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Emergence Of Need For Legislation And Policies For Safeguarding Women Against Cyber Crime

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ABSTRACT

The emergence of the Internet and digital technology has brought about new form of crimes including cyber crime. Cyber crime is the use of digital technology to commit a criminal act such as the hacking, identity theft, Cyber staking and harassment. Cyber crimes can affect anyone online but women's are particularly vulnerable to cyber crime due to their genders. Especially in India where society looks down upon the women and the law does not even properly recognised cyber crimes. violence against women is prevalent in India.

Women have become target in cyber spaces and their online activities can put at risk of identity theft, cyber bullying, reverse porn, staking and sexual harassment. The lack of legislation and policies for safeguarding women against cyber crime has made difficulties to protect them from the threat. Most of the case victim of cyber crime don't know where to turns to for help.
In this papers I have planned to discuss the legislation and policies for safeguarding the women against cyber crime. The whole research paper was resolved and try to find the two main issues –

I. Whether an effective legislation is in place to counter cyber crime ?
II. Whether women has been vaccinated from the impact of cyber crime by the legislation and policies or if there are urgent need to implement new legislations and policy ?

Now a days women's are easily victimized of cyberbullying, Voyeurism, Sextortion & Stalking are all widespread online crime which happen against women. With the time technology are advanced so it give threat to the women's privacy, security & well being.

Thus research paper shows that although many of countries have taken measure for safeguarding the women right and legislation and policies to combat cybercrime. This research paper concluded by streaming the urgency of implementing legislation and policies to

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safeguard women against cybercrime as it is important for promoting gender equality , empowerment and well being.

INTRODUCTION

Will the rise of technology, Cybercrime is also increases and now a days cybercrime has become one of the biggest threat globally. Cybercrime refers to the criminal activity which is carried out from internet or by other digital means. Now a days most of the people rely on technology for various activities such as communication, work, education, and ever Socializing. However, with the vast increase in Online activities, there has been a Corresponding increase in cybercrime. Social media platforms in the 21st century it has been an integral part of our lives in recent times, from sharing stories, connecting with people, expressing opinions and ideas, all the way to promoting businesses and influencing public opinion social media has become a powerful tool that as revolutionized how we communicate, interact, and access information. This paper seeks to examine the impact of social media platforms in different spheres of our society, including politics, economics, education, and socialization.

Women have been the most vulnerable to cybercrime, especially since technology has become a crucial part of their lives. Generally the young girls or uneducated women inexperienced in the cyber world who has newly introduced to the internet and fails to understand that's why they are easily targeted & victimized at cyber space. So at the time of lockdown which is imposed on 25th March to protect the spread of corona virus could not cease escalation in the number of cyber crime cases against women. The cyber crime case rises due to the lockdown frustration. Cyber crime refers to the crime which is committed online so technology not only have powers to connect people it can destroy your life as well.

In 21'st century cyber crime is new form of crime and which are most challenging. Gender based violence at cyberspace some like cyber harassment, cyber stalking, cyber pornography, cyber defamation morphing, email spoofing[1] etc. has been increasing due to the digital revolution. Cybercrime against women can come in different forms such as cyberstalking, cyber harassment, financial fraud, identity theft, and revenge porn. Due to the anonymity offered by the internet, perpetrators of these crimes find it easier to target their victims without

[1] https://www.rrsearchgate.net

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being Traced. As cybercrime against women continues to increase, there has been a corresponding need for legislation and policies to protect them. The government, civil society organizations, and private individuals have recognized the need to create a safe online environment for women. One such effort is the introduction of cyber laws that address Cybercrime against women. For instance, in India, the government introduced the Prevention of Sexual Harassment Act, 2013, which aims to prevent sexual harassment and stalking of women online.

Additionally, countries such as the United Kingdom, the United States, and Canada have introduced laws that specifically target revenge porn. These laws criminalize the unauthorized sharing of intimate images or videos of individuals without their consent these laws recognize that revenge porn is not a form of revenge but a form of sexual assault that can have long-lasting emotional and Psychological effects on victims in addition, governments and organizations have adopted policies that address Cybercrime against women. For example, the World Health Organization has identified cyber violence as a public health issue and calls for action to address it. Similarly, organizations such as the United Nations have recognized the need to create a safe online environment for women and have launched initiatives such as the UN Women cyberspace initiative to Promote women's rights online.

Cyber violence uses Computer Technology to access women's personal information and use the internet for harassment and exploitation. Women are becoming soft targets as they often trust other people and are unaware of the consequences. Cyber crime has increased because it is difficult to detect and prove and is seldom reported. Cyber crime is away from traditional monitoring, investigation, or audit and requires specialists to understand the nature of the crime. Cyber crime affects women the most by subjecting them to mental and emotional harassment. Most women become distressed, humiliated, and depressed under this type of crime which is challenging to address and resolve[2].

RESEARCH QUESTIONS –

1. Whether an effective legislation is in place to counter cyber crime ?
2. Whether women have been vaccinated from the impacts of cyber crime by the legislation & policies or in there an urgent need to implement new legislation & policies

[2] https://www.ijir.org

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ARGUMENTS

- In talking about the first issue " Whether an effective legislation is in place to counter Cybercrime"

The effectiveness of cyber crime law is debatable. Even though the parliament has tried to provide a proper legal framework to regulate and set the standard of user information that can be circumvent within cyberspace. In fact parliament effort is commendable as it amended a lot of legislation in order to fit the purpose of the IT Act. In India the IT Act 2000, and its subsequent amendments provide legal framework and guidelines to tackle crime. Some of the prominent cyber crimes considered under this act are hacking, phishing, identity theft, cyber stalking, cyber terrorism and virus attack. It has been introduced the concept of digital signatures, electronic records and authentications of electronic records.

The landmark judgement of ***Suhas Katti V. State of Tamil Nadu***[3], has set an example of conviction in case of cyber crime where this case of cyber stalking and harassment of women reached a conviction sentence within 7 months from he date of filing the first information report.

In the another landmark case of ***Shreya Singhal V. Union Of India***[4], the Supreme Court of India struck down section 66A of the IT act, which criminalised the transmission of offensive message on the Internet. The pith of the arguments is that Section 66A of IT Act 2000, is wide, vague and ambiguous thus making its scope incapable of judgment on objective standards. Due to such a vague interpretation of this Section, it can easily be subjected to wanton abuse.
Overall the Indian legal systems has tackled significant steps to combat cyber criminals and with the advancement of technology, the law will continue to evolve to keep pace with these challenges.

In the Case Shri Pavan Duggal which shows the weak implementation of cyber laws in this case the Supreme Court advocate and cyber expert has stated as significant point even though the lawmaker must be complemented for the commendable efforts on trying to resolve remove the lacuna in cyber law. Unless and until the laws are made more technical technologically natural and have more strict applications over criminals under its ambit. The purpose of IT act

[3] C No. 4680 of 2004
[4] AIR 2015 SC 1523

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will remain defective it has been observed that present legislation is soft on cyber criminals this means ng such legislations will always remains ineffective the quantum of punishment must be revised. In today's time society totally depends upon the technology so this crime rate has been increased IT act still has to long way to go and require some amendments.

On comparison of US there are various laws and legislation is in place to counter Cybercrime. The Computer Fraud and Abuse Act (CFAA) enacted in 1986 is the primary federal law that criminalizes computer-related offenses. The Law prohibits unauthorized access to Protected computers, including financial and Government systems, and imposes heavy Fines and imprisonment on violators.

Additionally, the USA PATRIOT Act of 2001 expanded the powers of law enforcement agencies to gather intelligence to combat cyber terrorism and other forms of crime. The Federal Trade Commission (FTC) also enforces regulations related to consumer data privacy and security under laws such as the Gramm-Leach-Bliley Act and the Children's Internet Protection Act.

In conclusion, the United States has a robust legal system in place to counter cybercrime, and it continues to evolve to address emerging threats.

- While dealing with the second issues "Whether woman have been vaccinated from the impact of cyber crime by the legislation and policy or is there an urgent need to implement new legislation and policy"

Women, like any other group of people, are vulnerable to cybercrime, and they may not be adequately protected by existing legislation and policies. Cybercrime can take various forms, including online harassment, Cyberstalking, and identity theft, among others.

Several countries have enacted legislation and policies that aim to protect individuals from cybercrime, including women. For example, in the United States, the Computer Fraud and Abuse Act (CFAA) criminalizes unauthorized access to computer systems and networks, While the Cyberstalking and Cyber harassment Act (CCCA) addresses the harassment of individuals online. Similarly, in India, the Information Technology Act (ITA) provides legal provisions for cybercrime. However, despite the existence of laws, Cybercrime against women continues to

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be a significant issue in many countries. Many cases go unreported, and even when they do, law enforcement agencies may not prioritize then as they should.

Therefore, there may be an urgent need for new laws and policies that more adequately address the unique challenges faced by women in the digital world. These laws could include stricter penalties for offenders and better training for law enforcement agencies on how to address cybercrime against women. Additionally, governments may need to allocate more resources to combating cybercrime to ensure that women are adequately protected.

India has several laws and regulations related to issues such as privacy, data protection, cyberstalking, and cyberbullying. Some of the key laws are as follows:

1. The Information Technology Act, 2000:

   This act provides legal recognition for Electronic transactions and electronic records. It also deals with issues related to data protection, cybercrime, and penalties for offenses such as hacking cyberstalking, and cyberbullying

2. The Indian Penal Code, 1860:

   This is the Primary criminal code of India. It includes provisions related to offenses such as defamation, stalking, and harassment, which are applicable in both online and offline contexts

3. The Privacy Rules, 2011:

   These rules specify the types of information that can that can be collected by websites and web applications, and the manner in which such information can be collected, used and disclosed.

4. The Personal Data Protection Bill, 2019:

   This bill is currently under review and aims to provide comprehensive data protection regulations in India. It proposes the creation of a data protection authority, which will oversee the collection, use, and storage of personal data in the country.

Some of the case laws related to these issues include:

Shreya Singhal v. Union of India: This case dealt with the constitutionality of Section 66A of the Information Technology Act which criminalized online speech deemed to be 'grossly offensive' or 'menacing'. The Supreme Court of India declared Section 66A unconstitutional and struck it down.

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Myntra Designs Pvt Ltd v. Vineet Kumar Singh: This case dealt with the collection of personal data by e- commerce websites. The Delhi High Court held that e-commerce sites must obtain prior consent from users before collecting and using their personal data.

Ratan Singh v. State of Maharashtra: This case dealt with the issue of online harassment and stalking. The Bombay high Court held that online harassment and stalking are liable to be punished under the Indian Penal Code.

Overall, India has a comprehensive legal framework to deal with issues related to privacy, data protection, and online harassment. However, there is still room for improvement, particularly with respect to the enforcement of these laws.

CONCLUSION

From the statistical analysis of the cyber crime committed against women over his span for 4 years from 2017 to 2020, it is clearly shows that day by day it was increased. The biggest problem is that it was more difficult to tackle that conventional crimes because this goes beyond the border of the States and nations. So it is very easier for the offenders to commit a crime even the victim is far away. Nowadays self awareness is very important especially the women who even don't know much about the technology. So that they can easily become a victim of cyber crime and this leads to mental agony and at many times victim's do suicide. So awareness of cyber crime is very important for women not just to avoid to become a victim but to also reporting of cyber crime.

In conclusion, the emergence of the need for legislation and policies to safeguard women against cybercrime is critical in creating a safe online environment for women. Cybercrime against women has become a global issue, and the government, civil society organizations, and private individuals have a responsibility to create policies that protect women's rights online. While legislation and policies are essential, they must be accompanied by awareness campaigns that educate women on how to protect themselves online. It is time for the world to come together to advocate for and create safer digital spaces for women.

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