: he would pretend to be her, use obscene language, give out her home phone number and invite callers. The IPC section, however, did not cover internet crimes, and Pavan Duggal, Delhi-based cyber-law expert who worked on the case, explains that it finally fizzled out when the frustrated Ms Kohli moved out of India.[vii] For past 15 years since the information Technology Act of 2000 was passed, dozens of online harassment cases have been reported, but many go unreported.

Cyber defamation:

Cyber tort including libel and defamation is another common crime against women in the net. This occurs when defamation takes place with the help of computers and / or the Internet. For instance if someone publishes defamatory matter about someone on a website or sends e-mails containing defamatory information to all or to that person's friends.

Morphing:

Morphing is editing the original picture by unauthorized user or fake identity. It was identified that female's pictures are downloaded by fake users and again re-posted/uploaded on different websites by creating fake profiles after editing it. This amounts to violation of I.T. Act, 2000 and attracts sec. 43 & 66 of the said Act. The violator can also be booked under IPC.

The Times of India reported that in October, a Delhi-based beautician told the police that her photograph was flashed on a porno portal along with her mobile number. Recent victim of cyber morphing is a young girl from Salem whose picture was taken from her Facebook account and morphed by a guy of nearby locality. The youth had expressed his willingness to marry her, which she refused. Hence, he planned to tarnish her name. After the victim found her morphed picture, her father lodged a complaint to the police. However, on next day, the girl once again found the picture tagging her on Facebook, with her father's mobile number mentioned with the image. Upset over this, when her parents were away, she reportedly hung

herself. She was later rushed to government Hospital in Salem where doctors declared her dead on arrival, and then police arrested the guy who morphed her picture[viii].

Email spoofing:

A spoofed e-mail may be said to be one, which misrepresents its origin. It shows its origin to be different from which actually it originates. The more common method used by men is to email vulgar photographs of themselves to women, praising their beauty, and asking them for a date or inquiring how much they charge for 'services'. Besides sending explicit messages via e-mail, SMS and chat, many also morph photographs - placing the victim's face on another, usually nude.

In an instance, a couple entered an internet chat room agreeing to strip for each other using a web camera." The guy stripped, but the person at the other end was actually another man and his friend, who obviously didn't. They recorded it and uploaded the clip on a porno website. These things happen in every city but only one in every 500 cases is reported. Most cases go unreported because people are "petrified of adverse publicity". While Mumbai is battling obscenity, other cities are concerned about cyber stalking, morphing and email spoofing as offences.

Cyber pornography:

It is yet another threat to the female citizens. This would include pornographic websites; pornographic magazines produced using computers and the Internet (to download and transmit pornographic pictures, photos, writings etc). Internet has provided a medium for the facilitation of crimes like pornography. Cyber porn as it is popularly called is widespread. Almost 50% of the web sites exhibit pornographic material on the Internet today. Pornographic materials can be reproduced more quickly and cheaply on new media like hard disks, floppy discs and CD-ROMs.

The new technology is not merely an extension of the existing forms like text, photographs and images. Apart from still pictures and images, full motion video clips and complete movies are also available. Another great disadvantage with a media like this is its easy availability and accessibility to children who can now log on to pornographic web-sites from their own houses

in relative anonymity and the social and legal deterrents associated with physically purchasing an adult magazine from the stand are no longer present. Furthermore, there are more serious offences which have universal disapproval like child pornography and far easier for offenders to hide and propagate through the medium of the internet. Recent Indian incidents revolving around cyber pornography include her photograph was flashed on a porno portal along with her mobile number.

Hacking:

It is the use of technology to gain illegal or unauthorized access to systems or resources for the purpose of acquiring personal information, altering or modifying information, or slandering and denigrating the victim and/or VAWG organizations. e.g., violation of passwords and controlling computer functions, such as freezing the computer or logging off the user.

Cyber sexual defamation:

Cyber sexual defamation happens between real or virtually known people who out of frustration start publishing defaming stories in obscene languages on various social websites subsequently it turns into cyber pornography. The accused can be booked under section 67 and 72 of the IT Act as well as IPC as discussed earlier.[ix]

Cyber flirting

Generally cyber flirting may be considered very minimal petty offence that starts when perpetrator force the victim to hear obscene songs, messages and it may consequently result in cyber sexual defamation and breach of trust. Again this can be treated as the flip side of IT Act that except Section 72 which deals with the breach of confidentiality and privacy there is no other support that can be offered by the Act to the victim.

Cyber bullying:

Cyber bullying means the use of electronic communication to bully a person, typically by sending messages of an intimidating or threatening nature.[x] The main aim and objective behind such crime may be to defame the target out of anger, hatred or frustration or secondly when the perpetrator wants to make simple fun of his friends, classmates, juniors or unknown net friends.

In The United States v Lori drew (2006)[xi] is one of the examples of cyber bullying. In this case a 13 year old girl got a message on Internet, "the world would be better off without you" and took it to her heart. She had not met the person who sent this message but only after twenty minutes she hung herself. The story turned to be more terrific when it found that the person was just a creation of some Lori Drew, who was arrested in 2008 for violating the Computer Fraud and Abuse Act but unfortunately was acquitted in 2009.

The social network like Orkut, Facebook can be considered the main source of cyber bullying. But despite of the vulnerability of women net surfers IT Act does not provide any direct protection to the victims. While most of the crimes can be booked under IPC, under IT Act there are only three provisions which connote cyber crime i.e. Section 67, 70 and 72. It is true that, other than cyber stalking, cyber pornography and morphing, men are equally susceptible to the other types of crimes mentioned here. But the majority of the victims of such offences are women. Despite of that there is no separate provision for cyber-crimes against women under IT Act.

LEGAL DIMENSIONS OF CYBER CRIMES

One of the main reasons behind the increase of cyber-crimes against women in India is the less legal protection[xii].The issues of women's rights in cyber space could be contributed largely to the sluggish modes of the governments in executing the gender equality and gender justice promises made by the States in the form of fundamental rights.[xiii] In India cyber gender harassment is often seen as "less important sexual harassment". [xiv]India has enacted the IT Act, 2000 to deal with cybercrimes. Though we have an Act, many areas are still untouched. With the passing of time we could witness growing of different types of crimes each day and hence, the IT Act also needs to be narrow down with a clear explanation of cybercrimes. [xv]Unfortunately even though Chapter XI of the IT Act deals with the offences such as Section 65- Tampering with computer source documents, Section 66- Hacking with computer system, Section 67 - publishing of information which is obscene in electronic form, Section 70 - Access to protected system, Section 72- Breach of confidentiality and privacy, Section 74- Publication for fraudulent purpose, IT Act 2000 still requires to be modified. It does not mention any crime

specifically as against women and children. Whereas IPC, Criminal Procedure Code and Indian Constitution give special protection to women and children for instance modesty of women is protected under Section 506 and rape, forceful marriage, kidnapping and abortion against the will of the woman are offences and prosecuted under IPC. Indian constitution guarantees equal right to live, education, health, food and work to women. But the same modesty of women seems not to be protected in general except for Section 67 which covers cybersex. Section 75 of the IT Act deals with the offences or contravention committed outside India but it is not talking about the jurisdiction of the crimes committed in the cyberspace especially the question of place for reporting the case arises when the crime is committed in one place affected at another place and then reported at another place. Although in the most of the cases, for the matter of territorial jurisdiction Criminal Procedure Code is being followed.

Laws related to cyber crime in different countries like Canada, Australia, USA, UK, India etc. are mainly associated with the augmentation of e-commerce, and for this reason, the laws mainly covered commercial and financial crimes, which include hacking, deception etc. Some laws have been designed for email spoofing, cyber sex, trespassing into others' privacy etc .However, the laws related to cyber crime against women are correlated to sexual crime and abuses on the internet, but there are many practical difficulties associated with punishing the miscreant. The elementary problems, which are associated with Cyber-Crimes, are Jurisdiction, Loss of evidence, Lack of cyber army and Cyber savvy judges who are the need of the day. Judiciary plays a vital role by bringing decisive enactment according to the current scenario. Again, under no section in IT ACT 2000, Obscenity – personal viewing – Is an offence, in fact like in IPC Section 292 again if it is proved that you have published or transmitted or caused to be published in the electronic form only then under Section 67 it can be an offence. Last but not the least, the IT Act 2000 does not mention the typical cyber crimes like cyber stalking, morphing and email spoofing as offences. There are loopholes in the said provisions of the IT Act 2000 relating to cyber crime and offences against women in India which definitely requires to be modified time to time with the growing scenario of Cyber crimes arising almost every day. Further, Balakrishnan, the then Chief justice of India, (2009), opined: The World Wide Web allows users to circulate content in the form of text, images, videos and sounds. Websites are created and updated for many useful purposes, but they can also be used

to circulate offensive content such as pornography, hate speech and defamatory materials. The widespread circulation of such content is particularly harmful for women. The pervasive gender discrimination in our society is further heightened since the digital medium provides the convenient shield of anonymity and fake identities. Errant persons become more emboldened in their offensive behaviour since it is presumed that they will not face any consequences.[xvi]

Apart from the legal gap the provision of anonymity by the cyber space is a reason for the victimization of women. The cyber world is a virtual space where it becomes very easy for the perpetrator to manipulate his identity and hide. The reason behind it is that even if the source from which the offensive matter has been posted can be detected, the police find it difficult to trail the offender. The culprit uses the information from the matrimonial or job sites where people give their credentials for better prospect and this information also makes them a victim.

CONCLUSION

Violence against women has been described as a 'pandemic 'in Europe, where 62 million women, or one in three, have suffered from violent acts since the age of 15. This pandemic is very much evident around the globe. It has manifested itself on a disturbing scale in many countries, in some parts 8 out of 10 women are reported to suffer some kind of violence including sexual, physical and psychological violence. The prevalence of intimate partner violence alone can range between 15 and 71 percent measured comparatively in different countries.[xvii] This tells us there is nothing inevitable about violence against women and girls; its levels and dynamics are not fixed and can be altered – and governments, organizations, communities and individuals can make a difference. Indian women citizens are still not open to immediately report the cyber abuse or cyber crime. The biggest problem of cyber crime lies in the modus operandi and the motive of the cyber criminal. Cyber space is a transit space for many people, including offenders. While people do not live in cyber space, they come and go like any other place. This nature provides the offenders the chance to escape after the commission of cyber crime. Many websites and blogs provide security tips for the safety of women and children. But still cyber crimes against women are on rise.

According to Foucault (1980), technologies use the power in a sophisticated and institutionalized way. It allows us to take a full grip of the knowledge of victimization of women. Foucault has pointed out how the power of technology has influenced relationships on the ground of gender and has also lead to the persecution of women. In reality it is seen that many chat friends enjoy teasing their women friends by words such as "sexy", "attractive" which are the virtual beginning of cyber obscenity. They slowly take their female friends into confidence and start discussing about their own problems like a true friend. Hence in many occasions they are successful in turning the net friendship into a strong bond and gradually proceed to send obscene or derogatory remarks. If the recipient shies away, the sender of such messages would become more encouraged to continue. The problem would be solved only when the victimised woman then and there report back or even warn the abuser about taking strong actions.

The use of computers and information technologies for criminal and abusive activity is not a new phenomenon. So what has changed? To some extent, the issue has been brought to the fore by heightened public awareness promoted by media sensationalism, high-profile stories, and the sense that the online bully is for all intents and purposes immune to accountability of any form. In the last two decades, violence has spread onto virtual platforms and online spaces, where the Internet globalizes, facilitates and compounds its impact. The communication tools offered by new technologies are being misused by both men and women to assert dominance, to manipulate, to terrorize, to humiliate, and to silence.

The Internet clearly facilitates acts of violence, sexual and other offences both online and off-line, and provides easy access to victims for trafficking and other forms of exploitation. Underlying this is the perpetuation of negative and harmful stereotypes of girls and women as well as negative notions of masculinity. The potential to broadcast cyber-violence and hate crimes against women is particularly noticeable; it is exponential, unprecedented and at times corrosive and vitriolic, and it represents the very worst of mob mentality and perceived 'safety in numbers' by the perpetrators. Online harassment has become, in part, a team sport, with posters vying to outdo each other. Compared to men, women who are active on social media and in the blogosphere receive more threats or comments that directly attack their gender, their

safety, and their very right to express opinion in male-dominated spaces. This growing menace needs to be checked with girls taking a lead in speaking up with the help of their friends, family and police for no one has any right to defame you and intrude in your liberty and dignity, no matter what.

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ENDNOTES

i   The word "Cyber Space" was coined by "William Gibson," the Canadian/American science fiction writer who helped define its cyberpunk sub-genre, in 1982 in his novelette "Burning Chrome" in Omni magazine, and in his novel "Neuromancer".

ii   http://hervoice.co/story/opinion/victimization-women-cyber-world

iii   http://www.cto.int/media/events/pst-ev/2013/Cybersecurity/Asheri%20Kilo.pdf

iv   http://www.broadbandcommission.org/publications/Pages/bb-and-gender-2015.aspx

v   http://www.dictionary.com/browse/cyberspace

vi   Halder, D., & Jaishankar, K. (2008). Cyber crimes against women in India: Problems, perspectives and solutions. TMC Academic Journal, 3(1), 48-62

vii   http://hrdvnsgu.ac.in/courses_pdfs/explorer_oct_2014.pdf

viii   http://www.thehindu.com/news/national/tamil-nadu/salem-womans-suicide-youth-arrested-for-morphing-photos-on-facebook/article8787501.ece

ix   http://www.elixirpublishers.com/articles/1351168842_47%20(2012)%208891-8895.pdf

x   According to Oxford Dictionary

xi   http://blog.koldcast.tv/2011/koldcast-news/8- infamous-cases-of-cyber-bullying/

xii   Halder & Jaishankar, 2011b

xiii   Halder and Jaishankar, in their book "Cyber Crime and the Victimization of Women: Laws, Rights and Regulations"

xiv   Halder & Jaishankar, 2011b, (p. 56) and (p. 10).

xv   http://www.cybercrimejournal.com/sahasrivastavatalijcc2014vol8issue1.pdf

xvi   http://www.cto.int/media/events/pst-ev/2013/Cybersecurity/Asheri%20Kilo.pdf

xvii http://www.bbc.com/news/world-asia-india-33532706